



# Pre-Application Conference FINAL Report

<b>Project Name:</b>	Doman Rezone
<b>Case Number:</b>	PAC2019-00032
<b>Location:</b>	1. 16712 NW 11 <sup>th</sup> Ave, Ridgefield, WA, 2. 16500 NW 11 <sup>th</sup> Ave, Ridgefield, WA, 3. 633 NW 164 <sup>th</sup> St, Ridgefield, WA
<b>Parcel Number(s):</b>	<b>Pre-App Conference 1:</b> 182393010, 182383005,  <b>Pre-App Conference 2:</b> 182155005
<b>Site Size:</b>	Approx. 45 acres combined
<b>Request:</b>	<p><b>Pre-App Conference 1:</b> A request to amend a portion of the subject parcel from Urban Low (R 1-20) to either Mixed Use (MU) or Commercial (zoning not specified) along the frontage to NW 11<sup>th</sup>, and to Urban Low (R 1-6) along the back end of the parcels <u>OR</u> amending the entire subject parcel from R 1-20 to R 1-6). (Parcels 182393010 and 182383005)</p> <p><b>Pre-App Conference 2:</b> A request to amend a portion of the subject parcel from the Comprehensive Plan and Zoning Maps from Mixed Use (MU) to Urban Low (R 1-10). (Parcel 182155005)</p>
<b>Applicant:</b>	Jamie Howsley and Armand Resto-Spotts Jamie.howsley@jordanramis.com, armand.resto-spotts@jordanramis.com 360 567-3900 360 567-3901
<b>Contact Person:</b>	Jamie.howsley@jordanramis.com, armand.resto-spotts@jordanramis.com
<b>Property Owner:</b>	Jared Doman 633 NW 164 <sup>th</sup> St Ridgefield, WA 98642

**DATE OF CONFERENCE:** December 18, 2019

**STAFF CONTACT:** Sharon Lumbantobing, Clark County Annual Review Coordinator  
(564) 397-4909 Sharon.Lumbantobing@clark.wa.gov

**PRESENT AT CONFERENCE:**

<b>Name</b>	<b>Contact Information</b>
Sharon Lumbantobing	Clark County Community Planning (see above)
Gary Albrecht	Clark County Community Planning, (564) 397- 4318
Jamie Howsley	Jamie.howsley@jordanramis.com,
Armand Resto-Spotts	armand.resto-spotts@jordanramis.com
Jared Doman	kjdoman@gmail.com

**Disclaimer:** The following is a brief summary of issues and requirements that were identified at the pre-application conference

based on the information provided by the applicant. This summary may contain supplemental information which was not discussed in the conference and is intended to aid the applicant in preparing a complete Annual Review application and/or to provide the applicant with additional information regarding the subject site. Staff responses and information contained in this pre-application report are preliminary in nature, and do not constitute an approval or denial. The determinations contained in this report were based upon information submitted by the applicant, and may be subject to change upon further examination or in light of new or revised information contained in the formal application.

## APPLICATIONS REQUIRED

The requested Comprehensive Plan map and concurrent zone map amendments require an Annual Review/Zone Change Application to be completed. The application will be processed through the Type IV Review process. A SEPA checklist is required to be completed as a part of the Annual Review application.

### Estimated fees:\*

Combined Annual Review/Rezone.....	\$8,113.00
Issuance Fee.....	\$94.00
Environmental Checklist Review (SEPA).....	\$1,987.00
Issuance Fee.....	\$53.00

**\*Fees cited are estimated and based upon the fee schedule in effect at the time of pre-application conference and are subject to change.**

## APPLICABLE POLICIES, CODES and CRITERIA

The following list is not exhaustive of all county, state or federal regulations that may govern development of the site, but is inclusive of those addressed by the county in this comprehensive plan/zone amendment review process.

- WAC 365-196-300
- Clark County 20 Year Comprehensive Growth Management Plan Policies
  - Chapter 1 – Land Use Element
  - Chapter 2 – Housing
  - Chapter 9 – Economic Development
- Clark County Unified Development Code
  - Title 40:
    - Section 40.220 (Urban Residential Districts)
    - Section 40.500.010 (Procedures)
    - Section 40.560.010 (Plan Amendment Procedures)
    - Section 40.570 (SEPA)

Clark County Criteria for Map Changes (found within the text of this report)

- Section 40.560.010G (Criteria for all Map Changes)
- Section 40.560.020 (Changes to Districts, Amendments, and Alterations)
- Section 40.560.020G (Approval Criteria)

## Comprehensive Plan Designation Map Change Criteria

Comprehensive plan designation changes may only be approved if **all** the following criteria are met (40.560.010G):

