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ORDINANCE NO. 2015-12-12

An ordinance amending Clark County Code (CCC) Sections 40.460.170, Relationship to other plans and regulations, 40.460.230, Exemptions from a Shoreline Substantial Development Permit, 40.460.250, Nonconforming Uses and Developments, 40.460.520, Archaeological, Cultural, and Historic Resources, 40.460.530, Critical Areas Protection, 40.460.560, Site Planning and Development, 40.460.590, Water Quality and Quantity, 40.460.630, Use-Specific Development Regulations, 40.460.630, Use-Specific Development Regulations, 40.460.800, Definitions.

WHEREAS, Shoreline Management is the 14th goal of the Growth Management Act (GMA); and

WHEREAS, the Board of County Councilors adopted Clark County's Shoreline Master Program (SMP) on July 24, 2012, Ordinance No. 2012-07-16; and

WHEREAS, the Washington Department of Ecology approved Clark County's SMP, which took effect on September 12, 2012; and

WHEREAS, the Board of County Commissioners adopted limited amendments to Clark County's Shoreline Master Program on August 19, 2014, Ordinance No. 2014-08-10; and on November 18, 2014, Ordinance No. 2014-12-10; and

WHEREAS, the Shoreline Master Program policies and regulations are in Chapter 13 of the Clark County Comprehensive Growth Management Plan and Chapter 40.460 CCC, respectively; and

WHEREAS, the Board finds that the implementation of the 2012 SMP has suggested that limited amendments pursuant to WAC 173-26-201 would improve consistency with the goals and policies of the Shoreline Management Act, and are necessary for compliance with Clark County's Phase I Municipal Stormwater Permit, 2013-2018 issued pursuant to the National Pollution Discharge Elimination System of the federal Clean Water Act; and

WHEREAS, the Planning Commission held a duly advertised hearing on August 20, 2015 and voted 7-0 to forward the recommended approval of the proposed limited amendment to the 2015 SMP; and



32 WHEREAS, the Board held duly advertised public hearings on October 13, 2015,
33 October 27, 2015, and December 15, 2015 to review the recommendation of the
34 Planning Commission that the limited amendment to the 2012 SMP should be adopted
35 as proposed; and

36 WHEREAS, the Board finds that adoption of the proposed limited amendment to
37 the SMP would be in the best interests of the public health, safety and welfare of Clark
38 County; now, therefore,

39 BE IT ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY
40 COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

41
42 **Section 1. Amendatory.** Sec. 3, Part B, Ord. 2012-07-16, and codified as CCC Section
43 40.460.170, are amended to read as follows:

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45 **40.460.170 Relationship to other plans and regulations**
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- 47 A. Applicants for shoreline use/development shall comply with all applicable laws prior
48 to commencing any shoreline use, development, or activity.
- 49 B. Where this Program makes reference to any RCW, WAC, or other state or federal law
50 or regulation the most recent amendment or current edition shall apply.
- 51 C. Uses, developments and activities regulated by this Program may also be subject to
52 the provisions of the Clark County Comprehensive Growth Management Plan, the
53 Washington State Environmental Policy Act ("SEPA," Chapter 43.21C RCW and
54 Chapter 197-11 WAC), other provisions of the Clark County Code, and other local,
55 state and federal laws, as may be amended.
- 56 D. In the event this Program conflicts with other applicable county policies or
57 regulations, they must be interpreted and construed so that all the language used is
58 given effect, with no portion rendered meaningless or superfluous, and unless
59 otherwise stated, the provisions that provide the most protection to shoreline
60 ecological processes and functions shall prevail.
- 61 E. Projects in the shoreline jurisdiction that have been previously approved through
62 local and state reviews are considered accepted. Major changes or new phases of
63 projects that were not included in the originally approved plan will be subject to the
64 policies and regulations of this Program.
- 65
66 F. The Clark County Critical Area Ordinances (CAO) are adopted into the master
67 program by reference, except that those provisions inconsistent with the Shoreline
68 Management Act and implementing Washington Administrative Code chapters shall
69 not apply in shoreline jurisdiction. The applicable CAO is the version listed in CCC
70 40.460.530. Any amendments to the CAO shall be incorporated through an
71 amendment to the master program that is approved by the Department of Ecology
72 pursuant to WAC 173-26-191(2)(b).
73

74 **Section 2. Amendatory.** Sec. 3, Part B, Ord. 2012-07-16, and codified as CCC Section
75 40.460.230, are amended to read as follows:

76 **40.460.230 Exemptions from a Shoreline Substantial Development Permit**

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78 ***

79 B. List of Exemptions

80 The following activities shall not be considered substantial developments but shall
81 obtain a statement of exemption, as provided for in Section 40.460.230(C).

82 1. Any development of which the total cost or fair market value does not exceed
83 five thousand seven hundred eighteen dollars (\$5,718) or as adjusted by the
84 State Office of Financial Management, if such development does not materially
85 interfere with the normal public use of the water or shorelines of the state. For
86 purposes of determining whether or not a permit is required, the total cost or
87 fair market value shall be based on the value of development that is occurring on
88 shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair
89 market value of the development shall include the fair market value of any
90 donated, contributed, or found labor, equipment or materials.

91 2. Subject to the provisions of CCC 40.460.250, Normal maintenance or
92 repair of existing legally-established structures or developments, including those
93 that have been damaged by accident, fire, or elements. Replacement of a
94 structure or development may be authorized as repair where such replacement
95 is the common method of repair for the type of structure or development and
96 the features of the repaired replacement structure or development, including
97 but not limited to its size, shape, configuration, location, and external
98 appearance, must be is-comparable to the original structure or development,
99 including but not limited to its size, shape, configuration, location, and
100 external appearance and the repair must replacement does not cause
101 substantial adverse effects to shoreline resources or environment. The
102 replacement of demolished existing single-family residences and their
103 appurtenances is not considered normal maintenance and repair.

104
105 3. Construction of a normal protective bulkhead common to single-family
106 residences. A "normal protective" bulkhead includes those structural and
107 nonstructural developments installed at or near, and parallel to, the ordinary
108 high water mark for the sole purpose of protecting an existing single-family
109 residence and appurtenant structures from loss or damage by erosion. A normal
110 protective bulkhead is not exempt if constructed for the purpose of creating dry
111 land. When a vertical or near vertical wall is being constructed or reconstructed,
112 not more than one (1) cubic yard of fill per one (1) foot of wall may be used as
113 backfill. When an existing bulkhead is being repaired by construction of a vertical
114 wall fronting the existing wall, it shall be constructed no further waterward of
115 the existing bulkhead than is necessary for construction of new footings. When a
116 bulkhead has deteriorated such that an ordinary high water mark has been
117 established by the presence and action of water landward of the bulkhead then
118 the replacement bulkhead must be located at or near the actual ordinary high
119 water mark. Beach nourishment and bioengineered erosion control projects may
120 be considered a normal protective bulkhead when any structural elements are
121 consistent with the above requirements and when the project has been
122 approved by the Department of Fish and Wildlife (WDFW).

- 123 4. Emergency construction necessary to protect property from damage by the
124 elements. An "emergency" is an unanticipated and imminent threat to public
125 health, safety, or the environment that requires immediate action within a time
126 too short to allow full compliance with this chapter. Emergency construction
127 does not include development of new permanent protective structures where
128 none previously existed. Where new protective structures are deemed by the
129 Shoreline Administrator to be the appropriate means to address the emergency
130 situation, upon abatement of the emergency situation the new structure shall be
131 removed or any permit that would have been required, absent an emergency,
132 pursuant to Chapter 90.58 RCW, these regulations, or this Program, shall be
133 obtained. All emergency construction shall be consistent with the policies and
134 requirements of this chapter, Chapter 90.58 RCW, and this Program. As a general
135 matter, flooding or other seasonal events that can be anticipated and may occur
136 but that are not imminent are not an emergency.
- 137 5. Construction and practices normal or necessary for farming, irrigation, and
138 ranching activities, including agricultural service roads and utilities on
139 shorelands, and the construction and maintenance of irrigation structures
140 including but not limited to head gates, pumping facilities, and irrigation
141 channels. A feedlot of any size, all processing plants, other activities of a
142 commercial nature, alteration of the contour of the shorelands by leveling or
143 filling other than that which results from normal cultivation shall not be
144 considered normal or necessary farming or ranching activities.
- 145 6. Construction or modification of navigational aids such as channel markers and
146 anchor buoys.
- 147 7. Construction on shorelands by an owner, lessee, or contract purchaser of a
148 single-family residence or appurtenance for their own use or for the use of their
149 family, which residence does not exceed a height of thirty-five (35) feet above
150 average grade level, and which meets all requirements of the county, other than
151 requirements imposed pursuant to Chapter 90.58 RCW. Construction authorized
152 under this exemption shall be located landward of the ordinary high water mark.
- 153 8. Construction of a dock, including a community dock, designed for pleasure craft
154 only, for the private noncommercial use of the owner, lessee, or contract
155 purchaser of a single-family or multiple-family residence. This exception applies
156 in fresh waters when the fair market value of the dock does not exceed ten
157 thousand dollars (\$10,000), but if subsequent construction having a fair market
158 value exceeding two thousand five hundred dollars (\$2,500) occurs within five
159 (5) years of completion of the prior construction, the subsequent construction
160 shall be considered a substantial development for the purpose of this chapter.
- 161 9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs,
162 or other facilities that now exist or are hereafter created or developed as a part
163 of an irrigation system for the primary purpose of making use of system waters,
164 including return flow and artificially stored ground water from the irrigation of
165 lands.
- 166 10. The marking of property lines or corners on state-owned lands, when such
167 marking does not significantly interfere with normal public use of the surface of
168 the water.

- 169 11. Operation and maintenance of any system of dikes, ditches, drains, or other
170 facilities existing on September 8, 1975, that were created, developed or utilized
171 primarily as a part of an agricultural drainage or diking system.
- 172 12. Any project with a certification from the governor pursuant to Chapter 80.50
173 RCW (certification from the State Energy Facility Site Evaluation Council).
- 174 13. Site exploration and investigation activities that are prerequisite to preparation
175 of an application for development authorization under this chapter, if:
- 176 a. The activity does not interfere with the normal public use of surface waters;
- 177 b. The activity will have no significant adverse impact on the environment including
178 but not limited to fish, wildlife, fish or wildlife habitat, water quality, and
179 aesthetic values;
- 180 c. The activity does not involve the installation of any structure, and upon
181 completion of the activity the vegetation and land configuration of the site are
182 restored to conditions existing before the activity; and
- 183 d. A private entity seeking development authorization under this section first posts
184 a performance bond or provides other evidence of financial responsibility to the
185 local jurisdiction to assure that the site is restored to pre-existing conditions.
- 186 14. The process of removing or controlling aquatic noxious weeds, as defined in
187 RCW 17.26.020, through the use of an herbicide or other treatment methods
188 applicable to weed control published by the Departments of Agriculture or
189 Ecology jointly with other state agencies under Chapter 43.21C RCW.
- 190 15. Watershed restoration projects as defined in RCW 89.08.460.
- 191 16. a. A public or private project that is designed to improve fish or wildlife
192 habitat or fish passage when all of the following apply:
- 193 1 a. The project has been approved by DFW;
- 194 2 b. The project has received hydraulic project approval (HPA) by WDFW
195 pursuant to Chapter 77.55 RCW; and
- 196 3 c. Clark County has determined that the project is substantially
197 consistent with the local Shoreline Master Program. Clark County
198 shall make such determination in a timely manner and provide it by
199 letter to the applicant.
- 200 b. Fish habitat enhancement projects that conform to the provisions of RCW
201 77.55.181 are determined to be consistent with local shoreline master
202 programs and do not require a statement of exemption.
- 203
- 204 17. Any person conducting a remedial action at a facility pursuant to a consent
205 decree, order, or agreed order issued pursuant to Chapter 70.105D RCW or to
206 Ecology when it conducts a remedial action under Chapter 70.105D RCW.
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211 18. Other than conversions to nonforest land use, forest practices regulated under
212 Chapter 76.09 RCW are not subject to additional regulations under the Act or
213 this Program (RCW 90.58.030(2)(d)(ii)).

214 C. Statements of Exemption.

215 1. Any person claiming exemption from the substantial development permit
216 requirements shall make an application to the Shoreline Administrator for such an
217 exemption in the manner prescribed by the Shoreline Administrator, except that no
218 written statement of exemption is required either for a project designed to
219 improve fish or wildlife habitat or fish passage pursuant to WAC 173-27-
220 040(2)(p)(iii)(A), or for emergency development pursuant to WAC 173-27-040(2)(d).

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223 **Section 3. Amendatory. Sec. 3, Part B, Ord. 2012-07-16, and codified as CCC Section**
224 **40.460.250, are amended to read as follows:**

225 **40.460.250 Nonconforming Uses and Development**

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229 B. Nonconforming Uses.

230 1. Additional development of any property on which a nonconforming use exists shall
231 require that all new uses conform to this Program and the Act.

232 2. Change of ownership, tenancy, or management of a nonconforming use shall not
233 affect its nonconforming status; provided, that the use does not change or
234 intensify.

235 3. If a nonconforming use is converted to a conforming use, a nonconforming use
236 may not be resumed.

237 4. When the operation of a nonconforming use is vacated or abandoned for a period
238 of twelve (12) consecutive months, the nonconforming use rights shall be deemed
239 extinguished and the future use of such property shall be in accordance with the
240 permitted and conditional use regulations of this Program.

241 5. If a conforming building housing a nonconforming use is damaged by fire, flood,
242 explosion, or other natural disaster and the damage is less than seventy five ~~ixty~~
243 percent (75~~60~~%) of the replacement cost of the structure or development, such
244 use may be resumed at the time the building is repaired; provided, such
245 restoration shall be undertaken within twelve (12) months following said damage.

246 6. Normal maintenance and repair of a structure housing a nonconforming use may
247 be permitted provided all work is consistent with the provisions of Section
248 40.530.010 and this Program.

249 7. Legally established floating homes and residences are considered conforming uses,
250 subject to the requirements in Section 40.460.630(K)(13).

251 C. Nonconforming Structures.

252 1. A nonconforming building or structure may be maintained or repaired, provided
253 such improvements do not extend or expand the nonconformity of such building
254 or structure and are consistent with the provisions of this Program, unless
255 required by other law or ordinance.

256 2. If a nonconforming structure or development is damaged by fire, flood, explosion,
257 or other natural disaster and the damage is less than seventy five ~~ixty~~ percent
258 (75~~60~~%) of the replacement cost of the structure or development, it may be
259 restored or reconstructed to those configurations existing at the time of such
260 damage, provided:

261 a. The reconstructed or restored structure will not cause additional adverse effects to
262 adjacent properties or to the shoreline environment;

263 b. The rebuilt structure or portion of structure shall not expand the original footprint
264 or height of the damaged structure;

265 c. No degree of relocation shall occur, except to increase conformity or to increase
266 ecological function, in which case the structure shall be located in the least
267 environmentally damaging location possible;

268 d. The submittal of applications for permits necessary to restore the development is
269 initiated within twelve (12) months of the damage. The Shoreline Administrator
270 may waive this requirement in situations with extenuating circumstances;

271 e. The reconstruction is commenced within one (1) year of the issuance of permit;

272 f. The Shoreline Administrator may allow a one (1) year extension provided
273 consistent and substantial progress is being made; and

274 g. Any residential structures, including multifamily structures, may be reconstructed
275 up to the size, placement and density that existed prior to the damage, so long as
276 other provisions of this Program are met.

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279 **Section 4. Amendatory.** Sec. 3, Part B, Ord. 2012-07-16, and codified as CCC Section
280 40.460.520, are amended to read as follows:

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282 **40.460.520 Archaeological, Cultural, and Historic Resources**
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284 A. When a shoreline use or development is in an area known or likely to
285 contain archaeological artifacts and data based on the state's Clark County's
286 predictive model, the applicant shall provide for a site inspection and evaluation by a
287 professional archaeologist prior to issuance of any shoreline permit or approval. Work
288 may not begin until the inspection and evaluation have been completed and the
289 county has issued its permit or approval.

290
291 B. If any item of possible archaeological interest (including human skeletal
292 remains) is discovered on site, all work shall immediately stop, and the county, State
293 Department of Archaeology and Historic Preservation (DAHP), and affected Native
294 American tribe(s) shall be notified of the discovery. A stop-work order will be issued.
295 The shoreline permit will be temporarily suspended. All applicable state and federal
296 permits shall be ~~secured~~obtained as a condition of resumption of development
297 activities. Development activities may resume only upon the applicant's receipt of
298 county approval.

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302 **Section 5. Amendatory.** Sec. 3, Part B, Ord. 2012-07-16, and codified as CCC Section
303 40.460.530, are amended to read as follows:

304 **40.460.530 Critical Areas Protection**
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308 B. Applicable Critical Areas.

309 For purposes of this Program, the following critical areas will be protected
310 under this Program. An amendment to these regulations will apply in shoreline
311 jurisdiction only if it is adopted as an SMP limited amendment or update.

- 312 1. Critical aquifer recharge areas, defined in Chapter 40.410 as adopted by
313 Ordinance 2005-04-15, dated April 26, 2005;; Ordinance 2009-03-02;
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- 315 2. Flood hazard areas, defined in Chapter 40.420 as adopted by Ordinance 2012-
316 07-15, dated July 24, 2012;
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- 318 3. Geologic hazard areas, defined in Chapter 40.430 as adopted by Ordinance
319 2005-04- 15, dated April 26, 2005; Ordinance 2006-09-13; Ordinance 2009-01-01;
320 Ordinance 2012-02-03; and Ordinance 2012-07-16;
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- 322 4. Habitat conservation areas, defined in Chapter 40.440 as adopted by Ordinance
323 2006-08-03, dated August 1, 2006; Ordinance 2012-07-16; and Ordinance
324 2014-12-05; and
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- 326 5. Wetlands, defined in Chapter 40.450 as adopted by Ordinance 2006-05-27, dated
327 May 26, 2006; Ordinance 2012-07-03; Ordinance 2012-07-16; and Ordinance
328 2014-12-05.
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330 C. Critical Aquifer Recharge Areas.

331 1. General Provisions. Chapter 40.410, Critical Aquifer Recharge Areas, Ordinance
332 2005- 04-15, dated April 26, 2005; and Ordinance 2009-03-02, is hereby adopted
333 in whole as part of this Program.

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336 F. Habitat Conservation Areas.

337 1. General Provisions.

338 a. Designated habitat areas are those defined in Section 40.100.070 and those
339 described below:

340 (1) Water bodies defined as waters of the state (RCW 90.48.020), including
341 waters, bed, and bank;

342 (2) DNR Classification System Type S, F, Np, and Ns water bodies as defined and
343 mapped based on WAC 222-16-030 (Forest Practices Rules);

344 (3) Riparian Priority Habitat Areas. Areas extending landward on each side of the
345 stream or water body from the ordinary high water mark to the edge of the
346 one hundred (100) year floodplain, or the following distances, if greater:

347 (a) DNR Type S waters, two hundred fifty (250) feet;

348 (b) DNR Type F waters, two hundred (200) feet;

349 (c) DNR Type Np waters, one hundred (100) feet; and

350 (d) DNR Type Ns waters, seventy-five (75) feet;

351 (4) Other Priority Habitats and Species (PHS) Areas. Areas identified by and
352 consistent with WDFW priority habitats and species criteria, including areas
353 within one thousand (1,000) feet of individual species point sites. The
354 county shall defer to WDFW in regards to classification, mapping and
355 interpretation of priority habitat species.

356 ~~b. The above habitat areas are mapped on a countywide basis in the adopted~~
357 ~~"Priority Habitats and Species Map." Maps are on file with Clark County~~
358 ~~Environmental Services, except that maps of individual locations of sensitive,~~
359 ~~threatened, or endangered wildlife species are maintained separately to protect~~
360 ~~sensitive species.~~

361 eb. In the event of inconsistencies, official habitat area definitions shall prevail over
362 county-wide maps in determining applicability of this section. The county shall
363 follow the recommendations of WDFW in the interpretation of site-specific
364 conditions as they relate to the definition of priority habitat and species.

365 ec. The portion of the riparian priority habitat area nearest to the OHWM shall be
366 set aside for vegetation conservation and protection of the water body within
367 the shoreline jurisdiction.

368 ed. Where development proposals require a habitat review under Section
369 40.440.030, the review will be part of the approvals required under this
370 Program.

371 fe. The reasonable use provisions in Chapter 40.440 do not apply to habitat
372 conservation areas regulated under this Program.

373 2. Regulated Activities.

374 a. All construction, development, earth movement, clearing, or other site
375 disturbance proposals within a habitat area which require a permit, approval, or
376 other authorization from the county shall be reviewed pursuant to Chapter
377 40.440 and shall comply with the requirements of this section.