1. *The proponent shall demonstrate that the proposed amendment is consistent with the Growth Management Act and requirements, the Countywide Planning Policies, the Community Framework Plan, the Comprehensive Growth Management Plan, applicable city comprehensive Plans, and including applicable capital facilities plans and official population growth forecasts; and*
2. *The proponent shall demonstrate that the designation is in conformance with the appropriate location criteria identified in the plan; and*
3. *The map amendment or site is suitable for the proposed designation and there is a lack of appropriately designated alternative sites within the vicinity; and*
4. *The plan map amendment either: (a) responds to a substantial change in conditions applicable to the area within which the subject property lies; (b) better implements applicable Comprehensive Plan policies than the current map designation; or (c) corrects an obvious mapping error; and*
5. *Where applicable, the proponent shall demonstrate that the full range of urban public facilities and services can be adequately provided in an efficient and timely manner to serve the proposed designation. Such services may include water, sewage, storm drainage, transportation, fire protection and schools. Adequacy of services applies only to the specific change site.*

### **Zone Change Criteria**

The concurrent zone change may only be approved if **all** the following criteria are met (40.560.020G):

1. *Requested zone change is consistent with the comprehensive plan map designation.*
2. *The requested zone change is consistent with the plan policies and location criteria and the purpose statement of the zoning district.*
3. *The zone change either:*
  - a. *Responds to a substantial change in conditions applicable to the area within which the subject property lies;*
  - b. *Better implements applicable comprehensive plan policies than the current map designation; or*
  - c. *Corrects an obvious mapping error.*
4. *There are adequate public facilities and services to serve the requested zone change.*

### **SUBMITTED MATERIALS REVIEWED**

The following materials were provided by the applicant and were reviewed by Clark County staff in advance of the pre-application conference:

- Application forms
- Narrative
- GIS Packet

### **BACKGROUND**

**Pre-App Conference 1:** A request to amend a portion of the subject parcel from Urban Low (R

1-20) to either Mixed Use (MU) or Commercial (zoning not specified) along the frontage to NW 11<sup>th</sup>, and to Urban Low (R 1-6) along the back end of the parcels OR amending the entire subject parcel from R 1-20 to R 1-6). (Parcels 182393010 and 182383005)

**Pre-App Conference 2:** A request to amend a portion of the subject parcel from the Comprehensive Plan and Zoning Maps from Mixed Use (MU) to Urban Low (R 1-10). (Parcel 182155005)

## SUMMARY

The following comments and issues were discussed or identified during the pre-application meeting held on December 18, 2019.

### Land Use

#### **Comments provided by Clark County Long Range Planning, Sharon Lumbantobing:**

Staff provided the applicant with a brief overview of how the pre-application conference would be conducted, including a summary of what information would be covered. Staff stated that a final staff report will be sent to the applicant within a week following the pre-app meeting. Staff stated that January 31 is the deadline to submit an annual review application.

CCC 40.560.040(B) Preapplication Review states:

1. The purposes of preapplication review are:
  - a. To acquaint county staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;
  - b. To acquaint the applicant with the applicable requirements of this code and other law. However, the preapplication conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. The preapplication review does not prevent the county from applying all relevant laws to the application; and
  - c. To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public may attend a preapplication conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.

Staff reiterated that the Dec 9, 2019, email sent to the applicant states that annual reviews are site-specific requests. The application for PAC2019-00032 Doman Rezone should have been submitted as two separate pre-app requests with separate associated fees. Although these three parcels have the same owner, the requests for comp plan and zoning changes are different for the two sets of parcels. Rather than requiring the applicant to resubmit this application as two separate pre-app requests, staff will treat these as two separate requests during the Dec 18, 2019, pre-app conference: one pre-app conference for contiguous parcels (182393010 and 182393005) and a separate pre-app conference for parcel 182155005. If the applicant decides to submit an annual review, the applicant will be required to submit two separate annual review requests by the January 31 deadline.

**Pre-App Conference 1:** A request to amend an approximately 3 acre strip of the subject parcel(which totals 29 acres) from Urban Low (R 1-20) to either Mixed Use (MU) or Commercial (zoning not specified) along the frontage to NW 11<sup>th</sup>, and to Urban Low (R 1-6) along the back end of the parcels OR amend the entire subject parcel from R 1-20 to R 1-6. (Parcels 182393010 and 182383005).

Staff stated that if the applicant wants to amend the parcel from R 1-20 to R 1-6, this can be done through a zone change (Type III) process, without requiring a comp plan amendment (Type IV) process.

If the applicant wants to amend a portion of the R 1-20 to either MX or Commercial, then this would be a Type IV process. Applicant would need to indicate exact acreage to be amended as MX or Commercial, and provide a legal description, and indicate which commercial zone is being requested.

Staff provided information regarding Clark County's obligation to plan under the State's Growth Management Act and the long-range, comprehensive planning exercise that concluded in 1994 with the adoption of the 20-Year Comprehensive Growth Management Plan and corresponding zone map. In 2016, the County adopted an updated 20-Year Comprehensive Plan and zone map.

Comp Plan Criteria 1: Staff said that the proposal to change the designation will need to be consistent with the Growth Management Act and the **specific** county-wide planning policies. Staff proceeded to discuss with the applicant the Comprehensive Plan Designation Map Change Criteria that the applicant will need to address in an application.

Specific to this application, staff stated that the assumption is that the current comprehensive plan and zoning designation (Commercial (Community Commercial)) is still applicable to this area and that the applicant will need to demonstrate that a change to either Mixed Use (MU) or Commercial (need to specify commercial zoning) is appropriate and consistent with the County's Growth Management Plan and Unified Development Code, and how the proposed change is compatible with the neighborhood and surrounding area.

Comp Plan Criteria 2: The proponent shall demonstrate that the designation is in conformance with the appropriate location criteria identified in the plan.

Comp Plan Criteria 3: The applicant needs to demonstrate a lack of appropriately designated Mixed Use (MU) or Commercial land (or R 1-6) within the vicinity, **and** demonstrate how a change to Mixed Use (MU) or Commercial (or R 1-6) better implements applicable Comprehensive Plan policies than the current map designation.

A market analysis is required for amendments to add or remove land with a commercial designation (CCC 40.560.040(2)(c)(5)).

Comp Plan Criteria 4: The applicant needs to demonstrate how the plan map amendment either (a) responds to a substantial change in conditions **or** (b) better implements applicable comp plan policies.

Staff stated that the applicant should confer with the neighborhood association.

**Pre-App Conference 2:** A request to amend a 4 acre portion of the subject parcel (totaling 17 acres) from Mixed Use (MU) to Urban Low (R 1-10). (Parcel 182155005).

Comp Plan Criteria 1: Staff said that the proposal to change the designation will need to be consistent with the Growth Management Act and the **specific** county-wide planning policies. Staff proceeded to discuss with the applicant the Comprehensive Plan Designation Map Change Criteria that the applicant will need to address in an application.

Specific to this application, staff stated that the assumption is that the current comprehensive plan and zoning designation (Mixed Use) is still applicable to this area and that the applicant will need to demonstrate that a change to Urban Low is appropriate and consistent with the County's Growth Management Plan and Unified Development Code, and how the proposed change is compatible with the neighborhood and surrounding area. Applicant also needs to indicate exact acreage to be amended and provide a legal description.

Comp Plan Criteria 2: The proponent shall demonstrate that the designation is in conformance with the appropriate location criteria identified in the plan.

Comp Plan Criteria 3: The applicant needs to demonstrate a lack of appropriately designated low density residential within the vicinity, **and** demonstrate how a change to Urban Low (R 1-10) better implements applicable Comprehensive Plan policies than the current map designation.

Staff stated that 40.230.020(E)(1)(c) Mixed Use Standards states the following:

A minimum density of twelve (12) dwelling units per acre is required. This shall be based on the developable area devoted to residential use. If the development site is greater than five (5) acres and less than fifty (50) acres, the residential use shall contain a minimum three (3) permitted housing types as set forth in the Mixed Use Design Standards in Appendix A of this title. If the development site is fifty (50) acres or more, the residential use shall contain a minimum four (4) permitted housing types as set forth in the Mixed Use Design Standards in Appendix A of this title.

Staff asked what the public benefit would be to give up the higher density requirements of MX for low-density residential (R 1-10) (which has a minimum density of 4 units per acre), especially given that the Urban Holding will be lifted in February 2020. This request for Urban Low is not compatible with the surrounding MX zoning block.

Comp Plan Criteria 4: The applicant needs to demonstrate how the plan map amendment either (a) responds to a substantial change in conditions **or** (b) better implements applicable comp plan policies.

Staff stated that the applicant should confer with the neighborhood association.

## **Transportation**

***Comments provided by Clark County Public Works Transportation Planning, Gary Albrecht:***

### **Regarding parcels 182393010 and 182393005,**

NW 11<sup>th</sup> Avenue is classified as a Minor Arterial with Center Lane Turn and bike lanes (M-2cb).  
NW 164<sup>th</sup> Street is classified as a Collector with Center Lane Turn and bike lanes (C-2cb).  
NW 179<sup>th</sup> Street is classified as a 4-lane Principal Arterial with Center Lane Turn and bike

lanes (Pr-4cb).

Staff reviewed the 2019-2024 Transportation Improvement Program, and found no existing projects that would impact the area immediately around the site of the proposed comprehensive plan amendment and zone change.