378 b. Proposed new single-family residential development occurring immediately
379 outside but within three hundred (300) feet of designated priority species
380 habitat polygons or within one hundred (100) feet of designated nonriparian
381 priority habitat polygons shall require consultation with WDFW prior to
382 issuance of a development permit. In such cases, further review under this
383 section is not required unless WDFW finds that there are potential adverse
384 impacts.

385 c. Agricultural activities within designated riparian habitat areas are subject to the
386 provisions of this section and Section 40.440.040(B).

387 d. Class IV G forest practices (conversions) are regulated under this Program.

388 3. Standards.

389 a. Any alterations within designated habitat areas in shoreline jurisdiction require
390 review and approval prior to clearing or development and prior to issuance of
391 any County permit or statement of exemption.

392 b. Alterations within the designated habitat areas shall:

393 (1) Avoid impacts to the habitat conservation areas during project planning and
394 development to the extent possible;

395 (2) Substantially maintain the level of habitat functions and values as characterized
396 and documented using best available science;

397 (3) Minimize habitat disruption or alteration beyond the extent required to
398 undertake the proposal; and

399 (4) Compensate for impacts to the habitat conservation areas to meet the standard
400 of no net loss of shoreline ecological functions. Mitigation measures and
401 proposals must demonstrate use of best available science.

402 c. In the event that impacts to habitat areas cannot be avoided, development and
403 approval of a mitigation plan in accordance with the provisions of Sections
404 40.440.020(A)(3) through (8) is required.

405 G. Wetlands.

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1. General Provisions.

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a. Where development proposals require a wetlands review under Section 40.450.030, the review will be part of the approvals required under this Program. Such review is required for any development activity that is within wetlands and wetland buffers subject to this Program, unless specifically authorized by a statement of exemption. Requirements for wetland permit applications are provided in Sections 40.450.040(B), (C), and (D).

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b. This section shall not apply to wetlands created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, landscape amenities and unintentionally created wetlands created as a result of the construction of a public or private road, street, or highway after July 1, 1990; provided, that wetlands created as mitigation shall not be exempt.

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c. A wetland determination is required in conjunction with the submittal of a development permit application. The Shoreline Administrator shall determine the probable existence of a wetland on the parcel involved in the development permit application. If wetlands or wetland buffers are found to exist on a parcel, wetland delineation is required.

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d. The location of a wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the Wetlands Delineation Manual and as specified in Chapter 40.450. If a wetland is located off site and is inaccessible, the best available information shall be used to determine the wetland boundary and category. Methodology is specified in Section 40.450.030(D).

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e. All buffers shall be measured horizontally outward from the delineated wetland boundary.

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f. Wetland buffer widths shall be determined by the Shoreline Administrator in accordance with the standards in Section 40.450.030.

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g. All wetland reviews require approval of a preliminary and a final enhancement/mitigation plan in accordance with the provisions of Section 40.450.040(E) unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of Section 40.450.040(E)(2).

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h. Wetland reviews under this Program shall be according to the application, processing, preliminary approval, and final approval procedures set out in Section 40.450.040(F) through (I) and are part of the approvals required under this Program.

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i. Provisions for programmatic permits are included in Section 40.450.040(K).

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j. Provisions for emergency wetland permits are included in Section 40.450.040(L).

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k. The reasonable use provisions in Chapter 40.450 do not apply to wetlands regulated under this Program.

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2. Regulated Activities.

448 No development or activity in wetlands or wetland buffers subject to this Program
449 shall be allowed unless it is demonstrated that:

450 a. The proposed development or activity will not result in a net loss of wetland
451 functions to the point of net loss of shoreline ecological function; and

452 b. The proposed development or activity complies with all state, local and federal
453 laws, including those related to sediment control, pollution control, floodplain
454 restrictions, stormwater management, wetlands protection, and on-site
455 wastewater disposal.

456 3. Standards.

457 a. Stormwater Facilities.

458 (1) Stormwater dispersion practices and facilities that comply with the
459 standards of Chapter ~~40.385~~ 40.386 shall be allowed in all wetland buffers
460 where no net loss of shoreline ecological functions can be demonstrated.
461 Stormwater outfalls for dispersion facilities shall comply with the standards in
462 Section 40.460.530(G)(3)(b).

463 (2) Other stormwater facilities are only allowed in buffers of wetlands with low
464 habitat function (less than ~~twenty five (20 5)~~ twenty five (20 5) points on the habitat section of the
465 rating system form) per Section 40.450.040(C)(4)(b).

466 b. Road and utility crossings into and through wetlands and wetland buffers are
467 allowed provided all the following conditions are met:

468 (1) Buffer functions, as they pertain to protection of the adjacent wetland and
469 its functions, are replaced;

470 (2) Impacts to the buffer and wetland are first avoided and minimized; and

471 (3) The activity does not result in a decrease in wetland acreage or
472 classification.

473 c. Regulated activities not involving stormwater management, road and utility
474 crossings, or a buffer reduction via enhancement are allowed in the buffer if all
475 the following conditions are met:

476 (1) The activity is temporary and will cease or be completed within three (3)
477 months of the date the activity begins;

478 (2) The activity will not result in a permanent structure in the buffer;

479 (3) The activity will not result in a reduction of buffer acreage or shoreline
480 ecological function; and

481 (4) The activity will not result in a reduction of wetland acreage or shoreline
482 ecological function.

483 d. Wetland mitigation for unavoidable impacts shall be required using the
484 following prioritization:

- 485 (1) On-Site. Locate mitigation according to the following priority:
486 (a) Within or adjacent to the same wetland as the impact;
487 (b) Within or adjacent to a different wetland on the same site;
- 488 (2) Off-Site. Locate mitigation within the same watershed, as shown on Section
489 40.450.040, Figure 40.450.040-1, or use an established wetland mitigation
490 bank; the service area determined by the mitigation bank review team and
491 identified in the executed mitigation bank instrument;
- 492 (3) In-Kind. Locate or create wetlands with similar landscape position and the
493 same hydro-geomorphic (HGM) classification based on a reference to a
494 naturally occurring wetland system; and
- 495 (4) Out-of-Kind. Mitigate in a different landscape position and/or HGM
496 classification based on a reference to a naturally occurring wetland system.
- 497 e. The various types of wetland mitigation allowed are listed below in the general
498 order of preference.
- 499 (1) Re-establishment, which is the manipulation of the physical, chemical or
500 biological characteristics of a site with the goal of returning natural or
501 historic functions to a former wetland. Re-establishment results in a gain in
502 wetland acres (and functions). Activities could include removing fill material,
503 plugging ditches, or breaking drain tiles.
- 504 (2) Rehabilitation, which is the manipulation of the physical, chemical or
505 biological characteristics of a site with the goal of returning natural or
506 historic functions to a degraded wetland. Re-establishment results in a gain
507 in wetland function, but does not result in a gain in wetland acres. Activities
508 could involve breaching a dike to reconnect wetlands to a floodplain or
509 return tidal influence to a wetland.
- 510 (3) Creation (Establishment). The manipulation of the physical, chemical, or
511 biological characteristics of a site with the goal of developing a wetland on
512 an upland or deepwater site where a wetland did not previously exist.
513 Establishment results in a gain in wetland acres. Activities typically involve
514 excavation of upland soils to elevations that will produce a wetland hydro-
515 period, create hydric soils, and support the growth of hydrophytic plant
516 species.
- 517 (4) Enhancement. The manipulation of the physical, chemical, or biological
518 characteristics of a wetland site to heighten, intensify, or improve the
519 specific function(s) or to change the growth stage or composition of the
520 vegetation present. Enhancement is undertaken for specified purposes such
521 as water quality improvement, flood water retention, or wildlife habitat.
522 Enhancement results in a change in some wetland functions and can lead to
523 a decline in other wetland functions, but does not result in a gain in wetland
524 acres. Activities typically consist of planting vegetation, controlling non-
525 native or invasive species, modifying site elevations or the proportion of
526 open water to influence hydro-periods, or some combination of these
527 activities.

- 528 f. The mitigation ratios for each of the mitigation types described in Section
529 40.460.530(G)(3)(e) are specified in Section 40.450.040(D)(4).
- 530 g. The Shoreline Administrator has the authority to approve preservation of
531 existing wetlands as wetland mitigation under the following conditions:
- 532 (1) The wetland area being preserved is a Category I or II wetland or is within
533 a WDFW priority habitat or species area;
- 534 (2) The preservation area is at least one (1) acre in size;
- 535 (3) The preservation area is protected in perpetuity by a covenant or
536 easement that gives the county clear regulatory and enforcement
537 authority to protect existing wetland and wetland buffer functions with
538 standards that exceed the protection standards of this chapter; and
- 539 (4) The preservation area is not an existing or proposed wetland mitigation
540 site.
- 541 h. Wetland mitigation shall be required in accordance with the wetland mitigation
542 standards in this section for the following indirect wetland impacts:
- 543 (1) Buffer loss resulting from wetland fills permitted under this section;
- 544 (2) Reduction of wetland buffers beyond the maximum reduction allowed under
545 Section 40.450.040(C)(2); provided, that such reductions are limited as
546 follows:
- 547 (a) Road and utility crossings in the wetland buffer approved in accordance
548 with Section 40.450.040(C)(5); and
- 549 (b) The total indirect wetland impact from buffer reductions is less than
550 one-quarter (1/4) acre; and
- 551 (3) Unavoidable loss of wetland function due to stormwater discharges that do
552 not meet the wetland protection standards in Chapter ~~40.385~~ 40.386.

553

554 **Section 6. Amendatory.** Sec. 3, Part B, Ord. 2012-07-16, and codified as CCC Section
555 40.460.560, are amended as follows:
556

557 **40.460.560 Site Planning and Development**

558 A. General.

- 559 1. Land disturbing activities such as grading and cut/fill shall be conducted in such a way
560 as to minimize impacts to soils and native vegetation.

561 2. Impervious surfaces shall be minimized to the extent feasible as specified in
562 Chapter ~~40.385~~ 40.386. Low impact development techniques shall be utilized
563 where feasible to minimize increases to stormwater runoff.

564 ***

565
566 **Section 7. Amendatory.** Sec. 3, Part B, Ord. 2012-07-16, and codified as CCC Section
567 40.460.590, are amended as follows:
568

569 **40.460.590 Water Quality and Quantity**

570 ***

571 B. All shoreline development shall comply with the applicable requirements of Chapters
572 13.26A, Water Quality, ~~40.385~~ 40.386, Stormwater and Erosion Control, and 40.410,
573 Critical Aquifer Recharge Areas.

574 C. Best management practices (BMPs) for control of erosion and sedimentation (Chapter
575 ~~40.385~~ 40.386) and for meeting water quality standards (Chapter 13.26A) shall be
576 implemented for all shoreline development.

577 ***

578
579 **Section 8. Amendatory.** Sec. 3, Part B, Ord. 2012-07-16, and codified as CCC Section
580 40.460.630, are amended as follows:
581

581 **40.460.630 Use-Specific Development Regulations**

582 ***

583 F. Industrial Uses.

584 1. General Requirements.

585 a. Water-oriented industrial uses and development are preferred over non-water-
586 oriented industrial uses and development.

587 b. Water-related uses shall not displace existing water-dependent uses or occupy
588 space designated for water-dependent uses identified in a substantial
589 development permit or other approval.

590 c. Water-enjoyment uses shall not displace existing water-dependent or water-
591 related uses or occupy space designated for water-dependent or water-related
592 uses identified in a substantial development permit or other approval.

593 d. Waterward expansion of existing non-water-oriented industry is prohibited.

594 e. Proposed developments shall maximize the use of legally established existing
595 industrial facilities and avoid duplication of dock or pier facilities before expanding
596 into undeveloped areas or building new facilities. Proposals for new industrial and
597 port developments shall demonstrate the need for expansion into an undeveloped
598 area.

599 f. Proposed large-scale industrial developments or major expansions shall be
600 consistent with an officially adopted comprehensive scheme of harbor
601 improvement and/or long-range port development plan.

602 g. New facilities for shallow-draft shipping shall not be allowed to preempt deep-
603 draft industrial sites.

604 h. Ship, boat-building, and repair yards shall employ best management practices
605 (BMPs) with regard to the various services and activities they perform and their
606 impacts on surrounding water quality.

607 i. Industrial water treatment and water reclamation facilities may be permitted
608 only as conditional uses and only upon demonstrating that they cannot be located
609 outside of shoreline jurisdiction. They shall be designed and located to be
610 compatible with recreational, residential, or other public uses of the water and
611 shorelands.

612 2. Log Storage.

613 a. Log booming, rafting and storage in the Aquatic shoreline designation shall
614 comply with WAC 332-30-145 or its successor.

615 b. Log storage shall be permitted in public waters only where:

616 (1) Water quality standards can be met at all times;

617 (2) Grounding will not occur;

618 (3) Associated activities will not hinder other beneficial uses of the water,
619 such as small craft navigation; and

620 (4) Fish and wildlife habitat conservation areas can be avoided.

621 c. No log raft shall remain in the Aquatic shoreline designation for more than
622 one (1) year, unless specifically authorized in writing.

623 d. Log storage facilities shall be sited to avoid and minimize the need for
624 dredging in order to accommodate new barging and shall be located in
625 existing developed areas to the greatest extent feasible. If a new log storage
626 facility is proposed along an undeveloped shoreline, an alternatives analysis
627 shall be required that demonstrates that it is not feasible to locate the
628 facility within an existing developed area.

629 e. A debris management plan describing the removal and disposal of wood
630 waste must be approved by the county. Debris monitoring reports shall be
631 provided, where stipulated. Positive control, collection, treatment, and
632 disposal methods for keeping leachate, bark, and wood debris (both floating
633 and sinking particles) out of surface water and groundwater shall be
634 employed at log storage areas, log dumps, raft building areas, and mill-side

635 handling zones. In the event that bark or wood debris accidentally enters the
636 water, it shall be immediately removed. Surface runoff from log storage
637 areas shall be collected and discharged at only one point, if possible.

638 f. Existing in-water log storage and log booming facilities in critical habitats
639 utilized by threatened or endangered species classified under the
640 Endangered Species Act (ESA) shall be re-evaluated if use is discontinued for
641 one (1) year, or if substantial repair or reconstruction is required. The
642 evaluation shall include an alternatives analysis in order to determine if logs
643 can be stored upland and out of the water, or if the site should be used for
644 other purposes that would have lesser impacts on ESA-listed species. The
645 alternatives analysis shall include evaluation of the potential for moving all,
646 or portions of, log storage and booming to uplands.

647 g. Nonaquatic log storage areas shall meet the following requirements:

648 (1) The ground surface of any unpaved log storage area underlain by
649 permeable soils shall be separated from the highest seasonal water table
650 by at least four (4) feet in order to reduce waste buildup and impacts on
651 groundwater and surface water;

652 (2) Stormwater shall be managed consistent with Chapters 13.26A and 40.385
653 40.386; and

654 (3) A berm must be located around the outer edge of the upland sort surface
655 using rocks, or other suitable materials to prevent loss of wood debris
656 into the water.

657 ***

658 J. Recreational Uses.

659 1. Recreational developments shall provide for nonmotorized access to the shoreline
660 such as pedestrian and bicycle paths.

661 2. The minimum width of public access easements for trails shall be twenty (20) feet
662 when a trail is not located within a public right-of-way, unless the Shoreline
663 Administrator determines that undue hardship would result, or that it is
664 impractical or environmentally unsound. In such cases, easement width may be
665 reduced only by the minimum extent necessary to meet public access standards.

666 3. Recreation areas or facilities on the shoreline shall provide physical or visual public
667 access to the shoreline.

668 4. Parking areas shall be located upland away from the immediate shoreline, with
669 pedestrian trails or walkways providing access to the water.

670 5. All permanent, substantial, recreational structures and facilities shall be located
671 outside officially mapped floodways. The Shoreline Administrator may grant
672 administrative exceptions for nonintensive minor accessory uses (including, but
673 not limited to, picnic tables, playground equipment).

- 674 6. Recreational sites with active uses shall be provided with restrooms and hand-
675 sanitizing facilities in accordance with public health standards and without
676 adversely altering the natural features attractive for recreational uses.
- 677 7. Recreational facilities shall include features such as buffer strips, screening, fences,
678 and signs, if needed to protect the value and enjoyment of adjacent or nearby
679 private properties and natural areas from trespass, overflow and other possible
680 adverse impacts.
- 681 8. Where fertilizers and pesticides are used in recreational developments, waters in
682 and adjacent to such developments shall be protected from drainage and surface
683 runoff.
- 684 9. Golf course structures (clubhouses and maintenance buildings) that are non-water-
685 oriented shall be located no closer than one hundred (100) feet from the OHWM
686 of any shorelines of the state.
- 687 10. Tees, greens, fairways, golf cart routes, and other site development features shall
688 be located no closer than one hundred (100) feet from the OHWM of any
689 shorelines of the state to the extent practicable. Where unavoidable, such
690 development shall be designed to minimize impacts to shoreline and critical areas
691 and their buffers and mitigate impacts by including ecological restoration and
692 enhancement.
- 693 11. Golf course water hazards and stormwater drainage basins shall be managed:
- 694 a. For wildlife through appropriate plantings and measures to maintain or enhance
695 water quality; and
- 696 b. Consistent with Chapters 13.26A and ~~40.385~~ 40.386.
- 697 12. The setback for water-related and water-enjoyment recreational development in
698 Natural, Urban Conservancy, and Medium Intensity shoreline designations is fifty
699 (50) feet, except trails which may meander between twenty (20) and fifty (50)
700 feet landward of the OHWM to:
- 701 a. Respond to site characteristics such as natural topography and existing
702 vegetation; or
- 703 b. Take advantage of opportunities for visual or physical access to the shoreline;
704 or
- 705 c. Connect existing trail easements; or
- 706 d. Create an interesting experience for trail users.
- 707 A trail project, any portion of which encroaches closer than fifty (50) feet, shall
708 maintain no net loss of shoreline ecological function and include shoreline
709 restoration where feasible.
- 710 13. The following trail types as described in the Vancouver-Clark Parks and Recreation
711 Regional Trails and Bikeway Systems Plan (2006) are preferred in the Natural
712 shoreline designation:

- 713 a. Type A3: Primitive Trails or Paths;
- 714 b. Type C2: Walking Trails or Paths; and
- 715 c. Type D1: Equestrian Trails or Paths.
- 716 14. When regional or local shared-use or other impervious surface trails are proposed
717 in the Natural or Urban Conservancy shoreline designations, to respond to
718 Americans with Disabilities Act (ADA) requirements or other circumstances or
719 conditions, the project shall maintain no net loss of shoreline ecological functions
720 and shall include restoration where feasible.
- 721 K. Residential
- 722 1. Residential development shall include provisions to ensure preservation of native
723 vegetation and to control erosion during construction.
- 724 2. New residential construction shall be located so as not to require shoreline
725 stabilization measures.
- 726 3. New residential development shall be prohibited in, over, or floating on the water.
- 727 4. New residential development shall be located and designed to a density that
728 minimizes view obstructions to and from the shoreline.
- 729 5. Clustering of residential units as permitted by this title shall be allowed where
730 appropriate to minimize physical and visual impacts on shorelines.
- 731 6. In those areas where only on-site sewage systems are available, density shall be
732 limited to that which can demonstrably accommodate protection of surface and
733 groundwater quality.
- 734 7. New residential development, including sewage disposal systems, shall be
735 prohibited in floodways and channel migration zones.
- 736 8. Appurtenances, accessory uses, and facilities serving a residential structure shall be
737 located outside setbacks, critical areas, and buffers unless otherwise allowed
738 under this Program to promote community access and recreational opportunities.
739 Normal appurtenances are limited to garages (up to three (3) cars), shops (up to
740 one thousand (1,000) square feet), decks, driveways, utilities, and fences.
- 741 9. Residential lots that are boundary line-adjusted or newly created through a land
742 division shall be configured such that:
- 743 a. Structural flood hazard reduction measures are not required and will not be
744 necessary during the life of the development or use;
- 745 b. Shoreline stabilization measures are not required; and
- 746 c. Any loss of shoreline ecological function can be avoided.
- 747 10. Where a new moorage facility is proposed within a residential waterfront
748 development of more than four (4) units, only one (1) joint-use facility shall be
749 allowed, but only after demonstrating that such use is appropriate for the water

750 body. The applicant must also demonstrate that no public moorage facility is
751 available to residents. This condition of approval with required access easements
752 and dedications shall be identified on the face of the plat. In addition, the joint-
753 use dock easement shall be recorded with the County Auditor.

754 11. New floating homes are prohibited.

755 12. Floating homes legally established as of January 1, 2011, are considered
756 conforming uses. A one (1) time expansion is allowed, as follows:

757 a. The expansion maintains the size of the footprint of the existing residence;

758 b. The expansion does not exceed the allowed height limit; and

759 c. The applicant demonstrates through a letter of exemption that the expansion will
760 result in no net loss of shoreline ecological functions.

761 13. Existing residential structures.

762 a. Legally established existing residential structures and appurtenances located
763 landward of the OHWM and outside the floodway that do not meet the standards
764 of this Program are considered to be conforming, except that an application to
765 replace an existing residential structure must meet all setback, height, and other
766 construction requirements of the Program and the Act. A one - (1) time
767 expansion is allowed, as follows:

768 1a. The expansion is no more than twenty-five percent (25%) of the
769 habitable floor area of the existing residence;

770 2b. The expansion does not exceed the allowed height limit;

771 3c. The expansion is no further waterward ~~of~~ than the existing structure;
772 and

773 4d. The applicant demonstrates ~~through a letter of exemption~~ that the
774 expansion will result in no net loss of shoreline ecological functions.

775 b. If a structure or development is damaged by fire, flood, explosion, or other natural
776 disaster and the damage is less than seventy five percent (75%) of the replacement
777 cost of the structure or development, it may be restored or reconstructed to those
778 configurations existing at the time of such damage, provided:

779 1. The reconstructed or restored structure will not cause additional adverse
780 effects to adjacent properties or to the shoreline environment;

781 2. The rebuilt structure or portion of structure shall not expand the original
782 footprint or height of the damaged structure;

783 3. No degree of relocation shall occur, except to increase conformity or to
784 increase ecological function, in which case the structure shall be located
785 in the least environmentally damaging location possible;

786 4. The submittal of applications for permits necessary to restore the
787 development is initiated within twelve (12) months of the damage. The
788 Shoreline Administrator may waive this requirement in situations with
789 extenuating circumstances;

- 790 5. The reconstruction is commenced within one (1) year of the issuance of
791 permit;
792 6. The Shoreline Administrator may allow a one (1) year extension provided
793 consistent and substantial progress is being made; and
794 7. Any residential structures, including multifamily structures, may be
795 reconstructed up to the size, placement and density that existed prior to
796 the damage, so long as other provisions of this Program are met.
797
798 c. If a structure or development is either demolished, or damaged by fire, flood,
799 explosion, or other natural disaster and the damage is more than seventy five
800 percent (75%) of the replacement cost of the structure or development, then any
801 replacement structure has to meet the requirements of the Program and the Act.

802 14. New appurtenances shall meet the setback requirements of this Program.

803 ***

804 N. Utility Uses.

805 These provisions apply to services and facilities that produce, convey, store, or
806 process power, gas, wastewater, communications, and similar services and functions.
807 On-site utility features serving a primary use, such as a water, sewer or gas line to a
808 residence or other approved use, are “accessory utilities” and shall be considered a
809 part of the primary use.

- 810 1. Whenever feasible, all utility facilities shall be located outside shoreline
811 jurisdiction. Where distribution and transmission lines (except electrical
812 transmission lines) must be located in the shoreline jurisdiction they shall be
813 located underground.
- 814 2. Where overhead electrical transmission lines must parallel the shoreline, they
815 shall be outside of the two hundred (200) foot shoreline environment unless
816 topography or safety factors would make it unfeasible.
- 817 3. Utilities, including limited utility extensions, shall be designed, located and
818 installed in such a way as to preserve the natural landscape, minimize impacts
819 to scenic views, and minimize conflicts with present and planned land and
820 shoreline uses.
- 821 4. Transmission, distribution, and conveyance facilities shall be located in existing
822 rights-of-way and corridors or shall cross shoreline jurisdictional areas by the
823 shortest, most direct route feasible, unless such route would cause significant
824 environmental damage.
- 825 5. Utility production and processing facilities, such as power plants and wastewater
826 treatment facilities, or parts of those facilities that are non-water-oriented shall
827 not be allowed in the shoreline jurisdiction unless it can be demonstrated that
828 no other feasible option is available.
- 829 6. Stormwater control facilities, limited to detention/retention/treatment ponds,
830 media filtration facilities, and lagoons or infiltration basins, within the shoreline
831 jurisdiction shall only be permitted when the stormwater facilities are designed
832 to mimic and resemble natural wetlands, ponds, or closed depressions, and meet
833 applicable water quality requirements of Chapter ~~40.385~~ 40.386.

834 7. Stormwater outfalls may be placed below the OHWM to reduce scouring, but
 835 new outfalls and modifications to existing outfalls shall be designed and
 836 constructed to avoid impacts to existing native aquatic vegetation attached to or
 837 rooted in substrate. In river and stream shorelines, stormwater outfall structures
 838 may require permanent bank hardening to prevent failure of the outfall
 839 structure or erosion of the shoreline. Diffusers or discharge points must be
 840 located offshore at a distance beyond the nearshore area to avoid impacts to
 841 nearshore habitats.

842 8. Water reclamation discharge facilities such as injection wells or activities such as
 843 land application are prohibited in the shoreline jurisdiction, unless the discharge
 844 water meets Ecology’s Class A reclaimed water standards. An applicant for
 845 discharge of Class A reclaimed water in the shoreline jurisdiction shall
 846 demonstrate habitat benefits of such discharge.

847 9. Where allowed under this Program, construction of underwater utilities or those
 848 within the wetland perimeter shall be scheduled to avoid major fish migratory
 849 runs or use construction methods that do not cause disturbance to the habitat or
 850 migration.

851 10. All underwater pipelines transporting liquids intrinsically harmful to aquatic life
 852 or potentially detrimental to water quality shall be equipped with automatic
 853 shut off valves.

854 11. Upon completion of utility installation/maintenance projects on shorelines,
 855 banks shall, at a minimum, be restored to pre-project configuration, replanted
 856 and provided with maintenance care until the newly planted vegetation is fully
 857 established. Plantings shall be native species and/or be similar to vegetation in
 858 the surrounding area.

859 **Section 9. Amendatory.** Sec. 3, Part B, Ord. 2012-07-16, most recently amended by Sec.
 860 2, Ord. 2014-08-10, and codified as CCC Section 40.460.800, are each amended as
 861 follows:

862 ***

Normal maintenance	“Normal maintenance” means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC <u>173-27-040(2)(b)</u>); <u>except for maintenance that would cause substantial adverse effects to shoreline resources or environment; and, provided, that the replacement of demolished existing single-family residences and their appurtenances is not considered normal maintenance; and further provided that maintenance of nonconforming structures and developments is subject to the provisions of CCC 40.420.010 and 40.460.250.</u> See also “normal repair.”
Normal Repair	“Normal repair” means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, <u>except where for repair that would causes substantial adverse effects to shoreline resources or environment; and, provided, that the replacement of a demolished existing single-family residence and its appurtenances is not considered normal repair; and further provided, that repair or replacement of nonconforming uses is subject to CCC 40.420.010 and</u>

40.460.250. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment (WAC 173-27-040(2)(b)) - See also "normal maintenance."

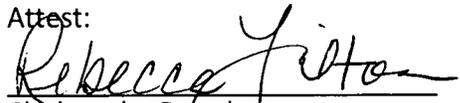
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Section 10. Effective date. This ordinance shall take effect two weeks after Washington State DOE approval. Provisions in Chapter 40.386 shall take effect January 8, 2016.

Section 11. Instructions to the clerk.
The Clerk to the Board shall:

1. Record a copy of this ordinance with the Clark County Auditor.
2. Transmit a copy of this ordinance to the State Departments of Ecology and Commerce within ten days of its adoption.
3. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.
4. Transmit a copy of this ordinance to Code Publishing, Inc. to update the electronic version of the Clark County Code.

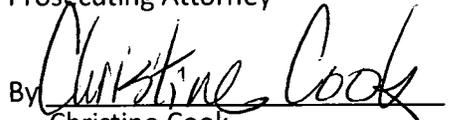
ADOPTED this 15th day of December, 2015.

Attest:

Clerk to the Board

BOARD OF COUNTY COUNCILORS
FOR CLARK COUNTY, WASHINGTON
By 
David Madore, Chair

Approved as to Form Only:
ANTHONY F. GOLIK
Prosecuting Attorney

By _____
Tom Mielke, Councilor

By 
Christine Cook
Sr. Deputy Prosecuting Attorney

By _____
Jeanne E. Stewart, Councilor



proud past, promising future

CLARK COUNTY
WASHINGTON

COMMUNITY PLANNING

**Planning Commission Recommendations to the
Board of Clark County Councilors**

FROM: Steve Morasch, Chair
Clark County Planning Commission
PREPARED BY: Gary Albrecht, Planner II, AICP
DATE: September 29, 2015
SUBJECT: CPZ2015-00002 Shoreline Master Program Limited Amendment

RECOMMENDATION: **Approval** of a SHORELINE MASTER PROGRAM LIMITED AMENDMENT to improve the consistency between the county's shoreline program and the state standards. The amendment would add text to clarify normal maintenance in the list of exemptions, regulate replacement of non-conforming residential structures that are damaged or destroyed, and clarify SMP text to improve implementation.

BACKGROUND:

Clark County adopted an updated shoreline master program (SMP) in July 2012. It was approved by the Department of Ecology (Ecology) in August 2012 and took effect in September 2012. SMP policies are included in Chapter 13 of the comprehensive plan. SMP regulations are included in Clark County Code Chapter 40.460.

Ecology's SMP Handbook indicates jurisdictions can incorporate Critical Areas Ordinances by reference to make those provisions part of the approved SMP. In order to change the referenced provisions in the future, the CAO changes will constitute a limited SMP amendment and must be submitted to Ecology for review and approval before they take effect. Otherwise, the previous version originally approved as part of the SMP update process will continue to apply. The relationship discussed in Ecology's Handbook between CAO and SMP is described in RCW 36.70A.480 Shorelines of the state.

SUMMARY:

The proposed limited amendments to the Clark County SMP, specifically CCC 40.460.530 B (1) & (2) comply with the new Washington Department of Ecology State Wetland Rating System. The Board of Clark County approved several proposed changes to the Wetland Protection and Habitat Conservation Ordinances (CCC 40.450 & CCC 40.440) in Ordinance 2014-12-05 to comply with Ecology's new Wetland Rating System.

This limited amendment would also improve the consistency between the county's shoreline program and the state standards. The amendment would add text to clarify normal maintenance in the list of exemptions, regulate replacement of non-conforming residential structures that are damaged or destroyed, and clarify SMP text to improve implementation.

During a Planning Commission Work Session on August 4, 2015, they had a question about the meaning of CCC 40.460.230 (B)(2). Staff indicated that this section needed further clarification and other sections of the code might need clarification too. Staff mentioned that any additional changes would be proposed during the hearing, Exhibit 3.

ANALYSIS:

The proposed amendments to the SMP (Exhibit 1) Chapter 40.440 Habitat and Chapter 40.450 Wetlands, are intended to comply with state mandates. Ecology updated their wetland guidance manuals and method of scoring to be consistent with revised federal standards. The wetland scoring system is the most evident change to the regulations. Staff also received guidance from Ecology (Exhibit 2), which was specific to the county's unified development code update. The critical area regulations within the county's development code are substantially similar (not identical) to the provisions within the SMP. The amendments that were adopted with Ordinance 2014-12-05, are similar to the amendments that are proposed for the limited SMP amendment, however the process of amending the SMP differs from amending the unified development code. Ecology must ultimately approve the amendments to the SMP; after the county's final decision is rendered per RCW90.58.090 of the Shoreline Management Act (SMA). Washington Administrative Codes (WAC) Section 173.26.100, describes the process, and subsection 201, requires that the county provide evidence that the amendments will result in no net loss of ecological functions. The state code is in italics below.

WAC 173.26.201(c) *"Limited master program amendments may be approved by the department provided the department concludes:*

(i) The amendment is necessary to:

- (A) Comply with state and federal laws and implementing rules applicable to shorelines of the state within the local government jurisdiction;*
- (B) Include a newly annexed shoreline of the state within the local government jurisdiction;*
- (C) Address the results of the periodic master program review required by RCW 90.58.080(4), following a comprehensive master program update;*
- (D) Improve consistency with the act's goals and policies and its implementing rules; or*
- (E) Correct errors or omissions.*

Findings: The limited amendments to the SMP, Exhibit 2, are intended to comply with state and federal laws, per "A" above. The county has not annexed new shorelines per "B", and the county is not reviewing the master program for a comprehensive master program update, per "C". It is consistent with the SMA goals and policies per "D", and will correct errors, per "E". Scrivener's errors include adding ordinance numbers to 40.460.530 B (1) thru B (5).

(ii) The local government is not currently conducting a comprehensive shoreline master program update designed to meet the requirements of RCW 90.58.080, unless the limited amendment is vital to the public interest;

Findings: The county is not conducting a comprehensive shoreline master program update.

(iii) The proposed amendment will not foster uncoordinated and piecemeal development of the state's shorelines;

Finding: The limited amendment to the SMP, Exhibit 2, will avoid inconsistencies with development standards.

(iv) The amendment is consistent with all applicable policies and standards of the act;

Findings: The limited amendments to the SMP will be consistent with the policies and standards of state and federal regulations.

(v) All procedural rule requirements for public notice and consultation have been satisfied;

Findings: A public notice was sent and will be published on August 12, 2015, prior to the public hearing on August 20, 2015. A public notice will be sent and published for the Board of Clark County Councilor's hearing in September. A 60-day notice was sent to the Department of Commerce on July 31, 2015. The county issued a SEPA DNS on August 4, 2015, and distributed it to the applicable agencies. Email notification sent to Shoreline Stakeholder Advisory Committee Members from the 2012 SMP update, and interested parties; updated August 2015. On August 20, 2015, Commerce Review Team was sent supplemental material for Clark County Material ID_21488.

(vi) Master program guidelines analytical requirements and substantive standards have been satisfied, where they reasonably apply to the limited amendment. All master program amendments must demonstrate that the amendment will not result in a net loss of shoreline ecological functions."

Findings: The limited amendment will be consistent with the changes required by state mandate, and no local ecological analysis has been conducted.

PROPOSED ACTION:

The proposal is for the Planning Commission to adopt the limited amendment to the Shoreline Master Program.

RECOMMENDATION

The Planning Commission heard this matter on August 20, 2015 and voted 7-0 to recommend approval of the proposal. The Planning Commission recommends that the Board of Clark County Commissioners **APPROVE** the following actions:

1. Revise 40.460.170. adding (F) relationship between the Critical Area Ordinance and the SMP
2. Revise 40.460.230 (B) (2)
3. Revise 40.460.230 (B) (16)
4. Revise 40.460.520 (A) & (B)
5. Revise 40.460.530 (B) (1), (2), (3), (4), (5)
6. Revise 40.460.530 (C) (1)
7. Delete 40.460.530 (F) (1) (b)
8. Revise 40.460.530 (3) (a) (1) & (2)
9. Revise 40.460.530 (3) (h) (3)
10. Revise 40.460.560 (A)
11. Revise 40.460.590 (B) & (C)
12. Revise 40.460.630 (F) (2) (g)
13. Revise 40.460.630 (J) (11) (b)
14. Revise 40.460.630 (N) (6)
15. Revise 40.460.630 (K) (13)
16. Revise 40.460.630 (K) (c) & (d)
17. Revise normal maintenance definition in 40.460.800
18. Revise normal repair definition in 40.460.800

Attachments:

- | | |
|------------|-------------------------|
| Exhibit 1: | 40.460 text changes |
| Exhibit 2: | Ordinance 2014-12-05 |
| Exhibit 3: | Additional text changes |

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: **CPZ 2015-00002: Adoption of a Limited Amendment to Clark County's Shoreline Master Program, 2012.** This limited amendment proposal would improve the consistency between the county's shoreline program and the state standards. The amendment would add text to clarify normal maintenance in the list of exemptions, regulate replacement of non-conforming residential structures that are damaged or destroyed, and clarify SMP text to improve implementation.

Proponent: **Clark County Community Planning** _____

Location of proposal, including street address, if any. **Not a site specific request** _____

Lead agency: **Clark County, Washington** _____

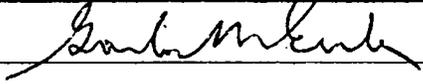
The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **August 26, 2015**.

Responsible official **Gordon Euler** _____

Position/title **Program Manager II** _____ Phone. **(360) 397-2280 ext.4968** _____

Address **Clark County Community Planning P.O. Box 9810 Vancouver WA 98666** _____

Date. **8-4-15** Signature  _____

(OPTIONAL)

- You may appeal this determination to (name) _____
at (location) _____
no later than (date) _____
by (method)

You should be prepared to make specific factual objections.
Contact _____ to read or ask about the procedures for SEPA appeals.

- There is no agency appeal.

NOTICE OF DETERMINATION OF NON SIGNIFICANCE (DNS)

NOTICE IS HEREBY GIVEN that the following proposal has been determined to have no probable significant adverse impact on the environment, and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). Written comments on the following proposal, or DNS, may be submitted to the *Responsible Official* by **August 26, 2015**.

DESCRIPTION:

CPZ2015-00002 Shoreline Master Program Limited Amendment – The applicant requests the Shoreline Master Program be amended to improve the consistency between the county’s shoreline program and the state standards. The amendment would add text to clarify normal maintenance in the list of exemptions, regulate replacement of non-conforming residential structures that are damaged or destroyed, and clarify SMP text to improve implementation.

ACTION REQUESTED: It is requested the Board of County Commissioners adopt the Clark County Shoreline Master Program Limited Amendment changes as identified above.

RESPONSIBLE OFFICIAL:

Oliver Orjiako, Director
Community Planning
PO Box 9810
Vancouver WA 98666-9810
oliver.orjiako@clark.wa.gov

BILL TO:

Sonja Wiser
Clark County Community Planning
PO Box 9810
Vancouver, WA 98666-9810
(360) 397-2280 ext. 4558
sonia.wiser@clark.wa.gov

PUBLICATION DATE: No later than **August 12, 2015**

PLEASE E-MAIL OR CALL TO CONFIRM RECEIPT AND PUBLICATION DATE



proud past. promising future

COMMUNITY PLANNING

Today's Date:	July 31, 2015
File Name:	Limited Amendment to SMP
File Number:	CPZ2015-00002
Publication Date:	August 12, 2015
Comment Deadline Date:	August 26, 2015
Project Manager:	Gary Albrecht

Attached is an environmental Determination of Non-significance (DNS) and associated environmental checklist issued pursuant to the State Environmental Policy Act (SEPA) Rules (Chapter 197-11, Washington Administrative Code). The enclosed review comments reflect evaluation of the determination within fourteen (14) days of the DNS publication date. The lead agency will not act on this proposal until the close of the 14-day comment period.