### **Annual review transportation analysis criteria**

#### **Transportation analysis**

CCC 40.560.040 (A)(2)(c)(6) requires a transportation analysis.

*“A Transportation Analysis. A transportation analysis may be waived by the Public Works Director as provided by Section [40.350.020\(D\)\(8\)](#); and”*

The applicant shall demonstrate the adequacy of transportation services to the specific site change.

CCC 40.100.070 (Definitions) defines a transportation analysis as a study done by a licensed engineer that compares a build-out scenario under the existing and proposed designations analyzing trip generation, modal split and distribution for a current Comprehensive Planning twenty (20) year horizon. The applicant must show the Level-of-Service standards, per CCC 40.350.020.G.1.a-d, under the existing and proposed land use designations for both current and projected 20 years out.

The applicant needs to justify the number of trips associated with this annual review request to change a comprehensive plan designation of Urban Low Density Residential (UL) with residential (R1-20) zoning to either a comprehensive plan designation of Mixed Use (MU) with zoning Mixed Use (MX) or a comprehensive plan designation of Commercial (C). Note applicant did not discuss which commercial zoning. Upon receipt of the number of trips, staff will work with the applicant to indicate which intersections and segments needs to be evaluated by the applicant for their transportation analysis.

#### **Access**

The applicant needs to demonstrate access to the sites.

### **Regarding Parcel 182155005,**

NW 11<sup>th</sup> Avenue is classified as a Minor Arterial with Center Lane Turn and bike lanes (M-2cb). NW 164<sup>th</sup> Street is classified as a Collector with Center Lane Turn and bike lanes (C-2cb).

Staff reviewed the 2019-2024 Transportation Improvement Program, and found no existing projects that would impact the area immediately around the site of the proposed comprehensive plan amendment and zone change.

### **Annual review transportation analysis criteria**

#### **Transportation analysis**

CCC 40.560.040 (A)(2)(c)(6) requires a transportation analysis.

*“A Transportation Analysis. A transportation analysis may be waived by the Public Works Director as provided by Section [40.350.020\(D\)\(8\)](#); and”*

The applicant shall demonstrate the adequacy of transportation services to the specific site change.

CCC 40.100.070 (Definitions) defines a transportation analysis as a study done by a licensed engineer that compares a build-out scenario under the existing and proposed designations analyzing trip generation, modal split and distribution for a current Comprehensive Planning

twenty (20) year horizon. The applicant must show the Level-of-Service standards, per CCC 40.350.020.G.1.a-d, under the existing and proposed land use designations for both current and projected 20 years out.

The applicant needs to justify the number of trips associated with this annual review request to change a comprehensive plan designation of Mixed Use (MU) with zoning Mixed Use (MX) to a plan designation of Urban Low Density Residential (UL) with residential (R1-10) zoning. Upon receipt of the number of trips, staff will work with the applicant to indicate which intersections and segments needs to be evaluated by the applicant for their transportation analysis.

### Access

The applicant needs to demonstrate access to the site.

### **NEIGHBORHOOD ASSOCIATION CONTACT**

While not required of a complete application for a comprehensive plan amendment, staff recommended that the applicant talk to the neighborhood association chair for their area. The North Salmon Creek Neighborhood Association contact info is [nscna+president@salmoncreeklive.com](mailto:nscna+president@salmoncreeklive.com) and the Fairgrounds Neighborhood Association contact info is Bridget Schwarz, President, [bridget@bridge-i-t.com](mailto:bridget@bridge-i-t.com) or 360-952-1350; Staff also encouraged the applicant to discuss the proposed land use designation change with neighbors.

### **TIME FRAMES**

January 1 through January 31 - Submit Final Annual Review Application

February 1 through to April 1 – Clark County staff will review and prepare a recommendation to the Planning Commission (**this period may be extended depending on staff work load**)

Fourth Quarter or sooner - Planning Commission will approve or deny request. Staff forwards all recommendations to the county council for final resolution of the requests.

### **ADDITIONAL MATERIALS**

A complete list of required documents is contained in the Annual Review application packet. A Completed SEPA checklist is required for the final application. **NOTE: Submit a copy of this summary with your final application.**





December 16, 2019

Sharon Lumbantobing, Clark County Community Planning

Subject: Comment on pre-application for proposed Comprehensive Plan and zoning map changes in the Vancouver Urban Growth Area, CPZ2019-00032 (Doman)

Dear Sharon:

Thank you for circulating information on upcoming pre-applications for zone changes in the VUGA. At this time there are no immediate plans for annexation of the proposed rezone sites, but development enabled by the rezones will likely last well into the future during which time annexation to the City is much more likely.

Our only comment at this stage is on the Doman proposal, which we understand would change an approximately 29 acre property at 16500 NW 11<sup>th</sup> Ave from R1-20 to primarily R1-10, with an approximately 3 acre strip of the site along NW 11<sup>th</sup> Avenue changing to mixed use or commercial zoning; and also change a nearby approximately 17-acre property at 633 NW 164<sup>th</sup> Street from MX to primarily R-6 zoning, with approximately 4 acres of the site abutting 11<sup>th</sup> Avenue changing to commercial or mixed use.

We are supportive of the general direction of the changes proposed but would suggest exploring options at this early stage to ensure the residential portions of the properties are more accessible to County residents. Last year new homes in the R1-10 and R1-6 zones as proposed for these properties had median prices of \$505,000 and \$381,000, respectively in the VUGA, according to a review of assessor records. Designating significant portions of the rezone properties for smaller single family and/or multi-family development can provide ownership or rental opportunities to many more local citizens, and at lower prices. The size of the proposal sites could allow for configurations integrating the sites with surrounding properties, and internally. According to the County Maps on Line site, it appears that all or most of the residentially designated lands in the VUGA north of Whipple Creek have yet to develop at urban densities, so this proposal may set the tone for how much of this larger area west of I-5 develops. Recent proposals for multi-family zoning near SR-503, as well as nearby newly built small single family homes assessed below \$300,000 suggest there is a market for workforce housing elsewhere in the VUGA far from city limits, provided zoning standards allow it.

Thanks for the opportunity to comment.

Sincerely,

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A handwritten signature in black ink, reading "Bryan Snodgrass". The signature is written in a cursive style with a prominent loop at the end of the last name.

Bryan Snodgrass  
Community and Economic Development Department  
[bryan.snodgrass@cityofvancouver.us](mailto:bryan.snodgrass@cityofvancouver.us)

# Pre-Application Conference Report

**Project Name:** Doman Comprehensive Plan Amendment and Zone Change  
**Case Number:** PAC2019-00032  
**Request:** Comprehensive Plan/Zone Change on 6.94 acres from Community Commercial (CC) to Office Residential (OR-22)

**Applicant:** Jared Doman  Urban Area  
**Site Location:** Parcels: 182393010, 182393005, 182155005  Rural Area  
 Subdivision  Short Plat  Site Plan  Shoreline  Other: Zone change

**Wetland Review:** All development applications must comply with the standards of Clark County's Wetlands Protection Ordinance (WPO, CCC 40.450). The WPO regulates both wetlands and wetland buffers, so wetlands located on adjacent properties may affect a site due to extension of wetland buffers across property boundaries. The WPO doesn't apply to streams and riparian areas regulated under the Shoreline Program or Habitat Conservation Ordinance.

**Habitat Review:** All clearing and/or development proposals within defined habitat areas must comply with the Habitat Conservation Ordinance (HCO, CCC 40.440). The HCO regulates priority habitats and species areas as defined in the current the Washington Department of Fish and Wildlife (WDF&W) Priority Habitats and Species (PHS) list.

## Wetland Indicators or Data Provided by the Applicant

Wetland inventory  Hydric soils  
 Wetland determination or delineation  Aerial photo analysis  
 Other:

## Habitat Indicators or Data Provided by the Applicant

Riparian Habitat Conservation Zone (HCZ)  Priority species area  
 Non-riparian habitat area  Point species buffer  
 Other:

## Fully Complete Requirements:

Determination of wetland or habitat presence (or)  Development/building/clearing envelopes (or)  
 Wetland Delineation Report and Survey (or)  Habitat Permit application  
 Preliminary Wetland Permit Application  Habitat Analysis & Mitigation Plan  
 Other:

## Wetland Comments

County GIS indicates mapped hydric soils on the northern end of parcel 182155005 and 182393010 which continues offsite to the north and east; parcel 182393005 has mapped hydric soils over a majority of the central and eastern portion of the parcel, continuing offsite to the north, south, and east. There are modeled depressional wetlands on parcel 182393005 in a localized topographic low spot, as well as on parcel 182393010 associated with a mapped Type F stream. Parcel 182393010 also has a mapped National Wetland Inventory wetland identified as riverine associated with the Type F stream. Reviewing historic aerial imagery suggests some potential wetland signatures on each of the parcels. There may be additional unmapped streams and/or wetlands to the south of parcel 182155005 and west of parcel 182393005 within the ravine section of the mapped Biodiversity Area and Corridor.