Please address any correspondence to:

Clark County Community Planning
RE: SEPA Comments
P.O. Box 9810
Vancouver, WA 98660-9810
Or e-mail: commplanning@clark.wa.gov

Federal Agencies:	
Bonneville Power Administration	ksplerce@bpa.gov
Federal Aviation Administration, Aeronautics	mohan.l.gupta@faa.gov
Gifford Pinchot National Forest, USDA	cachandler@fs.fed.us
US Army Corps of Engineers	steven.w.manlow@usace.army.mil
US Fish & Wildlife Service, Ridgefield, WA	alex_chmielewski@fws.gov
US Fish & Wildlife Service, ESA Division Mgr.	ken_berg@fws.gov
US Forest Service, NSA Office, Hood River, OR	rshoal@fs.fed.us
Native American Interest:	
Chehalis Tribal Council	gconnelly@chehalistribe.org
Chinook Nation/Indian Country	PO Box 304; Ilwaco, Indian Country 98624
Columbia River Inter-Tribal Fish Commission	croi@critfc.org
Confederated Tribes of Grand Ronde	info@grandronde.org
Confederated Tribes of Warm Springs	richard.craig@ctwsbnr.org
Cowlitz Tribe, Longview WA	permitreview@cowlitz.org
Nisqually Indian Tribe	cushman.joe@nisqually-nsn.gov
Quinalt Nation Business Committee	PO Box 189, Tahola WA 98587
Shoalwater Bay Tribe	PO Box 130, Tokeland WA 98590
Yakima Indian Nation	PO Box 151, Toppenish WA 98948
Nez Perce Tribe, Lapwai, ID	PO Box 305, Lapwai ID 83540 nptec@nezperce.org
State Agencies:	
WSDOT, SW Region, Jeff Barsness	Jeff.barsness@wsdot.wa.gov
WSDOT, SW Region, Ken Burgstahler	burgstk@wsdot.wa.gov
State Agencies Required by Department of Commerce:	
Department of Commerce, Ike Nwankwo	ike.nwankwo@commerce.wa.gov
Dept. of Commerce, Review Team	reviewteam@commerce.wa.gov

1300 Franklin Street • P.O. BOX 9810 • VANCOUVER, WASHINGTON 98666-9810
 (360) 397-2280 • FAX (360) 759-6782 • TDD Relay 711 or (800) 833-6388

Dept. of Corrections, Olympia, WA	ilmurphy@doc1.wa.gov
Dept. of Health, Drinking Water	mike.means@doh.wa.gov
Dept. of Ecology, SEPA Unit	gmacoordination@ecy.wa.gov
Dept. of Ecology, Env. Review	sepaunit@ecy.wa.gov
Dept. of Fish & Wildlife, Region 5	teamvancouver@dfw.wa.gov
Dept. of Fish & Wildlife, Priority Habitats	anne.friesz@dfw.wa.gov
Dept. of Fish & Wildlife, Shorelines	margen.carlson@dfw.wa.gov
Dept. of Fish & Wildlife, Review Team	wfwoclap@fws.gov
Dept. of Natural Resources	SEPACENTER@dnr.wa.gov
Dept. of Social & Health Services	robert.hubenthal@dshs.wa.gov
Dept. of Transportation, SW Region	wagnerd@wsdot.wa.gov
Parks & Recreation Commission	randy.kline@parks.wa.gov
Utilities & Transportation Commission	geckhard@utc.wa.gov
WA Office of Archaeology & Historic Preservation	rob.whitlam@dahp.wa.gov
Regional Agencies:	
Regional Transportation Council	lynda.david@rtc.wa.gov
SW Clean Air Agency	bob@swcleanair.org
C-TRAN, Jeff Hamm, Exec. Director/CEO	jeffh@c-tran.org
Cowlitz-Wahkiakum Council of Gov'ts	cwcoq@cwcoq.org
Local Agencies:	
Clark County CommDev-Building Division	jim.muir@clark.wa.gov
Clark County BOCC Commissioners Office	tina.redline@clark.wa.gov
Clark County Fire Marshall	Jon.dunaway@clark.wa.gov
Clark County Parks & Recreation	bill.bjerke@clark.wa.gov
Clark County Public Works-78 th Street	corrie.guardino@clark.wa.gov
Clark County Environmental Services	joanne.berg@clark.wa.gov
Clark County PW/Transportation	rob.klug@clark.wa.gov
Clark County Sheriff's Office	Chuck.atkins@clark.wa.gov
Clark County Emergency Management	doug.smith-lee@clark.wa.gov
Clark County Prosecutor's Office-Civil	christine.cook@clark.wa.gov
Clark County Health Department	carla.sowder@clark.wa.gov
Cowlitz County Planning Department	placidoe@co.cowlitz.wa.us
Vancouver Parks & Recreation	parksrec@cityofvancouver.us
Cities & Town:	
City of Battle Ground, Planning	erin.erdman@cityofbg.org
City of Camas, Planning	pbourquin@cityofcamas.us
City of La Center, Planning	isarvis@ci.lacenter.wa.us
City of La Center, Mayor	jirish@ci.lacenter.wa.us
City of Ridgefield, City Manager	steve.stuart@ci.ridgefield.wa.us
City of Ridgefield, Mayor	ron.onslow@ci.ridgefield.wa.us
E2 Land Use Services	e.eisemann@e2landuse.com
City of Vancouver, Community Planning	bryan.snodgrass@cityofvancouver.us
City of Vancouver, Community Planning	chad.elken@cityofvancouver.us
City of Vancouver, Community Planning	sandra.towne@cityofvancouver.us
City of Vancouver, Mayor	tim.leavitt@cityofvancouver.us
City of Washougal, Planning	mkneipp@ci.washougal.wa.us
City of Woodland, Planning	smellera@ci.woodland.wa.us
Town of Yacolt, Pete Roberts PW Director	pete.roberts@townofyacolt.com
Town of Yacolt, Mayor	mayorcarothers@centurytel.net
School Districts:	
Battle Ground School District	lynn.marybeth@battlegroundps.org
Battle Ground School District	jolma.kevin@battlegroundps.org
Camas School District	mike.nerland@camas.wednet.edu

Camas School District	helen.charneski@camas.wednet.edu
Evergreen School District	rgood@egreen.wednet.edu
ESD 112	marnie.allen@esd112.org
Green Mountain School District	ioe.iones@greenmountainschool.us
Hockinson School District	sandra.yager@hock.k12.wa.us
La Center School District	mark.mansell@lacenterschools.org
Ridgefield School District	art.edgerly@ridge.k12.wa.us
Vancouver School District	steven.webb@vansd.org
Vancouver School District	jennifer.halleck@vansd.org
Washougal School District	joe.steinbrenner@washougalsd.org
Woodland School District	steent@woodlandschools.org
Special Purpose Agencies:	
Clark County Public Utilities (PUD)	dallen@clarkpud.com
Clark Regional Wastewater District	dkiggins@crwwd.com
Col. River Economic Dev. Council (CREDC)	mbomar@credc.org
Vancouver Housing Authority	rjohnson@vhausa.com
Ports:	
Port of Camas-Washougal, Exec. Director	david@portcw.com
Port of Ridgefield, Executive Director	bgrening@portridgefield.org
Port of Vancouver, Environ. Services	pboyden@portvanusa.com
Port of Vancouver	info@portvanusa.com
Port of Woodland	jkeene@portofwoodland.com
Libraries:	
Battle Ground Community Library	jspurlock@fvrl.org
Camas Public Library	rmartin@cl.camas.wa.us
Cascade Park Community Library	ttorres@fvrl.org
Vancouver Community Library	kford@fvrl.org
Ridgefield Community Library	P.O. Box 547, Ridgefield, WA 98642
Van Mall Community Library	bmeisenheimer@fvrl.org
Washougal Community Library	smcgill@fvrl.org
Woodland Public Library	jkeeler@fvrl.org
Fire Districts:	
East County Fire & Rescue	dthornberry@ecfr.us
Clark County Fire & Rescue	dennis.mason@clarkfr.org
Clark County Fire & Rescue & District #2	mike.jackson@clarkfr.org
Fire Protection District #3	steve@fire3.org
Fire Protection District #5	dave.vial@nwrwc.org
Fire Protection District #6	jerryg@ccfd6.org
Fire Protection District #10	gordon.brooks@clark.wa.gov
Fire Protection District #13	b.peeler@northcountryems.org
Media:	
Camas-Washougal Post Record	heather.acheson@camaspostrecord.com
Columbian	metrodesk@columbian.com
KGW NW TV Channel 8	newsdesk@kgw.com
KOIN News Center 6	koindesk@koin.com
KPDX FOX 49	foxdesk@kpdx.com
Oregonian	abrettman@oregonian.com
Reflector	christine@thereflector.com
Neighborhood Associations:	
Andresen/St. Johns N.A.	n.chambers@comcast.net
East Fork Frontier N.A..	gabriel364@aol.com
East Fork Hills Rural Association	coyoteridge@tds.net

East Minnehaha N.A.	emna@rcn.com
Enterprise/Paradise Point N.A.	balancedjw@gmail.com
Fairgrounds N.A.	bridget@bridge-i-t.com
Felida N.A.	timberline713@gmail.com
Greater Brush Prairie N.A.	rpearson7@gmail.com
Green Meadows N.A.	davesoco@comcast.net
Heritage N.A.	heritageneighborhood@gmail.com
Maple Tree N.A.	Mapletreena1@gmail.com
Meadow Glade N.A.	mgnassoc@outlook.com
NE Hazel Dell N.A.	laurel090807@gmail.com
North Fork Lewis N.A.	PO Box 2121, Woodland, WA 98674
North Salmon Creek N.A.	NSCNA+president@salmoncreeklive.com
Pleasant Highlands N.A.	abramson@lifescipartners.net
Proebstel N.A.	proebstelawendy@yahoo.com
Ridgefield Junction N.A.	marc.krsul@edwardjones.com
Roads End N.A.	5513 NE 40 th St., Vancouver WA 98661 bemur@comcast.net
Sherwood Hills N.A.	vicki.fitzsimmons@edwardjones.com
Sifton N.A.	siftonneighborhood@gmail.com
Sunnyside N.A.	sunnysidenava@yahoo.com
Truman N.A.	trumanneighborhood@gmail.com
Washougal River N.A.	brendanaddis@comcast.net
West Hazel Dell N.A.	ilastanek@hotmail.com
Neighborhood Assn. Council (NACCC)	dougballou@comcast.net
Other Interested Parties:	
BIA of SW WA (Building Industry Assn.)	Jamie.howsley@jordanramis.com
Clark County Natural Resource Council	karpjd@comcast.net
Clark County Association of Realtors	coe@ccrealtors.com
Clark County Citizens in Action	1017 NE 107 th St., Vancouver WA 98685
Clark County Citizens United	ccculnc@yahoo.com
Clark County Citizens United	nickredinger@hotmail.com
Clark County Public Health Advisory Council	colliersepticconsult-design@comcast.net
Clifford Aaby	flyboy256@a.com
David Cooper	27715 NE 197 th Ave., Battle Ground WA 98604
David Taylor	davet@ccfd6.org
Eric Fuller & Associates	efuller@ef-inc.com
Foster Pepper & Shefelman	washj@foster.com
Friends of Clark County	charlene.welch@comcast.net
Friends of Columbia Gorge	rick@gorgefriends.org
Greater Vancouver Chamber of Commerce	kparker@vancouverusa.com
James Howsley	jamie.howsley@jordanramis.com
Ken Hadley	kenhadley@comcast.net
Kent Landerholm & Associates, Inc.	kent.landerholmandassociates@comcast.net
Landerholm, P.S.	stacey.shields@landerholm.com
Pam Mason	nwzephyr@msn.com
Rural Clark County Preservation Assoc.	ddykes@tds.net
Stoel Rives LLP	mrfeichtinger@stoel.com
SW WA Contractors Association	lisa@swca.org
WSU Finance & Operations	lvalenter@vancouver.wsu.edu
Wuanita Herron	wmherron@iunio.com

#END OF LIST#

SEPA ENVIRONMENTAL CHECKLIST

A. background

1. Name of proposed project, if applicable:

CPZ 2015-00002 Shoreline Master Program Limited Amendment

2. Name of applicant: Clark County

3. Address and phone number of applicant and contact person:

Oliver Orjiako; Director
Clark County Community Planning
P.O. Box 9810
Vancouver, WA 98666-9810
(360) 397-2280 extension 4112

4. Date checklist prepared: August 3, 2015

5. Agency requesting checklist: Clark County, WA

6. Proposed timing or schedule (including phasing, if applicable):

If approved by the Clark County Board of Councilors, the Clark County SMP Limited Amendment will go to the Department of Ecology (Ecology) for formal review. The SMP Limited Amendment would become effective when Ecology approves it, expected to be sometime in early 2016.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No, this is a non-project action.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None, this is a non-project action.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None, this is a non-project action.

10. List any government approvals or permits that will be needed for your proposal, if known.

Ecology will conduct a formal review of the SMP limited amendment once it is adopted by the Board. This may or may not include a public hearing in the county.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The limited amendment would improve the consistency between the county's shoreline program and the state standards. The amendment would add text to clarify normal maintenance in the list of exemptions, regulate replacement of non-conforming residential structures that are damaged or destroyed, and clarify SMP text to improve implementation.

12. Location of the proposal. Clark County, Wa

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other Not Applicable

The SMP limited amendment will apply to all shorelines in county jurisdiction, which include areas containing steep slopes and unstable soils.

b. What is the steepest slope on the site (approximate percent slope)?

Steep slopes in excess of 40% exist in the county

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not applicable. This is a non-project action. Specific soil types will be determined during the shoreline review process. Generally, soils are primarily of the Sauvie-Puyal/up, Hillsboro-Gee-Odne, Hillsboro-Dollar-Cove, and Lauren-Sifton-Wind River associations. They range from fine to coarse and from poorly- to well-drained.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Not applicable. Specific soil types and their characteristics will be determined during the shoreline review process.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable. This is a non-project action. No development is anticipated as part of this application.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable. This is a non-project action. Specific soil types and their characteristics will be determined during the shoreline review process.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable. This is a non-project action. No development is anticipated as part of this application.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None. This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None, this is a non-project action.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable. None, this is a non-project action.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process, if needed.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. The proposal includes shorelines of the state that are subject to shoreline jurisdiction as defined by RCW 90.58. Shorelines of the state include the associated waters.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

None.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable. This is a non-project action. Shoreline jurisdiction includes floodplains.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

This is a non-project action.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals: . . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This is a non-project action. Development projects within shoreline jurisdiction will

require a shoreline review.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.

4. Plants

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass
 pasture
 crop or grain
 Orchards, vineyards or other permanent crops.
 wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

c. List threatened and endangered species known to be on or near the site.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.

- e. List all noxious weeds and invasive species known to be on or near the site.
This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- b. List any threatened and endangered species known to be on or near the site.
This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

US Fish & Wildlife Service IPaC Trust Resource Report August 3, 2015

Threatened species:

Oregon Spotted Frog

Marbled Murrelet

Northern Spotted Owl

Streaked Horned Lark

Yellow-billed Cuckoo

Bull Trout

Golden Paintbrush

Water Howellia

Endangered

Bradshaw's Desert-parsley

Gray Wolf

- c. Is the site part of a migration route?
This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.
- d. Proposed measures to preserve or enhance wildlife, if any:
This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.
- e. List any invasive animal species known to be on or near the site.
This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

This is a non-project action.

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

This is a non-project action.

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

This is a non-project action.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe. None, this is a non-project action.

- 1) Describe any known or possible contamination at the site from present or past uses.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- 4) Describe special emergency services that might be required.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

This is a non-project action. Development projects within shoreline Jurisdiction will require a shoreline review.

3) Proposed measures to reduce or control noise impacts, if any:

This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

This is a non-project action. Shorelands accommodate a wide variety of uses.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

This is a non-project action. Much of the land in shoreline jurisdiction has been and is being used for agricultural activities.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

None, this is a non-project action.

c. Describe any structures on the site.

This is a non-project action.

d. Will any structures be demolished? If so, what?

Development projects within shoreline jurisdiction will require a shoreline review.

e. What is the current zoning classification of the site?

The SMP covers shorelines of the state within Clark County. Shorelands outside of urban growth areas are zoned for rural and resource lands uses. Shorelands in urban growth areas are zoned for a variety of residential and commercial uses.

f. What is the current comprehensive plan designation of the site?

The SMP covers shorelines of the state within Clark County. Shorelands outside of urban growth areas are zoned for rural and resource lands uses. Shorelands in urban growth areas are zoned for a variety of residential and commercial uses.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable. Current Shoreline designations include aquatic, natural, rural conservancy-residential, rural conservancy-resource lands, urban conservancy, medium intensity, and high intensity.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- i. Approximately how many people would reside or work in the completed project?
This is a non-project action.
- j. Approximately how many people would the completed project displace?
This is a non-project action.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:
This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
This is a non-project action.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
This is a non-project action.
- c. Proposed measures to reduce or control housing impacts, if any:
This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.
- b. What views in the immediate vicinity would be altered or obstructed?
This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.
- c. Proposed measures to reduce or control aesthetic impacts, if any:

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- c. Could light or glare from the finished project be a safety hazard or interfere with views?

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- d. What existing off-site sources of light or glare may affect your proposal?

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- d. Proposed measures to reduce or control light and glare impacts, if any:

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Shorelines in the county are home to several state, county, and local parks and greenways, in addition to the Ridgefield and Stelgerwald National Wildlife Refuges. There are also several boat launching facilities, both public and private, in the county. Access to the shorelines is a stated goal of the Shoreline Management Act. The SMP will preserve current recreational opportunities.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

There are sites listed on federal, state, and local inventories and registers. This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review that requires proof of submitting an archaeological pre-determination to the state (DAHP), if applicable.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

This is a non-project action. Site-specific measures and any mitigation measures will be developed during the shoreline review process.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable for this non-project action.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

h. Proposed measures to reduce or control transportation impacts, if any:

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

b. Proposed measures to reduce or control direct impacts on public services, if any.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

16. Utilities

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

This is a non-project action. Development projects within shoreline jurisdiction will require a shoreline review.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee Gary Albrecht

Position and Agency/Organization Planner II, AICP

Date Submitted: 8/3/2015

D. supplemental sheet for nonproject actions

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Adoption of the proposed limited amendment to the SMP would not have a direct impact on discharges to water, emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. The current SMP for Clark County contains provisions restricting such or regulating these types of emissions. Additionally, any development within shoreline jurisdiction would be required to comply with all local, state and federal regulations and standards. The county currently regulates discharges in CCC Chapters 13.26A and 40.385.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

This proposal is a non-project action. No development is occurring. The proposed limited amendment to the SMP would protect plants, fish and other animals and habitats by requiring development first to avoid impacts to fish and wildlife habitat, wetlands, frequently flooded areas and geologic hazard areas. Where impacts are unavoidable, they must be minimized and then mitigated to ensure no net loss of functions.

3. How would the proposal be likely to deplete energy or natural resources?

This non-project action would not deplete energy or natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

No development is proposed at this time. Site plans for proposed development will be prepared and submitted at a future time. Future applications will be reviewed for compliance with applicable ordinances and code sections including habitat, wetlands, historic/archaeology, etc. Generally, the proposed limited amendment to the SMP provides updated policies and regulations to afford a greater level of protection for the shoreline environment. The limited amendment proposal incorporates critical areas protection requirements into the existing SMP.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

In developing the proposed limited amendment to the SMP, the comprehensive plan and the existing zoning were taken into consideration. The proposal is designed to be compatible with existing plans.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This non-project proposal would not increase demands on transportation or public services and utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Care has been taken to ensure that the provisions of the proposed limited amendment to the SMP will not conflict with other local, state, or federal laws or requirements for the protection of the environment. In many cases, existing state and local requirements are built into or cited in the SMP. Where conflicts do occur, the current SMP provides that the regulations providing the most protection to the environment will prevail.

40.460.170 Relationship to other plans and regulations

F. The Clark County Critical Area Ordinances (CAO) are adopted into the master program by reference, except that those provisions inconsistent with the Shoreline Management Act and implementing Washington Administrative Code chapters shall not apply in shoreline jurisdiction. The applicable CAO is the version listed in CCC 40.460.530. Any amendments to the CAO shall be incorporated through an amendment to the master program that is approved by the Department of Ecology pursuant to WAC 173-26-191(2)(b).

40.460.230 Exemptions from a Shoreline Substantial Development Permit

B. List of Exemptions.

2.

Normal maintenance or repair of existing legally established structures or developments, including damage by accident, fire, or elements: Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment. The replacement of demolished existing single-family residences and appurtenances is not considered normal maintenance and repair.

16. a. A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:

1 a. The project has been approved by WDFW;

2 b. The project has received hydraulic project approval (HPA) by WDFW pursuant to Chapter 77.55 RCW; and

3 e. Clark County has determined that the project is substantially consistent with the local Shoreline Master Program. Clark County shall make such determination in a timely manner and provide it by letter to the applicant.

b. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with local shoreline master programs as required by 16(a) (3) above.

40.460.520 Archaeological, Cultural, and Historic Resources

A. When a shoreline use or development is in an area known or likely to contain archaeological artifacts and data based on the state's ~~Clark County's~~ predictive model, the applicant shall provide for a site inspection and evaluation by a professional archaeologist prior to issuance of any shoreline permit or approval. Work may not begin until the inspection and evaluation have been completed and the county has issued its permit or approval.

- B. If any item of possible archaeological interest (including human skeletal remains) is discovered on site, all work shall immediately stop, and the county, State Department of Archaeology and Historic Preservation (DAHP), and affected Native American tribe(s) shall be notified of the discovery. A stop-work order will be issued. The shoreline permit will be temporarily suspended. All applicable state and federal permits shall be ~~secured~~ obtained as a condition of resumption of development activities. Development activities may resume only upon the applicant's receipt of county approval.

40.460.530 Critical Areas Protection

B. Applicable Critical Areas.

For purposes of this Program, the following critical areas will be protected under this Program: An amendment to these regulations will apply in shoreline jurisdiction only if it is adopted as an SMP limited amendment:

1. Critical aquifer recharge areas, defined in Chapter 40.410 as adopted by Ordinance 2005-04-15, dated April 26, 2005; Ordinance 2009-03-02;
2. Flood hazard areas, defined in Chapter 40.420 as adopted by Ordinance 2012-07-15, dated July 24, 2012;
3. Geologic hazard areas, defined in Chapter 40.430 as adopted by Ordinance 2005-04-15, dated April 26, 2005; Ordinance 2006-09-13; Ordinance 2009-01-01; Ordinance 2012-02-03; and Ordinance 2012-07-16;
4. Habitat conservation areas, defined in Chapter 40.440 as adopted by Ordinance 2006-08-03, dated August 1, 2006; Ordinance 2012-07-16; and Ordinance 2014-12-05; and
5. Wetlands, defined in Chapter 40.450 as adopted by Ordinance 2006-05-27, dated May 26, 2006; Ordinance 2012-07-03; Ordinance 2012-07-16; and Ordinance 2014-12-05.