**Review Biologist: Lance Watt**

Revised 6/6/16



Community Development  
 1300 Franklin Street, Vancouver, Washington  
 Phone: (360) 397-2375 Fax: (360) 397-2011  
[www.clark.wa.gov/development](http://www.clark.wa.gov/development)



For an alternate format, contact the Clark County ADA Compliance Office.  
 Phone: (360)397-2322  
 Relay: 711 or (800) 833-6384  
 E-mail: ADA@clark.wa.gov

The application proposes a zone change for parcel 182155005 from Mixed Use to UL/R1-10; the applicant has proposed a zone change for parcels 182393005 and 182393010 from UL/R1-20 to either mixed use or commercial on the NW11th Avenue frontage and UL/R1-6 on the rear of the lots.

Per the Wetland Protection Ordinance (CCC 40.450.030.D) wetland delineation is required for any wetlands and/or wetland buffers which may be impacted by the proposed project. A partial delineation may be appropriate in this case which identifies the extent of the wetland onsite and provides a wetland rating which will determine the quality of the wetland which will affect the buffers required to adequately protect wetland habitat and water quality functions per the Wetland Protection Ordinance (40.450.030.E). Wetlands are afforded a buffer in order to protect water quality and habitat functions for the wetland. Per the Wetland Protection Ordinance, the wetland buffers are based on the land use intensities indicated in Table 40.450.030-5 which are proposed to occur and the quality of the wetland which would be rated using the state's Wetland Rating form for Western Washington (2014 update). The proposed residential and/or commercial development of the site would qualify as a High Intensity Use. A wetland pre-determination will be required.

The Wetland Protection Ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a wetland or wetland buffer, if possible. In the event that avoidance is not possible, County staff shall determine if the proposed development meets the Avoidance and Minimization standards in the Wetland Protection Ordinance. The applicant shall provide documentation that the any impacts have been minimized. Any unavoidable adverse wetland or wetland buffer impacts shall require a wetland permit with applicable mitigation. Impacts within the water quality buffer or those buffer impacts which cannot be mitigated onsite may be considered indirect wetland impacts (CCC 40.450.040.D.5) and would be mitigated at the appropriate wetland mitigation ratios (Table 40.450.040-3). The responsible official may waive the requirements of Sections 40.450.030 (D) and (F) in certain cases where it is determined that all development is clearly separated from the wetlands and wetland buffers.

- a. Development envelopes shall be required for a fully complete preliminary application;
- b. Development envelopes shall be shown on future plans; and
- c. A note referencing the development envelopes shall be placed on any future plans.

Stormwater facilities are discussed under section C.4 of the Wetland Protection Ordinance (CCC 40.450.040.C.4). Stormwater dispersion facilities that comply with the standards of Chapter 40.386 shall be allowed in all wetland buffers per the Wetland Protection Ordinance provided the outfalls comply with the standards of subsection C.4.b of the wetland protection ordinance. Enhancement of wetland buffer vegetation to meet dispersion requirements may also be considered as buffer enhancement for the purpose of meeting the buffer averaging or buffer reduction standards. Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (5 points or less on the habitat section of the rating form), provided that the facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function and are designed to blend with the natural landscape. Any proposed stormwater impacts to wetlands and wetland buffers should be accounted for and indicated on the plans.

Wetland locations are required to be mapped on any new site plans and must show any proposed impacts to wetlands and/or wetland buffers. A wetland permit is required for any impacts within the wetland or wetland buffer. Any wetland or wetland buffer impacts would require justification for the impacts in order to meet the reasonable use criteria including avoidance and minimization measures as well as purpose and need. A Type I wetland permit would be required with appropriate mitigation for

any wetland buffer impacts or direct wetland impacts under 1/10<sup>th</sup> of an acre. A delineation and a Type II wetland permit would be required for any direct wetland impacts over 1/10<sup>th</sup> of an acre in size. The permit application shall include a site plan which shows the proposed impacts as well as a mitigation plan to offset those impacts. The Department of Ecology and the U.S. Army Corps of Engineers regulate wetland impacts at the state and federal levels, respectively through the 401 water quality certification process and/or a 404 Clean Water permit. Typically these agencies are involved in projects with over 1/10<sup>th</sup> of an acre or wetland fills.

#### Habitat Comments

County GIS indicates a mapped Type F stream (fish bearing) on parcel 182393010 which bisects the southern portion of the parcel and generally flows from east to west. County GIS and the Washington Department of Fish and Wildlife Priority Habitat and Species webpage indicate priority non-riparian habitat identified as Biodiversity Area and Corridor on the far southern end of parcel 182155005, the far western end of parcel 182393005, and the southern and western ends of parcel 182393005 in the vicinity of the mapped Type F stream. There may be additional unmapped streams and/or wetlands to the south of parcel 182155005 and west of parcel 182393005 within the ravine section of the mapped Biodiversity Area and Corridor.

Per the Habitat Protection Ordinance, streams are considered priority riparian habitat and are afforded a riparian conservation zone (HCZ) to protect ecological habitat and water quality values for the stream resource. The riparian HCZ extends outward from the Ordinary High Water Mark to the edge of the 100 year floodplain or 200 feet, whichever is greater. In this instance the 200 feet is greater. The location and riparian HCZ of any streams would be assigned after a site visit has been conducted as part of a habitat determination.

Per the Habitat Protection Ordinance, Biodiversity Area and Corridor are categorized as priority non-riparian habitat by The Washington Department of Fish and Wildlife (WDFW). Per the Habitat Conservation Ordinance, Biodiversity Area and Corridor are considered priority non-riparian habitat and are afforded protection to the edge of the dripline of the forest which meets the criteria established by WDFW for this habitat type. Biodiversity Area and Corridor is generally defined as mature forest and contain areas of habitat that are important to a variety of fish and wildlife species. They contain areas that are valuable to fish or wildlife and is mostly comprised of native vegetation. Relative to other vegetated areas, the mapped area is vertically diverse (multiple canopy layers, snags, or downed wood), horizontally diverse (contains a mosaic of native habitats), or supports a diverse community of species as identified by a qualified professional. They may also be areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife conservation areas, priority habitats, areas identified as biologically diverse, or valuable habitats. This would be evaluated during a habitat determination.

The actual habitat on the site determines final assessments. The applicant is responsible for the identification of priority habitat (if present) on the parcel in future plans and reviews to help ascertain impacts. The current plants do not show any priority habitat areas. If Biodiversity Area and Corridor, as defined by WDFW with regard to the Priority Habitat criteria, exist on the site, the locations of the canopy of these trees need to be mapped on any future building, engineering, or site plans. Streams and priority riparian habitat should also be identified on future plans.

The Habitat Conservation Ordinance has a hierarchy of impacts, the first choice being avoidance of habitat impacts, if possible. Biodiversity Area and Corridor is largely considered irreplaceable within a mitigation context due to the large amount of time required to establish this habitat type. In this case there are potential priority riparian and non-riparian habitat on the subject parcel as shown on the provided map. The applicant may avoid a habitat permit by establishing building envelopes on all

future plans that clearly show there will be no development within the priority habitat areas; the building envelopes must be labeled on the plan and a note must be included on the face of the plan indicating that no clearing or development shall occur outside of development envelope areas. The location of the dripline of the Biodiversity Area and Corridor, as well as locations of streams and associated riparian habitat conservation zones, should be indicated on the plans to help ascertain impacts.

In the event that habitat impacts cannot be avoided, then the applicant shall demonstrate that the impacts have been minimized to the greatest extent possible in order to meet the Avoidance and Minimization criteria in the Habitat Protection Ordinance. Any impacts to a priority habitat area requires justification for the impact as well as a Type II habitat permit with applicable mitigation; impacts, minimization measures, and mitigation involving WDFW non-riparian habitats shall be coordinated with WDFW staff. Storm water designs and outflows also need to avoid adverse impacts to priority habitat areas. All proposed impacts will need to be accounted for in the habitat permit.

#### Shoreline Process Comments

N/A

#### General Wetland Information

**Wetland Buffer Requirements:** Wetland buffers will be based on the wetland rating, the habitat score in the rating form, and the “intensity” of the proposed land use. Refer to CCC 40.450.030 Tables 2-5.

- Development envelopes may be proposed. Development envelopes must be clearly labeled on the plat or site plan and a note must be included on the face of the plat indicating that no construction will occur outside of development envelope areas.

**Wetland Determination:** County biologists can confirm a wetland determination, delineation, or the location of development envelopes prior to a primary application through a Wetland Predetermination Request. The pre-determination request can also be used to get the County conduct a wetland determination or establish development envelopes on the site. If you don't request a pre-determination, the County will make a determination when you submit your primary application (the same fee will be applied to your application).

**Digital Submittal:** Wetland and buffer boundary data must be submitted in digital form (refer to CCC 40.450.030.D.3 for requirements and file specifications) in order to update the wetland layers in the county's GIS database.

**Wetland Permit Requirements:** You will need a wetland permit for any activity proposed within wetlands or their buffers (except those that are explicitly exempt under 40.450.010.C), including buffer reduction, stormwater facilities within buffers, and utility crossings. You must avoid and minimize impacts to wetlands and buffers as much as possible. You must also mitigate any impacts that cannot be avoided. State and Federal permits may also be required.

**Wetland Permit Process and Timing:** A wetland permit application will not be considered a fully complete item for vesting purposes. However, if you need a wetland permit, all associated applications will be placed on hold until you submit a Fully Complete preliminary wetland permit application.