C. Critical Aquifer Recharge Areas.

1. General Provisions. Chapter 40.410, Critical Aquifer Recharge Areas, Ordinance 2005-04-15, dated April 26, 2005; and Ordinance 2009-03-02, is hereby adopted in whole as part of this Program.

F. Habitat Conservation Areas.

1. General Provisions.

- a. Designated habitat areas are those defined in Section 40.100.070 and those described below:
 - (1) Water bodies defined as waters of the state (RCW 90.48.020), including waters, bed, and bank;

- (2) DNR Classification System Type S, F, Np, and Ns water bodies as defined and mapped based on WAC 222-16-030 (Forest Practices Rules);
- (3) Riparian Priority Habitat Areas. Areas extending landward on each side of the stream or water body from the ordinary high water mark to the edge of the one hundred (100) year floodplain, or the following distances, if greater:
 - (a) DNR Type S waters, two hundred fifty (250) feet;
 - (b) DNR Type F waters, two hundred (200) feet;
 - (c) DNR Type Np waters, one hundred (100) feet; and
 - (d) DNR Type Ns waters, seventy-five (75) feet;
- (4) Other Priority Habitats and Species (PHS) Areas. Areas identified by and consistent with WDFW priority habitats and species criteria, including areas within one thousand (1,000) feet of individual species point sites. The county shall defer to WDFW in regards to classification, mapping and interpretation of priority habitat species.

~~b. The above habitat areas are mapped on a countywide basis in the adopted "Priority Habitats and Species Map." Maps are on file with Clark County Environmental Services, except that maps of individual locations of sensitive, threatened, or endangered wildlife species are maintained separately to protect sensitive species.~~

G. Wetlands.

3. Standards.

a. Stormwater Facilities.

- (1) Stormwater dispersion practices and facilities that comply with the standards of Chapter ~~40.385~~ 40.386 shall be allowed in all wetland buffers where no net loss of shoreline ecological functions can be demonstrated. Stormwater outfalls for dispersion facilities shall comply with the standards in Section 40.460.530(G)(3)(b).
- (2) Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than ~~twenty~~ five (20 5) points on the habitat section of the rating system form) per Section 40.450.040(C)(4)(b).

h. Wetland mitigation shall be required in accordance with the wetland mitigation standards in this section for the following indirect wetland impacts:

- (3) Unavoidable loss of wetland function due to stormwater discharges that do not meet the wetland protection standards in Chapter ~~40.385~~ 40.386.

40.460.560 Site Planning and Development

A. General.

2. Impervious surfaces shall be minimized to the extent feasible as specified in Chapter ~~40.385~~ 40.386. Low impact development techniques shall be utilized where feasible to minimize increases to stormwater runoff.

40.460.590 Water Quality and Quantity

- B. All shoreline development shall comply with the applicable requirements of Chapters 13.26A, Water Quality, ~~40.385~~ 40.386, Stormwater and Erosion Control, and 40.410, Critical Aquifer Recharge Areas.
- C. Best management practices (BMPs) for control of erosion and sedimentation (Chapter ~~40.385~~ 40.386) and for meeting water quality standards (Chapter 13.26A) shall be implemented for all shoreline development.

40.460.630 Use-Specific Development Regulations

F. Industrial Uses.

2. Log Storage.

- g. Nonaquatic log storage areas shall meet the following requirements:

- (2) Stormwater shall be managed consistent with Chapters 13.26A and ~~40.385~~ 40.386; and

J. Recreational Uses.

11. Golf course water hazards and stormwater drainage basins shall be managed:

- b. Consistent with Chapters 13.26A and ~~40.385~~ 40.386.

N. Utility Uses.

6. Stormwater control facilities, limited to detention/retention/treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the stormwater facilities are designed to mimic and resemble natural wetlands, ponds, or closed depressions, and meet applicable water quality requirements of Chapter ~~40.385~~ 40.386.

40.460.630 Use-Specific Development Regulations

K.

13. Legally established existing residential structures and appurtenances located landward of the OHWM and outside the floodway that do not meet the standards of this Program are considered to be conforming, except that existing residential structures either demolished or damaged by more than sixty percent (60%) of the replacement

cost by fire, flood, explosion, or natural disaster are no longer considered conforming. A one - (1) time expansion is allowed, as follows:

- a. The expansion is no more than twenty-five percent (25%) of the habitable floor area of the existing residence;
- b. The expansion does not exceed the allowed height limit;
- c. The expansion is no further waterward of than the existing structure; and
- d. The applicant demonstrates ~~through a letter of exemption~~ that the expansion will result in no net loss of shoreline ecological functions.

New appurtenances shall meet the setback requirements of this Program.

**CLARK COUNTY
STAFF REPORT**

DEPARTMENT/DIVISION: Environmental Services / Resource Enhancement & Permitting
DATE: December 9, 2014
REQUEST: Adopt the ordinance containing updates to the Habitat Conservation and Wetland Protection Ordinances, Chapters 40.440 and 40.450 of the Clark County Code.
CHECK ONE: Consent Hearing Chief Administrative Officer

BACKGROUND: On October 1, 2014 at a Board of Clark County (BOCC) work session, Environmental Services presented several proposed code changes to the Wetland Protection and Habitat Conservation Ordinances (CCC 40.450 & CCC 40.440). Proposed changes to the Wetland Protection Ordinance (CCC 40.450) are being driven by changes the Washington Department of Ecology has made to the Washington State Wetland Rating System. Additional changes to the Habitat Conservation Ordinance are being requested to help improve customer service and flexibility in issuance of permits.

The proposed code changes were presented to the Clark County Planning Commission on November 6, 2014 as part of a work session. No substantial discussion was had on the matter at the work session. On November 20, 2014 a Planning Commission public hearing was held and the commission formally recommended approval of the proposed code changes to the BOCC at that time.

COMMUNITY OUTREACH: Clark County Environmental Services provided the proposed code changes to the State Department of Commerce on October 6, 2014 for a 60-day review as required by RCW 36.70A.106. The 60-day comment period closed on December 5, 2014. A SEPA Determination of Non-significance was published in the local newspaper of record on November 5, 2014, distributed to more than 150 governmental agencies, community groups, and other interested parties, and published on the Clark County Environmental Services website. No comments on the proposed code changes were received. Public Notices were also published in the local newspaper of record for the Planning Commission hearing and for the Board of Clark County Commissioners public hearing.

BUDGET AND POLICY IMPLICATIONS: These proposed code changes will not have a measurable fiscal impact on the county. Changes made to the Wetland Protection Ordinance may result in a slight workload increase. The increased workload is impossible to estimate until the new wetland rating system is put in effect and used for a period of time. Changes made to the Habitat Conservation Ordinance will likely result in a minor decrease in fee revenue, but will be balanced by a slight reduction in workload.

The proposed code changes will result in minor policy modifications by allowing for an expedited permit issuance process, increasing the flexibility of an existing habitat code exemption, and making up to date fish and wildlife habitat data more easily accessible to the general public. Changes to the Wetland Protection Ordinance do not constitute a policy change, because the Growth Management Act requires the county to remain consistent with best available science.

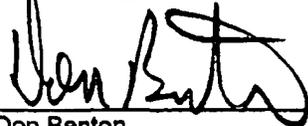
FISCAL IMPACTS: Yes (see Fiscal Impacts Attachment) No

ACTION REQUESTED: Adopt the ordinance containing updates to the Habitat Conservation and Wetland Protection and Ordinances, Chapters 40.440 and 40.450 of the Clark County Code.

DISTRIBUTION: Please return the approved staff report to Environmental Services Administration.



Kevin Tyler
Division Manager



Don Benton
Environmental Services Director

KT/KT

APPROVED: Dec. 9, 2014
CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS

Attachments: Draft Ordinance; Planning Commission Recommendation; SEPA Determination of Non-significance.

ORDINANCE No. 2014-12-05

An ordinance relating to wetland protection and habitat conservation; amending Chapters 40.440, 40.450, and 6.110A of the Clark County Code; and providing for an effective date.

WHEREAS, the Washington Department of Ecology recently revised the Washington State Wetland Rating System, and as required by the Growth Management Act, Clark County shall keep its critical areas ordinances consistent with best available science; and

WHEREAS, the Department of Environmental Services is committed to providing excellent customer service and has identified opportunities to improve the flexibility of providing that service by offering expedited permitting, improved habitat mapping, and revised exemption criteria, and

WHEREAS, the required sixty day notification of intent to adopt this set of code amendments was received by the Department of Commerce on October 7, 2014; and

WHEREAS, a SEPA Determination of Non-significance was published on November 5, 2014, and no comments were received; and

WHEREAS, legal notice of the Clark County Planning Commission public hearing was published on November 5, 2014; and

WHEREAS, the Planning Commission took public testimony on November 20, 2014, and developed their recommendation of approval to the Board of Commissioners; and

WHEREAS, legal notice of the Board of County Commissioner's public hearing was published on November 19, 2014; and

WHEREAS, on December 9, 2014, the Board of County Commissioners took public testimony on the Planning Commission recommendation; and

WHEREAS, the Board of County Commissioners finds these amendments in the public interest; now, therefore,

BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Amendatory. Those portions of Section 30 of Ordinance 1997-12-46, as most recently amended by Section 1, Exhibit 1 of Ordinance 2012-02-03, and codified as CCC 6.110.040, are each hereby amended as follows:

6.110A.040 Environmental services review fees

Fees for review activities included in Table 6.110A.040 shall be collected prior to processing the application.

Table 6.110A.040 Preliminary/Final Environmental Review Fees

Section	Activity	Fee	Issuance Fee
1	Environmental Services Fees ^{1, 8, 10, 12}		
A	AG Management Plan		
	Habitat agriculture plan	Free	N/A
B	Applicant Initiated Hold/Open Record for Hearing ²		
	Any critical area case type	\$174	N/A
C	Appeals to Hearing Examiner		
I	Appeals of an environmental permit decision ⁴ or appeals of community development or public works cases where the appeal could affect critical area permits or have environmental impacts.	\$200	\$94
II	Reconsideration by hearings examiner	Reimburse county at hourly rate of examiner	\$94
D	Building Permit <u>Applicability Review</u> (not including site visit)		
	Office review for forest/habitat/wetland ordinance applicability <u>and expedited habitat permits</u> . ³	\$135	N/A

Section 2. Amendatory. Those portions of Section 1 of Ordinance 1997-05-30 most recently amended by Section 1, Exhibit A of Ordinance 2006-08-03 and codified as CCC 40.440.010, are each hereby amended as follows:

40.440.010 Introduction

C. Habitat Areas Covered by This Chapter.

1. Categories. This chapter shall apply to nonexempt activities as defined in Table 40.440.010-1 that are proposed within the following habitat areas:
 - a. Riparian Priority Habitat. Areas extending outward on each side of the stream (as defined in Section 40.100.070, Definitions) from the ordinary high water mark to the edge of the one hundred (100) year floodplain, or the following distances, if greater:

- (1) DNR Type S waters, two hundred fifty (250) feet;
- (2) DNR Type F waters, two hundred (200) feet;
- (3) DNR Type Np waters, one hundred (100) feet;
- (4) DNR Type Ns waters, seventy-five (75) feet.

Water types are defined and mapped based on WAC 222-16-030, (Forest Practices Rules). Type S streams include shorelines of the state and have flows averaging twenty (20) or more cubic feet per second; Type F streams are those that are not Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). All streams are those areas where surface waters flow sufficiently to produce a defined channel or bed as indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. Ns streams must connect to another stream above ground. Seasonal or intermittent streams are surface streams with no measurable flow during thirty (30) consecutive days in a normal water year.

- b. Other Priority Habitats and Species. (PHS). Areas identified by and consistent with WDFW priority habitats and species criteria, including areas within one thousand (1,000) feet of individual species point sites. The county shall defer to WDFW in regards to classification, mapping and interpretation of priority habitat species.
- c. Locally Important Habitats and Species. Areas legislatively designated and mapped by the county because of unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. This subsection shall not apply to areas which have not been designated on official mapping. The criteria for mapping of these areas are that they possess unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. Recommendations for mapping areas meeting these criteria may be submitted by any person or group, and shall be reviewed annually by the county in conjunction with the plan amendments docket process as specified by Section 40.560.030 (Amendments Docket). Notice of any such recommendations deemed to merit formal consideration shall be provided to impacted property owners pursuant to Section 40.510.030(E)(3) (Type III Process). Such recommendations will not be reviewed as part of individual development requests.

2. Mapping.

- a. ~~The above habitat areas are mapped on a countywide basis in the adopted "Priority Habitats and Species Map." Maps are on file in the department and are available for public viewing and circulation. Further distribution of mapped information and notification to potentially impacted property owners will be completed as indicated in Sections 40.440.020(D)(1) and (E)(1).~~

~~b. Maps of individual locations of sensitive, threatened, or endangered wildlife species are maintained separately. Under law, this information is not available for widespread public distribution unless authorized by WDFW. However, property owners may obtain all existing information for their properties upon request.~~

~~c. Official maps shall be updated by the county as warranted by new information using the annual review process.~~

23. Best Available Science. Definitions and maps of habitat areas are based on best available science, as defined in WAC 365-195-905 (Criteria for determining which information is the "best available science") and described in the following documents:

- a. 1999 Washington Department of Fish and Wildlife Priority Habitats and Species List;
- b. 1997 Management Recommendations for Washington's Priority Habitats;
- c. The list of best available science references as maintained by the responsible official; and
- d. Associated GIS data files maintained by Clark County Department of Assessment and GIS.

Best available scientific data supporting this chapter may be updated and/or re-evaluated as part of future Title 40 (Unified Development Code) amendments.

34. Determining Site-Specific Applicability. In the event of inconsistencies, official habitat area definitions shall prevail over countywide maps in determining applicability of this chapter. The county shall follow the recommendations of WDFW in the interpretation of site-specific conditions as they relate to the definition of priority habitat and species.

D. Activities Reviewed Under This Chapter.

This chapter applies to activities within designated priority and locally important habitat areas as described in Table 40.440.010-1.

Table 40.440.010-1. Exempt and Reviewed Activities		
Proposal	Is a clearing review required?	Are any additional fees or review timelines required?
Land division or lot reconfiguration entirely outside habitat areas, except as subject to Section <u>40.440.010(B)(3)</u>	No. Exempt	Fees pursuant to Chapter <u>6.110A</u>
Land division or lot reconfiguration containing habitat areas, except as subject to Section <u>40.440.010(B)(3)</u>	Exempt if impacted lots establish building and clearing envelopes	Fees pursuant to Chapter <u>6.110A</u> . Adjustment to allow smaller lots necessary for

	outside of habitat	critical lands protection can be provided without additional fees, if consistent with overall zoning density as per Section <u>40.440.020(C)(1)</u>
Any activities on lots not in habitat areas, except as subject to Section <u>40.440.010(B)(3)</u>	Exempt	None
Any activities on portions of lots not containing habitat areas, except as subject to Section <u>40.440.010(B)(3)</u>	Exempt	None
Remodeling, or replacement of, or additions to, not to exceed the 1997 footprint, of existing homes and associated appurtenances buildings that expand the original footprint by no more than 900 sq. ft. within the outer 50% of the Riparian habitat area and do not require clearing of native trees or shrubs inside habitat areas.	Exempt	None
Maintenance of existing yards and landscaping in habitat areas	Exempt	None
Forest practices in habitat areas that are regulated by the Washington Department of Natural Resources under the Forest Practices Rules or regulated under Clark County Code Section <u>40.260.080</u> , Forest Practices, except conversions or conversion option harvest plans (COHPs)	Exempt	None
Emergency clearing to abate immediate danger to persons or property. For emergency clearing of hazard trees, remove only that portion of a hazard tree as is minimally necessary to remediate the hazard. Cut wood should be left in the habitat area	Exempt	None
Clearing necessary for the emergency repair of utility or public facilities; provided, that notification of emergency work that causes substantial degradation to functions and values is reported in a timely	Exempt	None

manner		
Clearing for operation, maintenance or repair of existing utilities or public facilities that does not further increase the impact to, or encroach further within the habitat area	Exempt	None
Clearing of defined nuisance vegetation in habitat areas which utilizes methods that minimize disturbance of soils and non- nuisance vegetation. Replanting with native vegetation should be pursued to prevent re-infestation.	Exempt	None
Clearing as minimally necessary for placement of fencing, private wells, septic systems or individual lot sewer, water, electrical or utility connections in habitat areas, where practical alternatives do not exist	Exempt	None
Clearing as minimally necessary for stream bank restoration, for native replanting or enhancements in habitat areas	Exempt	None
Clearing as minimally necessary for routine road maintenance activities in habitat areas consistent with Regional Road Maintenance ESA Program Guidelines	Exempt	None
Clearing as minimally necessary for soil, water, vegetation or resource conservation projects having received an environmental permit from a public agency in habitat areas	Exempt	None
Clearing as minimally necessary for creating a 4-foot or narrower path using natural, wood-based, or vegetated pervious surfacing in habitat areas	Exempt	None
Clearing as minimally necessary for surveying or testing in habitat areas	Exempt	None
Clearing or development in riparian habitat areas which is at least one hundred (100) feet from the waterline and separated by a continuous public or private roadway serving	Exempt	None

three (3) or more lots		
Non-development clearing activities in habitat areas consistent with a recorded stewardship plan for which any mitigation specified in the plan is timely completed	Exempt	None
Existing agricultural uses within non-riparian habitat areas	Exempt	None
Existing agricultural uses within riparian habitat areas	Reviewed under Section 40.440.040(B)(1)(b)	None
New home or other construction in habitat areas	Review required	No additional timelines. Applicable review (building permit, etc.) must comply with ordinance standards. Fees pursuant to Title 6
All other vegetation clearing in habitat areas	Review required	Fees pursuant to Title 6. Applicable review, if any, must comply with ordinance standards. If no other review involved, clearing request will be reviewed administratively

Section 3. Amendatory. Those portions of Section 1 of Ordinance 1992-02-03 as most recently amended by Section 1, Exhibit A of Ordinance 2006-05-27 and codified as CCC 40.450.020, are each hereby amended as follows:

40.450.020 Rating Systems

B. Wetland Rating System.

Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetland Rating System for Western Washington (~~Ecology Publication #04-06-025, August 2004~~). The rating system document contains the definitions and methods for determining if the criteria below are met:

1. Wetland Rating Categories.

- a. Category I. Category I wetlands are:

- (1) Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as having high high-quality wetlands conservation value;
- (2) ~~Bogs larger than one-half (1/2) acre;~~
- (3) Mature and old growth forested wetlands, as defined by WDFW priority habitat and species provisions, larger than one (1) acre; or
- (4) Wetlands that ~~perform many function at high levels well~~, as characterized by a wetland score of ~~seventythree (7023)~~ or greater on the rating form.

Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.

b. Category II. Category II wetlands are:

- (1) ~~A wetland identified by the Washington State Department of Natural Resources as containing "sensitive" plant species;~~
- (2) ~~A bog between one quarter (1/4) and one half (1/2) acre in size; or~~
- (3) Wetlands that perform with a moderately high level of functions well, as characterized by a wetland score of ~~fiftyone (5120)~~ through ~~sixty-ninetwenty two (6922)~~ on the rating form.

Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but they still need a relatively high level of protection.

- c. Category III. Category III wetlands are wetlands with a moderate level of functions, as characterized by a score of ~~thirtysixteen (3016)~~ through ~~fifty-nineteen (5019)~~ on the rating form. Generally, wetlands in this category have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
- d. Category IV. Category IV wetlands have the lowest levels of functions and are often heavily disturbed. They are characterized by a score of less than ~~thirtysixteen (3016)~~ on the rating form. These are wetlands that should be replaceable, and in some cases may be improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be also need to be protected to some degree.

2. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, as the wetland naturally changes thereafter, or as the wetland

changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

Section 4. Amendatory. Those portions of Section 1 of Ordinance 1992-02-03 as most recently amended by Section 13 of Ordinance 2012-07-03 and codified as CCC 40.450.030(E), are each hereby amended as follows:

40.450.030 Standards

E. Buffers. Wetland buffer widths shall be determined by the responsible official in accordance with the standards below:

1. All buffers shall be measured horizontally outward from the delineated wetland boundary or, in the case of a stream with no adjacent wetlands, the ordinary high water mark as surveyed in the field.
2. Buffer widths are established by comparing the wetland rating category and the intensity of land uses proposed on development sites per Tables 40.450.030-2, 40.450.030-3, 40.450.030-4 and 40.450.030-5. For Category IV wetlands, the required water quality buffers, per Table 40.450.030-2, are adequate to protect habitat functions.

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

Table 40.450.030-3. Buffers Required to Protect Habitat Functions in Category I and II Wetlands			
Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
19 <u>4</u> points or less	See Table 40.450.030-2	See Table 40.450.030-2	See Table 40.450.030-2
20—23 <u>5</u> points	6 <u>7</u> 0 ft.	9 <u>10</u> 5 ft.	12 <u>4</u> 0 ft.
24—27 <u>6</u> points	90 ft.	13 <u>0</u> 5 ft.	180 ft.
28—30 <u>7</u> points	13 <u>1</u> 0 ft.	19 <u>6</u> 5 ft.	26 <u>2</u> 0 ft.
31 <u>8</u> points or greater	15 <u>3</u> 0 ft.	22 <u>1</u> 95 ft.	30 <u>2</u> 60 ft.
<u>9</u> Points	<u>150</u> ft.	<u>225</u> ft.	<u>300</u> ft.

Table 40.450.030-4. Buffers Required to Protect Habitat Functions in Category III Wetlands			
Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
19 <u>4</u> points or less	See Table 40.450.030-2	See Table 40.450.030-2	See Table 40.450.030-2
20—23 <u>5</u> points	60 ft.	90 ft.	120 ft.
24 <u>6</u> points or greater	7 <u>6</u> 5 ft.	11 <u>1</u> 00 ft.	15 <u>3</u> 5 ft.
<u>7</u> Points	<u>75</u> ft.	<u>110</u> ft.	<u>150</u> ft.

Table 40.450.030-5. Land Use Intensity Matrix¹

	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial /Industrial	Residential²
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	Density at or lower than 1 unit per 5 acres
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density between 1 unit per acre and higher than 1 unit per 5 acres

Table 40.450.030-5. Land Use Intensity Matrix¹

<p>High</p>	<p>Greens, trees, structures, parking, lighting, concrete or gravel pads, security fencing</p>	<p>Public and private streets, security fencing, retaining walls</p>	<p>Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing</p>	<p>Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.</p>	<p>All site development</p>	<p>Density higher than 1 unit per acre</p>
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¹The responsible official shall determine the Intensity categories applicable to proposals should characteristics not be specifically listed in Table 40.450.030-5.

²Measured as density averaged over a site, not individual lot sizes.

3. In urban plats and subdivisions, wetlands and wetland buffers shall be placed within a nonbuildable tract with the following exceptions:
 - a. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
 - b. The responsible official determines a tract is impractical.
 - c. Where the responsible official determines the exceptions in Section 40.450.030(E)(3)(a) or (b) apply, residential lots may extend into wetlands and wetland buffers; provided, that all the requirements of Section 40.450.030(F) are met.
4. Adjusted Buffer Width.
 - a. Adjustments Authorized by Wetland Permits. Adjustments to the required buffer width are authorized by Section 40.450.040(D) upon issuance of a wetland permit.

b. **Functionally Isolated Buffer Areas.** Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts shall be treated as follows:

- (1) Pre-existing roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter;
- (2) Distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater than ~~twenty (20)~~ four (4) points shall not be subject to the habitat function buffers designated in Tables 40.450.030-3 and 40.450.030-4 if all of the following criteria are met:
 - (a) The area of reduced habitat function is at least one (1) acre in size;
 - (b) The area supports less than five (5) native plant species and does not contain special habitat features listed in Section H1.5 of the rating form;
 - (c) The area of reduced habitat function has low or no interspersions of habitats as defined in Section H1.4 of the rating form;
 - (d) The area does not meet any WDFW priority habitat or species criteria; and
 - (e) The required habitat function buffer is provided for all portions of the wetland that do not have reduced habitat function.

c. **Maximum Buffer Area.** Except for streams, buffers shall be reduced as necessary so that total buffer area (on- and off-site) does not exceed two (2) times the total wetland area (on- and off-site); provided, the minimum buffer width at any point shall not be less than the water quality buffer widths for low intensity uses contained in Table 40.450.030-2.

Section 5. Amendatory. Those portions of Section 1 of Ordinance 1992-02-03 as most recently amended by Section 4, Exhibit 3 of Ordinance 2009-01-01 and codified as CCC 40.450.040, are each hereby amended as follows:

40.450.040 Wetland Permits

C. **Buffer Standards and Authorized Activities.** The following additional standards apply for regulated activities in a wetland buffer:

1. **Reduced Width Based on Modification of Land Use Intensity.** The required buffer width shall be decreased if design techniques are used that reduce the land use

intensity category delineated in Table 40.450.030-5. Eligible design measures include the following:

- a. **General Site Design Measures.** High intensity buffers may be reduced to moderate intensity buffers if all of the following mitigation measures are applied to the greatest extent practicable:
 - (1) **Buffer Enhancement.** Improve the function of the buffer such that buffer areas with reduced function can function properly. This could include the removal and management of noxious weeds and/or invasive vegetation or specific measures to improve hydrologic or habitat function.
 - (2) **Shielding of High Intensity Uses.**
 - (a) **Lights.** Direct all lights away from wetlands;
 - (b) **Noise.** Locate activity that generates noise away from wetlands;
 - (c) **Pets and Human Disturbance.** Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the eco-region; place wetland and its buffer in a separate tract.
 - (3) **Surface Water Management.**
 - (a) **Existing Runoff.** Retrofit stormwater detention and treatment for roads and existing development to the extent determined proportional by the responsible official, and disperse direct discharge of channelized flows from lawns and landscaping;
 - (b) **Change in Water Regime.** Infiltrate and/or disperse stormwater runoff from impervious surfaces and drainage from lawns and landscaping treated in accordance with Chapter 40.385 of the Clark County Code into the buffer at multiple locations.
- b. **Low Impact Development Design.** High intensity buffers may be reduced to moderate or low intensity buffers under the following circumstances:
 - (1) **Limiting stormwater runoff volumes to avoid impacts to receiving waters and wetlands adjacent to the site.**
 - (a) **Reduction to moderate intensity buffers, by:**
 - (i) Meeting the standards for full dispersion in Chapter 40.385 over seventy-five percent (75%) of the site; or
 - (ii) Infiltration of fifty percent (50%) of the stormwater runoff from the site; or
 - (iii) Using low impact development BMPs pursuant to Chapter 40.385 to reduce stormwater runoff volume generated from the site to at

least fifty percent (50%) the runoff volume generated by using standard collection and treatment BMPs.

(b) Reduction to low intensity buffers, by:

- (i) Meeting the standards for full dispersion in Chapter 40.385 for the entire site; or
- (ii) Infiltration of all stormwater runoff from the site; or
- (iii) Using low impact development BMPs pursuant to Chapter 40.385 to match the pre-development stormwater runoff volume from the site.

(2) Enhanced Stormwater Management. Reduction of high land use intensity buffer to moderate land use intensity buffer for implementation of stormwater treatment measures that exceed the standards of Chapter 40.385. This could include measures such as pre-treatment or tertiary treatment of runoff and limiting discharge from the site to pre-development runoff flow and volume.

c. Habitat Corridors. Establishment of a minimum one hundred (100) feet wide functioning or enhanced vegetated corridor between the wetland and any other priority habitat areas as defined by the Washington State Department of Fish and Wildlife reduces a high land use intensity buffer to a moderate land use intensity buffer provided both of the following conditions are met:

- (1) Applies only to wetlands with habitat function scores higher than ~~twenty (20)~~ four (4) on the rating system form;
- (2) The habitat corridor must be protected for the entire distance between the wetland and the priority habitat area by some type of permanent legal protection such as a covenant or easement.

d. The responsible official may determine that proposed measures, other than those specifically listed in Section 40.450.040(C)(1)(a) through (c), will effectively reduce land use intensity and protect or enhance and values of wetlands and, therefore, allow buffer modifications where appropriate.

2. Minimum Buffer. In the case of buffer averaging and buffer reduction via Section 40.450.040(C)(1), the minimum buffer width at its narrowest point shall not be less than the low intensity land use water quality buffer widths contained in Table 40.450.030-2.

3. Buffer Averaging. The boundary of the buffer zone may be modified by averaging buffer widths. If buffer averaging is used, the following conditions must be met:

- a. A maximum of twenty-five percent (25%) of the total required buffer area on the site (after all reductions are applied) may be averaged; and

- b. The total area contained in the buffer, after averaging, shall be at least functionally equivalent and equal in size to the area contained within the buffer prior to averaging.

4. Stormwater Facilities.

- a. Dispersion Facilities. Stormwater dispersion facilities that comply with the standards of Chapter 40.385 shall be allowed in all wetland buffers. Stormwater outfalls for dispersion facilities shall comply with the standards in subsection (b) below. 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 in this section.
- b. Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than ~~twenty (20)~~ five (5) points on the habitat section of the rating system form); provided, 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. Unless determined otherwise by the responsible official, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:
 - (1) Removal of trees greater than four (4) inches diameter at four and one-half (4-1/2) feet above the ground or greater than twenty (20) feet in height;
 - (2) Disturbance of plant species that are listed as rare, threatened or endangered by the county or any state or federal management agency;
 - (3) The construction of concrete structures other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;
 - (4) The construction of maintenance and access roads;
 - (5) Slope grading steeper than four to one (4:1) horizontal to vertical above the normal water surface elevation of the stormwater facility;
 - (6) The construction of pre-treatment facilities such as fore bays, sediment traps, and pollution control manholes;
 - (7) The construction of trench drain collection and conveyance facilities;
 - (8) The placement of fencing; and
 - (9) The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided, that buffer functions for areas covered in rock and/or riprap are replaced.

5. **Road and Utility Crossings.** Crossing buffers with new roads and utilities is allowed provided all the following conditions are met:
 - a. Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced; and
 - b. Impacts to the buffer and wetland are minimized.
6. **Other Activities in a Buffer.** Regulated activities not involving stormwater management, road and utility crossings, or a buffer reduction via enhancement are allowed in the buffer if all the following conditions are met:
 - a. The activity is temporary and will cease or be completed within three (3) months of the date the activity begins;
 - b. The activity will not result in a permanent structure in or under the buffer;
 - c. The activity will not result in a reduction of buffer acreage or function;
 - d. The activity will not result in a reduction of wetland acreage or function.

(Amended: Ord. 2009-01-01)

- D. Standards – Wetland Activities.** The following additional standards apply to the approval of all activities permitted within wetlands under this section:
1. **Sequencing.** Applicants shall demonstrate that a range of project alternatives have been given substantive consideration with the intent to avoid or minimize impacts to wetlands. Documentation must demonstrate that the following hierarchy of avoidance and minimization has been pursued:
 - a. **Avoid impacts to wetlands unless the responsible official finds that:**
 - (1) For Category I and II wetlands, avoiding all impact is not in the public interest or will deny all reasonable economic use of the site;
 - (2) For Category III and IV wetlands, avoiding all impact will result in a project that is either:
 - (a) Inconsistent with the Clark County Comprehensive Growth Management Plan;
 - (b) Inconsistent with county-wide critical area conservation goals; or
 - (c) Not feasible to construct.
 - b. **Minimize impacts to wetlands if complete avoidance is infeasible.** The responsible official must find that the applicant has limited the degree or

magnitude of impact to wetlands by using appropriate technology and by taking affirmative steps to reduce impact through efforts such as:

- (1) Seeking easements or agreements with adjacent land owners or project proponents where appropriate;
 - (2) Seeking reasonable relief that may be provided through application of other county zoning and design standards;
 - (3) Site design; and
 - (4) Construction techniques and timing.
- c. Compensate for wetland impacts that will occur, after efforts to minimize have been exhausted. The responsible official must find that:
- (1) The affected wetlands are restored to the conditions existing at the time of the initiation of the project;
 - (2) Unavoidable impacts are mitigated in accordance with this subsection; and
 - (3) The required mitigation is monitored and remedial action is taken when necessary to ensure the success of mitigation activities.
2. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:
- a. On-site. Locate mitigation according to the following priority:
 - (1) Within or adjacent to the same wetland as the impact;
 - (2) Within or adjacent to a different wetland on the same site;
 - b. Off-site. Locate mitigation within the same watershed, as shown on Figure 40.450.040-1, or use an established wetland mitigation bank; the service area determined by the mitigation bank review team and identified in the executed mitigation bank instrument;
 - c. In-kind. Locate or create wetlands with similar landscape position and the same hydro-geomorphic (HGM) classification based on a reference to a naturally occurring wetland system; and
 - d. Out-of-kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.
3. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference.
- a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions

to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

- (1) **Re-establishment.** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
 - (2) **Rehabilitation.** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a degraded wetland. Re-establishment results in a gain in wetland function, but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
- b. **Creation (Establishment).** The manipulation of the physical, chemical, or biological characteristics of a site with the goal of developing a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydro-period, create hydric soils, and support the growth of hydrophytic plant species.
- c. **Enhancement.** The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve the specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydro-periods, or some combination of these activities.

Figure 40.450.040-1
Clark County Watershed
Map



- d. Protection/Maintenance (Preservation). Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation. Preservation does not result in a gain of wetland acres, but may result in improved wetland functions.

4. Wetland Mitigation Ratios.

- a. Standard Wetland Mitigation Ratios. The following mitigation ratios for each of the mitigation types described in Section 40.450.040(D)(3)(a) through (c) apply:

Table 40.450.040-1. Standard Wetland Mitigation Ratios (In Area)					
Wetland to Be Replaced	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation and Rehabilitation	Reestablishment or Creation and Enhancement	Enhancement
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I, Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I, Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I, Natural Heritage Site	Not Considered Possible	6:1 Rehabilitate a Natural Heritage Site	N/A	N/A	Case-by-Case

- b. Preservation. The responsible official has the authority to approve preservation of existing wetlands as wetland mitigation under the following conditions:
- (1) The wetland area being preserved is a Category I or II wetland or is within a WDFW priority habitat or species area;
 - (2) The preservation area is at least one (1) acre in size;
 - (3) The preservation area is protected in perpetuity by a covenant or easement that gives the county clear regulatory and enforcement

authority to protect existing wetland and wetland buffer functions with standards that exceed the protection standards of this chapter;

(4) The preservation area is not an existing or proposed wetland mitigation site; and

(5) The following preservation/mitigation ratios apply:

Habitat Function of Wetland to Be Replaced	In Addition to Standard Mitigation		As the Only Means of Mitigation	
	Full and Functioning Buffer	Reduced and/or Degraded Buffer	Full and Functioning Buffer	Reduced and/or Degraded Buffer
Low (<205 points)	10:1	14:1	20:1	30:1
Moderate (205 – 307 points)	13:1	17:1	30:1	40:1
High (>307 points)	16:1	20:1	40:1	50:1

c. The responsible official has the authority to reduce wetland mitigation ratios under the following circumstances:

(1) Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;

(2) Documentation by a qualified wetland specialist demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;

(3) The proposed actions for compensation are conducted in advance of the impact and are shown to be successful;

(4) In wetlands where several HGM classifications are found within one (1) delineated wetland boundary, the areas of the wetlands within each HGM classification can be scored and rated separately and the mitigation ratios adjusted accordingly, if all the following apply:

(a) The wetland does not meet any of the criteria for wetlands with "Special Characteristics," as defined in the rating system;

(b) The rating and score for the entire wetland is provided as well as the scores and ratings for each area with a different HGM classification;

(c) Impacts to the wetland are all within an area that has a different HGM classification from the one used to establish the initial category; and

(d) The proponents provide adequate hydrologic and geomorphic data to establish that the boundary between HGM classifications lies at least fifty (50) feet outside of the footprint of the impacts.

5. **Indirect Wetland Impacts Due to Loss of Buffer Function or Stormwater Discharges.** Wetland mitigation shall be required in accordance with the wetland mitigation standards in this subsection for the following indirect wetland impacts:
 - a. Buffer loss resulting from wetland fills permitted under this section;
 - b. Reduction of wetland buffers beyond the maximum reduction allowed under Section 40.450.040(C)(2); provided, that such reductions are limited as follows:
 - (1) Road and utility crossings in the wetland buffer approved in accordance with Section 40.450.040(C)(5); and
 - (2) The total indirect wetland impact from buffer reductions is less than one-quarter (1/4) acre.
 - c. Unavoidable loss of wetland function due to stormwater discharges that do not meet the wetland protections standards in Chapter 40.385.
6. **Wetland Buffers Required for Mitigation.** Wetland mitigation shall be protected by the water quality function wetland buffers required in Table 40.450.030-2:
 - a. Reductions to the required buffers may be applied in accordance with Sections 40.450.040(C) and (D)(5);
 - b. All wetland buffers shall be included within the mitigation site and subject to the conservation covenant required under Section 40.450.030(F)(3).
7. **Alternate Wetland Mitigation.**
 - a. **Wetland Mitigation Banking.**
 - (1) Construction, enhancement or restoration of wetlands to use as mitigation for future wetland development impacts is permitted subject to the following:
 - (a) A wetland permit shall be obtained prior to any mitigation banking. If a wetland permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. On projects proposing off-site wetland banking in addition to required wetland mitigation, a separate wetland permit shall be required for each activity. The performance and maintenance bond requirements of Section 40.450.040(H)(3)(c) and (d) shall not be applicable, provided there are no requests for mitigation credit prior to the county determining the mitigation banking is successful. If mitigation banking is not fully functioning, as defined in the wetland permit, at the time mitigation credit is requested, Section 40.450.040(H)(3)(c) and (d) shall apply;
 - (b) Federal and state wetland regulations, if applicable, may supersede county requirements;

- (2) The mitigation credit allowed will be determined by the county, based on the wetland category, condition and mitigation ratios as specified in Section 40.450.040(D)(4). Prior to granting mitigation banking credit, all wetland mitigation banking areas must comply with Section 40.450.030(E)(4)(b) and (c), and, if applicable, Section 40.450.040(H)(3);
 - (3) On projects proposing off-site wetland banking in addition to required wetland mitigation, a separate permit fee will be required for each activity;
 - (4) Purchase of banked wetland credits is permitted to mitigate for wetland impacts in the same watershed provided the applicant has minimized wetland impacts, where reasonably possible, and the following requirements are met:
 - (a) Documentation, in a form approved by the Prosecuting Attorney, adequate to verify the transfer of wetland credit shall be submitted, and
 - (b) A plat note along with information on the title shall be recorded in a form approved by the Prosecuting Attorney as adequate to give notice of the requirements of this section being met by the purchase of banked wetland credits;
- b. Cumulative Effects Fund. The county may accept payment of a voluntary contribution to an established cumulative effects fund for off-site watershed scale habitat and wetland conservation in lieu of wetland mitigation of unavoidable impacts in the following cases:
- (1) Residential building and home business permits where on-site enhancement and/or preservation is not adequate to meet the requirements of Section 40.450.040(D)(4);
 - (2) Approved reasonable use exceptions where sufficient on-site wetland and wetland buffer mitigation is not practical;
 - (3) Small impacts affecting less than 0.10 acre of wetland where on-site enhancement and/or preservation is not adequate to meet the requirements of Section 40.450.040(D)(4); or
 - (4) As an additional mitigation measure when all other mitigation options have been applied to the greatest extent practicable.
8. Stormwater Facilities. Stormwater facilities are allowed in wetlands with habitat scores less than ~~twenty (20)~~ five (5) on the rating form, in compliance with the following requirements:
- a. Stormwater detention and retention necessary to maintain wetland hydrology is authorized; provided, that the responsible official determines that wetland functions will not be degraded; and

- b. Stormwater runoff is treated for water quality in accordance with the requirements of Chapter 40.385 prior to discharge into the wetland.
9. Utility Crossings. Crossing wetlands by utilities is allowed, provided the activity is not prohibited by Section 40.450.040(D)(1), and provided all the following conditions are met:
- a. The activity does not result in a decrease in wetland acreage or classification;
 - b. The activity results in no more than a short-term six (6) month decrease in wetland functions; and
 - c. Impacts to the wetland are minimized.
10. Other Activities in a Wetland. Activities not involving stormwater management, utility crossings, or wetland mitigation are allowed in a wetland, provided the activity is not prohibited by Section 40.450.040(D)(1), and provided all the following conditions are met:
- a. The activity shall not result in a reduction of wetland acreage or function; and
 - b. The activity is temporary and shall cease or be completed within three (3) months of the date the activity begins.

Section 6. Effective Date. This Ordinance shall take effect on January 1, 2015.