**Federal Jurisdiction:** The US Army Corps of Engineers (USACE) has jurisdiction over discharges to streams and hydrologically connected wetlands under Section 404 of the Federal Clean Water Act. Because several fish species in Clark County are listed as threatened or endangered under the Federal Endangered Species Act (ESA), the USACE must review all proposed wetland impacts for potential

“takings”. ESA review may take a considerable amount of time because the Corps must consult the National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (USFWS).

The applicant has the responsibility to comply with State and Federal regulations. Questions regarding Federal jurisdiction should be addressed to Jim Carsner at the Regulatory Branch of the Seattle District US Army Corps of Engineers (206) 316-3047 or at [James.H.Carsner@usace.army.mil](mailto:James.H.Carsner@usace.army.mil).

### General Habitat Information

#### Riparian Habitat Conservation Zone Requirements (Title 40.440.010(C)(1)(a)):

<input type="checkbox"/> Type S stream:	two hundred fifty (250) feet or 100-yr. floodplain
<input type="checkbox"/> Type F stream:	two hundred (200) feet or 100-yr. floodplain
<input type="checkbox"/> Type Np stream:	one hundred (100) feet
<input type="checkbox"/> Type Ns stream:	seventy-five (75) feet

#### Priority Habitat and Species Buffer Requirements (Title 40.440.010(B)(2)&(C)(b)):

<input type="checkbox"/> Priority species area buffer:	three-hundred (300) feet
<input checked="" type="checkbox"/> Non-riparian priority habitat buffer:	one-hundred (100) feet
<input type="checkbox"/> Point species buffer:	one-thousand (1000) feet

**Approval Criteria:** Excluding applicable reasonable use assurances or public interest exceptions, defined habitats are to be protected through an avoidance or reduction of activities (Title 40.440.020). All proposed clearing or development within a habitat area shall substantially maintain the habitat functions found on the site (Title 40.440.020(A)(2)(a)). If all avoidance options have been exhausted, acceptable habitat impacts need to be limited to the immediate project area and no more (Title 40.440.020(A)(2)(b)). Assuming the applicant has made every effort to avoid and minimize impacts, mitigation measures may be established to offset remaining habitat impacts (Title 40.440.020(A)(3)(a)). It is important to emphasize avoidance of impacts to existing forested habitat areas, as no mitigation can compensate for the loss of habitat functionality associated with mature tree removal.

Clearing/building envelopes for land divisions must be clearly labeled on the plat.

All habitat areas, including streams and their associated riparian zones, must be clearly labeled on the face of the plat.

**Habitat Predetermination Request:** The applicant can apply for a Habitat Predetermination request to have a county Biologist determine the type and extent of habitat on the property; the Ordinary High Water Mark of a stream; and identify appropriate levels of habitat encroachment and impact to help guide the future design of the proposal.

**Habitat Permit Requirements:** Any non-exempt clearing or development activities will require a Habitat Permit application as a Fully Complete item. The Habitat Permit application needs to be accompanied with a delineation of the habitat area in relation to the proposed project and a mitigation plan. The applicant is encouraged, but not required to hire a professional biological consultant to produce the habitat report and mitigation plan.

**Habitat Permit Process and Timing:** Development proposals requiring a Habitat Permit which involve other county permits shall be reviewed under the timelines of the existing reviews; provided, all requisite information is submitted and applicable approval criteria addressed (Title 40.440.030(A)).

**Existing Agriculture:** Existing agriculture within habitat areas is regulated under Title 40.440.040(B). Existing agricultural activities need to setback certain distances from creeks or comply with an agricultural/habitat protection plan for the property created by a certified ag/habitat technician. For a list of certified ag/habitat technicians, please contact Denise Smee (Clark County Conservation District) at (360) 883-1987 ext. 110. New agricultural activities within habitat areas are subject to the normal permitting requirements of the Habitat Ordinance.

**State Jurisdiction:** Any work within or above waters of the state may require a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDF&W). WDFW also

reviews priority habitat determinations and mitigation. Your staff contact is Chuck Stambaugh-Bowey (360) 906-6764 or [chuck.stambaugh@dfw.wa.gov](mailto:chuck.stambaugh@dfw.wa.gov). The Washington Department of Ecology reviews wetlands and other waters of the state. Your staff contact is Rebecca Rothwell, (360) 407-7273, or [rebs461@ecy.wa.gov](mailto:rebs461@ecy.wa.gov)

### Mitigation Monitoring

Wetland or habitat mitigation triggers the need for yearly monitoring for up to 10 years to ensure mitigation success, which includes applying for monitoring permits and paying the appropriate inspection fees.

**CONTACT:**

Clark County Community Development  
PO Box 9810, Vancouver, WA 98666-9810  
Lance Watt, Biologist

(360) 397-2375

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