Section 7. Instructions to Clerk. The Clerk of the Board shall:

1. Transmit a copy of this Ordinance to the Washington State Department of Commerce within 10 days of its adoption, pursuant to RCW 36.70A.106;
2. Record a copy of this Ordinance with the Clark County Auditor;
3. Cause notice of the adoption of this Ordinance to be published forthwith, pursuant to RCW 36.70A.290;
4. Transmit a copy of the adopted amendments to CCC 40.450.020, CCC 40.450.030, CCC 40.450.040, CCC 40.440.010, CCC Table 40.440.010-1 and CCC 6.110A.040 to Code Publishing Inc. forthwith, to update the electronic version of the Clark County Code.

ADOPTED this 9th day of Dec., 2014

Attest:

Rebecca J. Jitor
Clerk to the Board

Approved as to Form Only
ANTHONY F. GOLIK
Prosecuting Attorney

By Christine Cook
Christine Cook
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

By Tom Mielke
Tom Mielke, Chair

By _____
David Madore, Commissioner

By _____
Edward Barnes, Commissioner

40.460.230 Exemptions from a Shoreline Substantial Development Permit

(B) List of Exemptions (2)

Subject to the provisions of CCC 40.460.250, Normal maintenance or repair of existing legally-established structures or developments, including those that have been damaged by accident, fire, or elements. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the features of the repaired replacement structure or development, including but not limited to its size, shape, configuration, location, and external appearance, must be is comparable to the original structure or development, including but not limited to its size, shape, configuration, location, and external appearance and the repair must replacement does not cause substantial adverse effects to shoreline resources or environment. The replacement of demolished existing single-family residences and their appurtenances is not considered normal maintenance and repair.

40.460.630 Use-Specific Development Regulations (K) (13)

A. Legally established existing residential structures and appurtenances located landward of the OHWM and outside the floodway that do not meet the standards of this Program are considered to be conforming.

B. If a structure or development is damaged by fire, flood, explosion, or other natural disaster and the damage is less than sixty percent (60%) of the replacement cost of the structure or development, it may be restored or reconstructed to those configurations existing at the time of such damage, provided:

1. The reconstructed or restored structure will not cause additional adverse effects to adjacent properties or to the shoreline environment;
2. The rebuilt structure or portion of structure shall not expand the original footprint or height of the damaged structure;
3. No degree of relocation shall occur, except to increase conformity or to increase ecological function, in which case the structure shall be located in the least environmentally damaging location possible;
4. The submittal of applications for permits necessary to restore the development is initiated within twelve (12) months of the damage. The Shoreline Administrator may waive this requirement in situations with extenuating circumstances;
5. The reconstruction is commenced within one (1) year of the issuance of permit;
6. The Shoreline Administrator may allow a one (1) year extension provided consistent and substantial progress is being made; and
7. Any residential structures, including multifamily structures, may be reconstructed up to the size, placement and density that existed prior to the damage, so long as other provisions of this Program are met.

C. If a structure or development is either demolished, or damaged by fire, flood, explosion, or other natural disaster and the damage is more than sixty percent (60%) of the replacement cost of the structure or development, then any replacement structure has to meet the requirements of the Program and the Act.

40.460.800 Definitions

Normal maintenance	<p>"Normal maintenance" means those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2)(b)); <u>except for maintenance that would cause substantial adverse effects to shoreline resources or environment; and, provided, that the replacement of demolished existing single-family residences and their appurtenances is not considered normal maintenance; and further provided that maintenance of nonconforming structures and developments is subject to the provisions of CCC 40.460.250.</u> See also "normal repair."</p>
Normal repair	<p>"Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where for repair that would causes <u>substantial adverse effects to shoreline resources or environment; and, provided, that the replacement of a demolished existing single-family residence and its appurtenances is not considered normal repair; and further provided, that repair or replacement of nonconforming uses is subject to CCC 40.460.250.</u> Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment (WAC 173-27-040(2)(b)) : See also "normal maintenance."</p>

NOTICE OF PUBLIC HEARING

The Clark County Board of County Councilors will hold a public hearing on **Tuesday, the 13th day of October, 2015 at 10:00 a.m.** in the Councilor's Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington to consider:

SHORELINE MASTER PROGRAM LIMITED AMENDMENT

This proposal requests a limited amendment to the Clark County Shoreline Master Program (SMP). The limited amendment would improve the consistency between the county's shoreline program and the state standards. The amendment would add text to clarify normal maintenance in the list of exemptions, regulate replacement of non-conforming residential structures that are damaged or destroyed, and clarify SMP text to improve implementation.

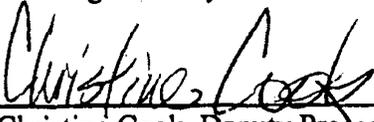
More information concerning this matter, and a copy of the proposal, may be obtained by contacting Gary Albrecht, Clark County Community Planning, 1300 Franklin Street, Vancouver, Washington, telephone (360) 397-2280, ext. 4318. Gary.albrecht@clark.wa.gov

Any person wishing to give testimony in this matter should appear at the time, date, and place above stated.

BOARD OF COUNTY COMMISSIONERS


Clerk of the Board

Approved as to Form Only
ANTHONY F. GOLIK
Prosecuting Attorney

By 
Christine Cook, Deputy Prosecuting Attorney

PLEASE PUBLISH: September 23, 2015



For other formats contact the Clark County ADA Program:
Voice (360) 397-2322; Relay 711 or (800) 833-6388
Fax (360) 397-6165; Email ADA@clark.wa.gov

CLARK COUNTY PLANNING COMMISSION
Minutes of Public Hearing
Thursday, August 20, 2015

Public Services Center
BOCC Hearing Room
1300 Franklin Street, 6th Floor
Vancouver, Washington
6:30 p.m.

CALL TO ORDER

MORASCH: All right. Well, welcome to the August 20, 2015, Planning Commission hearing. Can we have the roll call, please.

MORASCH: HERE
WRIGHT: HERE
BARCA: HERE
QUIRING: HERE
JOHNSON: HERE
BLUM: HERE
BENDER: HERE

Staff Present: Chris Cook, Prosecuting Attorney; Laurie Lebowsky, Planner III; Gary Albrecht, Planner II; Kathy Schroader, Office Assistant; and Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for August 20, 2015

MORASCH: All right. Moving on to approval of the agenda, can I get a motion to approve the agenda.

BLUM: Move to approve.

JOHNSON: Second.

MORASCH: All in favor?

EVERYBODY: AYE

MORASCH: Opposed? Motion carries.

B. Approval of Minutes for July 16, 2015

MORASCH: Has everyone had a chance to review the minutes? Are there any comments on the minutes? Hearing none, I'd take a motion to approve the minutes.

BARCA: Motion to approve.

BLUM: Second.

MORASCH: All in favor?

EVERYBODY: AYE

MORASCH: Opposed? Motion carries.

C. Communications from the Public

MORASCH: All right. Now we're at the time on our agenda for communications from the public on items not on our scheduled agenda. Is there anyone in the public that would like to speak to the Planning Commission tonight on a matter that's not on our printed agenda?

Okay. Well, seeing no one, we will go ahead and move on to our first agenda item which is public hearing on the Clark County Parks, Recreation, and Open Space Plan. I think we're ready for the staff report.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:

A. CPZ2015-00001: Clark County Parks, Recreation, and Open Space Plan

The Clark County Parks, Recreation, and Open Space Plan (PROS) is the guiding document for the Greater Clark Parks Department regarding provision of parks, recreational facilities, open space, and trails. Per the State of Washington Growth Management Act (GMA) 36.70A requirements, this parks master plan contains the following elements: designation of the general location and extent of land uses including recreation and open space lands; identification of useful lands for recreation, including wildlife habitat, trails, and connection of critical areas; estimation of park and recreation demand for at least a 10-year period; and both a six-year and 20-year capital facilities plan.

The County is adopting this plan now because the Greater Clark Parks Department was created in 2014, so the current parks master plan is no longer applicable. The County must adopt a parks plan to be eligible for grants from the state Recreation and Conservation Office.

Staff Contact: Laurie Lebowsky, Planner III
Email: Laurie.Lebowsky@clark.wa.gov
Phone: (360) 397-2280 Ext.4544

LEBOWSKY: Thank you, Commissioners.

MORASCH: Thank you.

LEBOWSKY: Name is Laurie Lebowsky with Community Planning. I would like to start out tonight, I'm going to have help in presenting the parks master plan to the Planning Commission. To my left is Bill Bjerke. He's the Clark County Parks Manager. To my right is Barbara Anderson. She is a Parks Advisory Board co-chair. And then we have Kelly Puntenev who's the other Parks Advisory Board co-chair. In the audience we have Jean Akers. She's the consultant with Conservation Technix who helped prepare the parks master plan. I would ask anyone who's with the Parks Advisory Board to raise your hand or stand up if you're in the audience.

KEEN: I'm Marsha Keen, and I served on the board.

MORASCH: Welcome.

LEBOWSKY: Okay. Next slide. Commissioners, briefly just want to give you some background on why we're here tonight and have the parks draft parks master plan before you. 2014 Clark County Parks, we separated from Vancouver-Clark Parks Department. So the previous plan, parks plan we had adopted is no longer relevant. And also, we are currently not eligible for State parks grants because we do not have a parks plan.

And if you recall last month, there was an article in the Columbian regarding there was some grant funding that was awarded to different agencies, including the City of Vancouver, Port of Camas/Washougal and Department of Natural Resources. They were for trails projects. It was about \$3 million as I said. The County couldn't apply for that grant funding because we didn't have a parks plan which is required by the State.

In addition to the County parks division that was created last year, we also created the County Parks Advisory Board in 2014, and the Parks Advisory Board is a diverse group of volunteers. They have been instrumental in the development of this parks master plan.

And with that, I will turn over the presentation to Barbara Anderson.

ANDERSON: Next slide, please. On this slide you will see some feedback from the extensive outreach that was done. We had a multifaceted approach to our outreach. There were specific stakeholder meetings with user groups, such as the sports fields, neighborhood alliances, the bike and pedestrian group. We also had a web survey as well as going out to local areas and inviting the general public to come and speak to us.

And through all of these meetings, there were a couple of pretty specific outcomes that repeated themselves time and again, and you'll find that the top three bullets on this slide identify the most frequent comments or perceptions that we heard back from these individuals.

And that is, first and foremost, that despite the economic downturn and the slow build-out of parks, our residents still believe that Clark County is doing a really good job in provisioning parks and recreation services to them. They also have a strong belief that the park system

is a major contributor to the positive economic, environmental and health outcomes of Clark County.

And the one issue that repeated itself as the very highest priority was an interest in seeing our trail system interconnections built and trailheads supported. So you'll see that within our plan, it reflects this high priority that our residents placed on the trails and trail connections.

Now, the public also made a pretty strong voice in what they felt was a need for more amenities and access and connections to facilities. And the one area that we seem to be falling down a little bit that we need to really step up on is doing enhanced communications and outreach. And the reason I say we are falling down is because we're still kind of back in the 20th century.

We need to bring to the new technology to our residents. There would be a wonderful use for an app for your mobile phones to find a park or a specific amenity. We need to take and replicate some of the things that we previously offered but are no longer there, such as the web service that easily locates trails and parks with specific amenities identified. So we've acknowledged that, and that is reflected in our plan as well. And with that, I'm going to turn it over to Kelly.

PUNTENEY: As Barbara mentioned, we had --

ANDERSON: Oh, next slide, please.

PUNTENEY: Oh. As Barbara mentioned, we had the open houses all throughout the county. We had stakeholder interviews. We had the parks board meetings. We had the surveys went out, and we did, I felt, a pretty decent job in outreach for this plan. We heard hundreds of topics within that outreach, and we broke those up into three categories; that was partnerships, connecting the gaps and increasing accessibility.

So within partnerships, we heard a lot of information about wanting to empower volunteers. Of course, that's something we believe strongly in any way. We also are encouraging ourselves to be partners with our other cities within the county and other nonprofit and our business community.

Connecting the gaps, as you know we've been working on trails for years, but we are down to connecting those gaps now and we've got to continue working hard to do that. We've done kind of low-hanging fruit at this point, but we've got to really keep moving on connecting those pieces of the trail.

And then, of course, increasing our access to our park system, as Barbara just mentioned. We definitely need to continue to promote the system and to make sure that the public knows that we are out there and we have these parks. If people aren't aware of them, we're not going to get the kind of support that we need.

So with that, I think I'll turn this over to Bill. If you have any questions at this point, certainly

feel free to ask them.

BJERKE: Good evening, Commissioners. Can we get the master plan elements. Okay. On this next slide, it shows the key master plan elements which is a requirement within the Growth Management Act and as well as Recreation and Conservation Office which is our --

HOLLEY: Please slow down.

MORASCH: You need to slow down.

BJERKE: Oh, I'm sorry.

HOLLEY: I didn't understand anything you said. And, I'm sorry, I can't go that fast.

BJERKE: Okay. No problem. My apologies. I'll slow down a little bit. So as the key master plan elements, it's required with the Growth Management Act as well as the Recreation and Conservation Office, which is our primary State granting agency. And so then also we need to -- the need for assessment for parks, recreation and open space and trails, and so that was completed.

Result of public outreach effort, and Kelly and Barbara both talked about that, the public demand chapter in the plan. And so with the outreach efforts, that was a series of open houses as well as stakeholder meetings. And then we had over -- I think over 1500 comments that came back from our surveys that we conducted, and actually right now we are still taking comments until this plan is finalized.

And then implementation of the plan is also a requirement with recommendations including funding strategies. So how do we get the monies that we need to to carry these goals out? You know, so of course, we're going to be going to the Board of County Councilors and asking for funding this fall, in fact, but we're also reaching out to other ways to come up with our funding which is, you know, real estate excise tax funds. We've got PIF funds in place right now, but we're also going to be seeking grants, and that's the key component of why we're here and producing this master plan is that we want to become grant eligible. So that's another funding source.

Partnering with different groups, private sector, corporations, there's a lot of different areas that we need to explore to try to partner with groups to bring extra revenues in, and, so... And, of course, our capital facilities plan which actually details out what our intentions are for the 6-year high priority period as well as the 20-year long range plan. So it details out what our intentions are for acquisition, for development, for planning strategies, master planning, all that stuff. It's all in there, so...

Okay. Next slide, please. So plan implementation. So the cost of the 6-year capital facilities plan in the urban unincorporated area alone is \$38 million. That's what we've identified. In the regional system, it's \$79 million, and that is over the 6- and 20-year period. And so there's more challenges. There's challenges to this funding strategy, and that is we

need more funding. We really don't have any. We're crawling out of the economic downturn and we're still feeling the pain from that. And so with luck, we will hopefully be able to secure some funding from our Board of County Councilors as we see that funding is coming in at a little higher than expected rate, so we want to get a piece of that.

The Metropolitan Park District was approved by the voters in 2005 by proposition, and that's a junior taxing district. And when the recession occurred a few years ago, the revenue declined pretty significantly. We've been averaging -- well, it started off at 27 cents back in 2006, and then it went down to about 25 cents per thousand. And then when the recession occurred, being at the bottom of the junior taxing district, we were the first ones to be hit and it actually went down into the single digits, and it scared us because that is the primary source for maintaining our parks in the urban unincorporated area.

And the one thing that we've identified in this plan is that we would like to protect that if we could. Of course, that's going to require a vote of the public to make that happen. And so when we do that, it would protect the levy rate at 25 cents, and that's for a period of six years from the time that it's voted or approved. And so in the event that there's another economic downturn, we wouldn't actually be depleted all the way down to potentially zero or the actual -- the levy could actually be wiped out, which is a scary thought. So that was, I think, for our longevity in parks, I think it's pretty obvious that we need to try to do what we can to protect the levy that keeps us going.

Also identified in the plan, when we separated from the City of Vancouver, with Vancouver-Clark Parks, and we formed our own parks division within Clark County as a standalone entity, we had a staff that was basically -- we had enough staff to essentially hold the line, so that was to hold on to what we've got, maintain what we've got, but we didn't necessarily get the staff that we needed to move forward with our planning components.

So when this capital facilities plan goes into effect, we're going to need somebody to actually go out there and do some planning for us. So we actually do need a planner that can focus solely on this plan and all the objectives within it. And we also need a grant writer because that takes an enormous amount of time. So there's two positions there that the parks division used to have back when it was Vancouver-Clark Parks but it no longer has that right now, and so we noticed that that is a key component to our success in the master plan going forward, so...

I think that's it on this one. So I'd like to turn this back over to Laurie.

LEBOWSKY: Okay. I'm going to talk about comments received for SEPA. We had our SEPA comment period, actually received no comments. We last week received a comment from Washington Trails Association via e-mail - that's separate from SEPA - and that was forwarded on to the members of the Planning Commission.

On the slide here you see the timeline. Before I talk about the timeline, however, I do want to say that we also sent a notice to Commerce. Staff from Commerce contacted me and

said they had no comments. As Bill indicated, we are still open to receiving public comments on the plan.

I'm going to go back to the timeline, you see it on the slide. We have a work session with the Board on September 2nd. It goes to a Board hearing on September 15th. The proposal is to adopt the parks plan as a resolution, that makes Clark County Parks grant eligible. The grant applications are due March of 2016. And then the plan is that we would re-adopt the parks plan as a chapter in the 2016 comprehensive plan update as we are required to have a parks element under the Growth Management Act.

I am going to just wrap up my staff report by saying based on the information that you received in your packet and in the staff report and the exhibits, staff is recommending to the Planning Commission that you approve the Clark County Parks Recreation and Open Space Plan. And I'll turn it back over to you. I'm here to answer questions. Bill's here and then we have Barbara and Kelly. Thank you.

MORASCH: All right. Well, thank you all for coming. Does the Planning Commission have any questions for staff at this point?

JOHNSON: Yeah, I do. This is kind of out of the box, Bill. I understand the split between Vancouver and the County. Do they still have their grant writer and planner or did they let them --

BJERKE: Yes. Well, and before the County split, there was, of course, and then with the recession, there was a lot of staff that left, you know. So that whole staff was depleted, but I believe they do still have those folks, yes.

JOHNSON: I was just curious at certain aspects of getting your grant writer because it's coming up fast in 2016.

BJERKE: That's correct. That's why we've been pretty proactive in trying to put in for those two positions this fall, so during the budget re-adopt.

JOHNSON: Thanks.

QUIRING: I guess my question would be about these positions. You're talking about full-time positions for this and not maybe a contract grant writer? I know that they're out there. I would imagine that they, if they do this sort of thing, they know what's available and they could do this on a contract basis rather than being a full-time employee. I understand the planner needs to coordinate all the parks and everything.

BJERKE: Yes.

QUIRING: I just question the grant writer.

BJERKE: That would probably be our Plan B if we do not get the positions. The idea of

having a grant writer and a planner that is on staff is that they get to know our organization, how it works, what the needs are and they can focus in on the priorities based on, you know, the, you know, the comp plan and what the folks want, you know. They learn the culture of where we're at here in Clark County and get to know it fairly well. So it's hard to be a staff person when it comes to, you know, having that background knowledge versus, you know, a contractual person who comes in for a period of time and does it.

QUIRING: Yeah. I'm not talking about coming in for a period of time. I'm talking about a long-term contract person upon whom you call or who would even maybe alert you - the County I should say - about grants available for parks. I've worked with grant writers before. They know what they're doing and what -- so it isn't about knowing the culture of the county. It's about knowing what they're doing in order to write a grant to have it granted to us, so... And I would think that there would be that kind of person available.

BJERKE: Sure. Sure.

QUIRING: And I would suggest it not be Plan B, that you should consider it as a Plan A.

BJERKE: Thank you.

BARCA: I'd like to make a comment. I heard you talk about introducing the master plan into the 2016 comp plan review. I'm definitely all for that. One of the things that I think would be very helpful for everybody is at that time you kind of paint the picture of what the instate for the comp plan and what it looks like for the parks system, recognizing that you have a shortfall even in the 6-year capital facilities plan, that's the reality of funding on the ground.

But I think it's important for the public to understand that you're not just lurching from capital facilities plan to capital facilities plan trying to see what you can go ahead and rustle up in the way of funds. I think it's really important for the organization to be able to paint a picture of what you're going to give the community in the form of the value of the park system built out the way that you would hope that it could be built out.

There's certainly some parks in the greater metropolitan area that, you know, are really good examples of when they're funded correctly and the right mix of facilities are in place, they show how great of an asset they are to the community, and I think it garners greater acceptance and willingness to fund things, but we have to kind of help people with their imagination about what that's supposed to look like.

BJERKE: Yeah. We talked about that as far as improving our marketing skills, if you will, to get ourselves out there, our brand name, and to try to get to, you know, people aware that we are here and that we're doing good things and with the hope that they'll back us and fund us, you know, for these different projects that we have in mind, and so...

That's the one thing is outreach to our funds, and Barbara talked about that a little bit. We need to get up to the times and make sure that we're, you know, our platform is on every

device out there that's easily accessible. And then also we've gotten a lot of comments back from the public about signage. People know that we have parks, but they don't know where they're at and they don't know how to get there. And so we need to make sure our access to our folks to let them know about us and our parks are easily accessible, so I agree.

BARCA: Yeah. And that's all good for today in what we have in the way of facilities, but I'm really talking about trying to create, as you call it, a master plan, show them what it looks like with the build-out comparable to the comp plan.

BJERKE: Right.

BARCA: You've got 20-years worth of growth here. Here's what the park system should look like to accommodate that.

BJERKE: Yes.

JOHNSON: Vision.

BARCA: Yeah, it's a vision. Thank you.

BJERKE: Great. And our levels of service obviously are lacking. We need to bring that up. And if we were to actually diagram what that would look like, if we were meeting our service levels, I think that would impress many folks.

LEBOWSKY: I appreciate your comments, Commissioner Barca, but we'll look at that, but I just also want to emphasize this is a 20-year plan and we do have a mission statement and vision statement and goals to kind of help paint that picture that you're talking about.

BARCA: Maybe you'll look at it again.

PUNTENEY: And maps.

BARCA: Yeah.

LEBOWSKY: And maps. Thank you.

MORASCH: All right. Any other questions for staff at this time? Okay. Hearing none, we are going to open it to the public now. So the first person on the list is Jean Akers. And, yeah, we'll need to make some space up here for public testimony.

PUBLIC TESTIMONY

AKERS: I checked the no comment.

MORASCH: No comment?

AKERS: I don't need to make a comment.

MORASCH: No comment. Okay. Great. Well, thank you. And then Ryan Ojerio, did you wish to make a comment? It looks like you checked yes.

OJERIO: Yeah, I did.

MORASCH: All right. Well, come on down to the microphone here, state your name and maybe spell your last name for the court reporter and welcome to the Planning Commission.

OJERIO: Right here?

MORASCH: Yep, that's fine.

OJERIO: Ryan Ojerio, O-j-e-r-i-o. And I wrote in some comments by e-mail and I just came to re-emphasize those comments, but also maybe provide some examples that might be useful for the Commission to hear. First, an introduction of who I am. I'm the regional manager for the Washington Trails Association, and we're a private nonprofit and we're based out of Seattle, but I work out of our Vancouver office right over here in downtown Vancouver.

And our mission is to preserve, enhance, protect and improve trails for hiking and walking throughout the state. And we do that through a mix of collaboration, advocacy, education, engaging the public and getting them out on trails, and then we also do volunteer trail maintenance and construction. And so my role spreads all those different hats.

Last year for Clark County Parks, we did something like 2,400 hours of volunteer maintenance in new trail construction. And this year to date, we've done 1,885 hours of maintenance and mostly construction on the new Vancouver Lake ADA or accessible barrier free trail out there.

And so one of the comments that I put in there is that we really like seeing the fact that they're looking for additional staff support to expand partnerships. And I rely and my volunteers rely on the County park staff to support our program and to provide the leadership and the project specifications and the materials to get our projects done. So without their volunteer coordinator Karen, you know, we'd probably cut those hours in half maybe, or be at like 30 percent because we wouldn't have that catalyst to get things going, but not only the coordination, but the on the ground staff people.

We were over at Vancouver Lake and we're laying down crushed rock because it's going to be a barrier free trail, and one of the Clark County park staff persons, Roger, came out with a tractor, and we had four mechanized wheelbarrows and we'd have to load those with a shovel, and so Roger's there with a front loader and he just goes boom and he dumps it right in the motorized wheelbarrow and it speeds it up. The volunteers feel appreciated there. They're leveraged, you know, four or five times over. And so it's a really good

partnership if we have staff present and that can help out with that.

The other part that I want to emphasize that we really like about the plan is the idea of connectivity and connecting the parks together so that people can get to them without relying on a car. If you go to Lacamas Park, sometimes it's hard to find a place to park, and there's new housing developments going in there and people having the ability to just walk from the school to the park or the neighborhood to a park is really important. So we'd like to see that.

The three things I want to emphasize that are kind of described in the plan but maybe want to elevate them to the top is the idea of providing meeting the demand for soft surface native trails in a natural setting. And that's the number one place that people like to hike and walk, and it is the top priority. The survey -- the survey respondents in this planning process said hiking and walking is the top priority.

And so the connectivity is important to be able to get to those places, but the loops and the quality of the natural setting, the quality of the trail experience is that pearl within that string of pearls of parks and natural areas connected by bikeways and sidewalks. So we don't want to lose track of the pearls and the desire to get everything connected. They both go hand in hand.

The second point I want to emphasize is the idea of a really high quality walking and hiking experience. And if you have a great trail that people want to hike again and again and again, they're going to do it again and again and again. I think if you've gone to a restaurant and you've said, well, that was pretty good, but maybe you're not going to go there again. It's the same thing with trails. You go to a trail and you have a great experience, you tell your friends, you hike it again and again and again. Cape Horn is a great example. It's got a very high level of service for not a lot of trail mileage. There are a lot of trails out there that just -- they weren't designed properly or they're just not very popular and so they're not providing a lot of value for the investment.

And then the third thing that I think is really important to emphasize is the idea of sustainability. And when you think about sustainability in the trail setting, we think about if you take your daughter on a trail, it's going to look the same when she takes her son or daughter on that trail 10, 20, 30 years, however long out. So that trail looks the same. It's not eroded. It doesn't have to be paved with asphalt. It's been designed in a way that that natural setting stays the way that it was.

The other part of that is that a trail that's sustainable is a neglect tolerant. And so we have trails that we've built, that we maintain, that we don't have to do any maintenance on. There's no erosion happening. There's very little ground disturbance happening. The trail's not widening. It looks exactly the same as when we constructed it four years ago, and I expect it will look the same 20 years from now too.

There's other trails, and Round Lake is one good example, where we spent three days this past spring rehabbing the water bars and it was a huge job. Each work party had, I think,

about eight to ten people on it and we spent all day rehabbing the water bars, and we're going to do that again probably next year, if not two years, but every season.

And if you design the trail the first way, you can cut down on the lifecycle maintenance costs. And so whenever we put in a new trail, we're always emphasizing that sustainability. And so when people say, why are building all these new trails? We can't maintain the ones we have. We're building neglect tolerant trails. And then we're going back and we're regrading and rerouting, like at Whipple Creek, to make some of those trails neglect tolerant, cut down on our maintenance costs.

So those are the parts that we'd like to see emphasized in the plan and implemented, and we need staff to do it and grants. So we got the people, the volunteers. We got a great partner. We just need a plan. And that's all I have to say.

MORASCH: All right. Thank you. Does anybody have any questions for Ryan?

BARCA: Thanks.

MORASCH: All right. Well, thank you for coming. And there are no more sign-ups on the sheet. Is there somebody? Milada, would you like to come and talk? You know the drill.

ALLEN: Good evening, Commissioners. I'm Milada Allen, Post Office Box 61552, Vancouver, Washington. And I have been the Felida Neighborhood Association president for about 12 years or so, and the Felida Neighborhood Association has 17,000 people.

Parks are a quality of life. We have about 700 volunteers that volunteer all over the county. They don't care if they get credit for it or not. They volunteer. And because they know that it's very important for all of us, they know it's important for their kids and the future generations of their kids. There are many kids that come to the Felida Park and point to what they had done in the last ten years, including some Boy Scout projects and in-kind volunteer projects as well as in-kind donations, including the picnic shelter and everything else, so they have an ownership of that.

And, of course, because we didn't have a plan for the past two years, there was many, many opportunities for grants, but we could not apply for them. And, of course, when we built the Felida Park in partnership with the City/Clark Parks and Rec, almost a million dollars came from the community. That community effort and value added to that park. So when you come out there, you will see this beautiful gorgeous park that people don't remember that the community had come together and brought it together because there was a plan, because there were opportunities for grants; however, it was extremely time-consuming for us to go chase those grants, and we're volunteers. We don't get paid for this. We're not attorneys. We're not consultants. We don't get paid for it. We don't charge for it.

So it would be wonderful to have a full-time grant writer out there because we do have other parks out there including Sgt. Brad Crawford Park, which is Phase II, and, of course, we do

have the Memorial Arches Fund set up; however, there are other opportunities for us to have ADA accessible areas within parks that there are grants available. And again, it is time-consuming to do the grants, and if you're dealing with somebody on a contract basis, it may be at the last on their priority list.

I was not going to speak, but when I heard that, I thought, well, I better say something. Because the grants that were written by the community for the park, for the public, went directly to the County or directly to the Parks, they don't come to us, and so we cannot afford to pay for the grant writers.

However, we can make this park system so much better if we can go to a county full-time staff and say, hey, listen, there's this grant opportunity. This is what the community thought about. And, for example, in the Cougar Creek Woods Park that we saved from being surplused not once, not twice, not three times, but four times. If we can have that dialogue, the partnerships between the community and the parks would be that much stronger.

As you saw, there's a shortfall of what is projected to be developed, how much you have available and what the shortfall is. The shortfall is pretty big. And if you had that grant writer, you pay maybe 150k per year, but just that one grant, \$1 million will save you so much more. Plus you're going to have a, quote, unquote, net profit of 750k right off the bat after the salary goes out.

So the Felida Neighborhood Association is 17,000 people as well as our board feel that if you guys want the neighborhood and the community partnerships, make it easier on us so we don't have to go out there and hire a grant writer. You don't have to go at the last minute and go find a grant writer. They'll be available there. And those grants do take a long time.

So if you have somebody there only on a contract basis, you will not be able to capture all of the funding that's out there available for us to make this so much better, to make our parks something we can be all proud of and that we can use and our kids can have healthy choices for the rest of their lives. But 150k or so for one salaried person, I don't know for how much more for overhead, but I calculated about 50 percent overhead, that is such a great investment. And I hope, I hope that you do recommend that they hire that grant writer. The 700 or some volunteers that are out there that are available, you know, to help out, but let's make it easier for them.

And also the when -- backing up a little bit -- when the parks had the divorce from the City, we were afraid they were going to become the stepchildren, and now that we have seen the PAB working together to bring something very quickly to you in order to capture all those opportunities that are out there for the grants and everything else.

So please consider that these folks came from very diverse backgrounds. It was very, very quick and hard approach, yet they all came together. And my kudos to Barbara Anderson and Kelly Puntenev, the two co-chairs, they kept it rolling, they kept it on task and I think the document is much better than what I expected it to be just because of the short time that we had, but then also Jean Akers with her experience that she brought into it made it a much

stronger document. So I am really grateful that this has come together. And I do hope that you recommend that this particular plan is adopted for resolution.

I was hoping to see a little bit more allocated to the Cougar Creek Woods Park other than the 5k --

BJERKE: In the works.

ALLEN: -- because they did get reimbursed \$540,000 for acquisition of that from the State. So we thought, well, maybe another half a million would be nice just to start with. But there's -- I think there's so many different components in that particular plan that are very strong components.

There's some things that need to be strengthened, like the surplus problems that we have with the park acquisitions. They go through a lot of public review, yet when we're surplus them, they're done very quickly without input, and I think that the zone change for parks upon acquisition should be a protecting tool. And maybe you can make a recommendation that there's some more, not just the ordinance itself, but also that there are tools developed to protect those parks from being surplus. Thank you very much.

MORASCH: All right. Thank you. Does anyone have any questions for Milada Allen? All right. Thank you. Is there anyone else in the audience that didn't get a chance to sign in that wants to testify?

Okay. We will then close the public hearing and I will turn it over to the Planning Commission for any additional questions of staff. No further questions? All right. Deliberations. Anybody want to talk? Nobody wants to talk. Does somebody want to make a motion?

BARCA: I make a **MOTION** to approve based on staff recommendation.

BENDER: **Second.**

MORASCH: The motion's been made and seconded. Is there any discussion on the motion?

WRIGHT: I'll second.

MORASCH: Yeah, it's been seconded.

WRIGHT: Oh, it has. I'm sorry.

MORASCH: Is there any discussion on the motion?

WRIGHT: I had a thought that, you know, there's been some comments that have come in after the text -- can you hear me? Can you hear me now? Okay.

There's been some comments, some good comments that came in tonight, that have come in by e-mail as well, that may or may not be fully reflected in the plan. But I guess in my experience in implementing plans, the implementation is where the rubber meets the road, and you have the biggest issue with getting your funds. Without the funds, it's all just a dream.

And so there's a lot of good comments. I'm sure as you go through the years, things will be implemented as fully as you can when you get your money, and that's the way of the world, unfortunately, is without funds, you don't have a project. So in my experience, I think we can have a lot of confidence in the Parks Department and Bill to deliver the plan and to take comments as they come in over the years that would improve the implementation of the program.

MORASCH: Thank you. You mentioned the e-mail. Were you referring to Ryan Ojerio's e-mail?

WRIGHT: Yes.

MORASCH: I'm trying to say his last name right this time. Was that the e-mail?

WRIGHT: Yeah, I got that here.

MORASCH: All right. Any other discussion?

QUIRING: I guess I just want to comment that in accepting or moving this for approval to the Board that I'm assuming that they see our comments. I wouldn't want to stop the plan from going forward just because I think, just because of my comment about a contract grant writer.

I have worked with grant writers and they would have a priority. It isn't like you hire somebody to write your grants and then they set it over here and leave it till later. They actually would have a priority. And I certainly don't think a grant writer would get 150k. I just think that's just completely unrealistic. And so I'm sure on the scale of the County salaries, it wouldn't be something. So I needed to say that on the record that even if this is approved and a grant writer is hired, I don't suspect that that would be at the rate that a grant writer would be hired, so...

And I guess I want clarification on what we're approving. We're approving this entire book of recommendations?

BARCA: So on Page 3 of 3, the proposed action is to adopt the parks master plan by resolution. So the master plan book is being adopted by us. And it doesn't say anything specifically about what type of personnel shall be hired.

QUIRING: No, it doesn't.

BARCA: Okay. So let's just be clear on that.

MORASCH: All right. Any other discussion? In that case, there's a motion. Can we get a roll call on the motion.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: AYE
JOHNSON: AYE
BLUM: AYE
BENDER: AYE
MORASCH: AYE

MORASCH: All right. So the motion carries, 7 to 0. I want to thank everyone for coming and their presentations tonight. And we will close that public hearing and move on to our next public hearing which is the shoreline. And is it Gordy or you? All right. Gary, Shoreline Master Plan Limited Amendment. Gary Albrecht. Although I think Gordy's name is on the staff report, so... All right. Whenever you're ready, Gary.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

B. SHORELINE MASTER PROGRAM LIMITED AMENDMENT

The Planning Commission will consider a proposal for a limited amendment to the Clark County Shoreline Master Program (SMP). The limited amendment would improve the consistency between the county's shoreline program and the state standards. The amendment would add text to clarify normal maintenance in the list of exemptions, regulate replacement of non-conforming residential structures that are damaged or destroyed, and clarify SMP text to improve implementation.

Staff Contact: Gary Albrecht, AICP
Email: Gary.Albrecht@clark.wa.gov
Phone: (360) 397-2280, Ext. 4318

ALBRECHT: Thank you, Chair Morasch, Planning Commission. Good evening. Gary Albrecht, Clark County Community Planning. Clark County adopted an updated shoreline master program in July 2012. The proposal in front of the Planning Commission is to propose a limited amendment to the shoreline master program that would improve the consistency between the County's shoreline program and the State standards. It includes eight sections of code amendments in Exhibit 1.

And during a Planning Commission work session on August 4th, 2015, the Planning

Commission had a question about the meaning of Clark County Code 40.460.230(B)(2). Staff indicated that this section needed further clarification and other sections of the code might need clarification too.

Staff mentioned that any additional changes would be proposed during the hearing in Exhibit 3. So there are three sections of code amendments in Exhibit 3. So at this time, would you like to look at Exhibit 3? I can pull it up on the screen.

BARCA: Please. Does everybody else have a copy of this update, August 20th?

QUIRING: It was at our desk.

BARCA: It was. I just want to make sure everybody's got a copy.

ALBRECHT: The first change in this one, the 40.460.230, the (B)(2), up at the top, the clarification, "Subject to the provisions of CCC 40.460.250" were added.

And then, Kathy, can you scroll down to the next section. So 40.460.630, Use-Specific Development Regulations (K)(13), this is the language that was added over what was presented to you on August 4th.

And then, Kathy, can you scroll down to the bottom of the page. And as a result of making the change up there, we -- scroll on down -- we made two definition changes in Clark County Code 40.460.800, the definition sections for normal maintenance and normal repair.

I would like to point out that in the original Exhibit 1, there's a reference to Chapter 40.386. So if the PC decides to make a recommendation to approve these limited amendments, and in the adopting ordinance the portion of the code that refers to 40.386 will not become effective until January 8th, 2016. I just needed to say that for the record or for the ordinance.

And then based upon the information and the findings presented in this report and in the supporting documents, staff recommends that the Planning Commission forward to the Board of Clark County Councilors a recommendation of approval for limited amendment to the shoreline master program. And that's all I have.

MORASCH: All right. Thank you, Gary. Any questions for staff?

BARCA: I would like just to take a moment and say thank you for hearing us in the work session and going back and rewording this in a fashion that made it simpler for us to understand what you were trying to get at.

ALBRECHT: You're very welcome.

BARCA: Yeah.

MORASCH: Yeah, appreciate your work on that.

ALBRECHT: It was a huge effort.

MORASCH: Good.

BARCA: All right. We already said thanks. What else do you want?

ALBRECHT: I couldn't have done it without our Prosecuting Attorney Chris Cook and Planning Manager Gordy Euler.

MORASCH: All right. Well, thanks to all of you. There's no one on the sign-in sheet. Is there anyone in the audience that would like to testify on this matter? Seeing no one, then we will go ahead and close the public hearing and turn it over to the Planning Commission for deliberations and/or a motion.

WRIGHT: If I had a question of you, are you comfortable with the words now?

BARCA: Bill, talk into the mic, please.

WRIGHT: Steve, are you comfortable with the language changes that were made in there?

MORASCH: Yes, I think that the language is much more clear now, thanks to their rework on it. The part that I thought was confusing has now been deleted, and so I think it's more clear and better.

WRIGHT: You think so?

MORASCH: Yeah. Any other deliberation or does somebody want to make a motion?

JOHNSON: I make a **MOTION** that we accept the reco- -- excuse me.

QUIRING: I **second** it.

MORASCH: All right. It's been --

JOHNSON: One more time. I would -- let me start again. I'm good at that. I make a **motion** that we **accept** the recommendation of staff with the approval of the limited amendment for the shoreline master plan, to the shoreline master plan.

QUIRING: And now I **second** it.

MORASCH: It's been moved and seconded to approve the limited amendment to the shoreline master plan as proposed by staff. Is there any discussion on the motion? Hearing none, let's move to the roll call.

ROLL CALL VOTE

WRIGHT: AYE
BARCA: AYE
QUIRING: YES
JOHNSON: AYE
BLUM: AYE
BENDER: AYE
MORASCH: AYE

MORASCH: All right. Well, that motion carried unanimously, so that concludes the hearing on the shoreline master program limited amendment. Thank you, Gary.

ALBRECHT: You're welcome.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

None.

ADJOURNMENT

MORASCH: Oh, all right. Well, then with that, I think we are at the end of our agenda, so we are now adjourned. Thank you all for coming.

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at: <http://www.clark.wa.gov/planning/PCmeetings.html>.

Proceedings can be viewed on CTV on the following web page link:

<http://old.cityofvancouver.us/cvtv/cvtvindex.ask?section=25437&catID=13>.

Minutes Transcribed by:

Cindy Holley, Court Reporter/Rider & Associates, Inc.

Sonja Wiser, Administrative Assistant, Clark County Community Planning

NOTICE OF DETERMINATION OF NON SIGNIFICANCE (DNS)

NOTICE IS HEREBY GIVEN that the following proposal has been determined to have no probable significant adverse impact on the environment, and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). Written comments on the following proposal, or DNS, may be submitted to the Responsible Official by **August 26, 2015**.

DESCRIPTION:

CPZ2015-00002 Shoreline Master Program Limited Amendment – The applicant requests the Shoreline Master Program be amended to improve the consistency between the county's shoreline program and the state standards. The amendment would add text to clarify normal maintenance in the list of exemptions, regulate replacement of non-conforming residential structures that are damaged or destroyed, and clarify SMP text to improve implementation.

ACTION REQUESTED: It is requested the Board of County Commissioners adopt the Clark County Shoreline Master Program Limited Amendment changes as identified above.

RESPONSIBLE OFFICIAL:

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PUBLICATION DATE: No later than **August 12, 2015**

PLEASE E-MAIL OR CALL TO CONFIRM RECEIPT AND PUBLICATION DATE