



City Council Regular Meeting Agenda Tuesday, February 16, 2021, 7:00 PM REMOTE MEETING PARTICIPATION

NOTE: The City welcomes public meeting citizen participation. TTY Relay Service: 711. In compliance with the ADA, if you need special assistance to participate in a meeting, contact the City Clerk's office at (360) 834-6864, 72 hours prior to the meeting to enable the City so reasonable accommodations can be made (28 CFR 35.102-35.104 ADA Title 1.)

How to join meeting:

OPTION 1 -

1. Go to www.zoom.us, download the app; click "Join A Meeting", enter ID **971 9502 3505**
2. Or, from any device click <https://zoom.us/j/97195023505>

OPTION 2 - Join by phone (audio only):

1. Dial 877-853-5257
2. Enter meeting ID 971 9502 3505, and then ##

For Public Comment:

1. Click the raise hand icon in the app (by phone, hit *9 to "raise your hand")
2. Or, email to publiccomments@cityofcamas.us (400 word limit)
Emails received by 1-hour before the meeting are emailed to Council. During public comment, the clerk will read each email's submitter name, subject, and date/time received. Emails received up to 1-hour after the meeting are emailed to Council and attached to the minutes.

SPECIAL MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENTS

CONSENT AGENDA *NOTE: Consent Agenda items may be removed for general discussion or action.*

1. [February 1, 2021 Camas City Council Regular Meeting Minutes](#)
2. Automated Clearing House and Claim Checks Approved by Finance Committee
3. \$4,547.88 Unpaid Final Utility Bill Write-off from Previous Property Owner (Submitted by Cathy Huber Nickerson, Finance Director)
4. \$104,196.26 for December 2020 Emergency Medical Services (EMS) Write-off Billings; which is \$91,663.24 for Monthly Uncollectable Balance of Medicare and Medicaid Accounts and \$12,533.02 for Ground Emergency Medical Transportation (GEMT) funding (Submitted by Cathy Huber Nickerson, Finance Director)
5. [Job Order Contracting Interlocal Agreements \(Denis Ryan, Public Works Operations Supervisor\)](#)

6. [Sunningdale Garden Sewer Lift Station Professional Services \(Submitted by Sam Adams, Utilities Manager\)](#)
7. [Camas School District \(CSD\) - Transportation Improvements Traffic Impact Fee Credits \(James Carothers, Engineering Manager\)](#)
8. [Sharp Electronics - Transportation Improvements Traffic Impact Fee Credits \(James Carothers, Engineering Manager\)](#)

NON-AGENDA ITEMS

9. Staff
10. Council

MAYOR

11. [2021 Citizen Appointments](#)

MEETING ITEMS

12. [Ordinance No. 21-003 Amendments to the Camas Shoreline Master Program](#)
[Presenter: Sarah Fox, Senior Planner](#)
13. [Public Hearing - Annual Code Amendments – Housing Mandates](#)
[Presenter: Sarah Fox, Senior Planner](#)
14. [Annual Code Amendments](#)
[Presenter: Madeline Sutherland, Assistant Planner](#)
15. [Public Hearing - Amendments to Flood Hazard Regulations](#)
[Presenter: Lauren Hollenbeck, Senior Planner](#)
16. [Ordinance No. 21-002 An Ordinance amending Ordinance 2529 to modify a Covenant Rezone Agreement](#)
[Presenter: Robert Maul, Planning Manager](#)
17. [Resolution No. 21-001 Designating the City Clerk as Agent for Claims for Damages](#)
[Presenter: Jennifer Gorsuch, Administrative Services Director](#)
18. [City of Camas Proclamation of Civil Emergency COVID-19](#)
[Presenter: Jamal Fox, City Administrator](#)

PUBLIC COMMENTS

ADJOURNMENT



City Council Regular Meeting Minutes - Draft
Monday, February 1, 2021, 7:00 PM
REMOTE MEETING PARTICIPATION

NOTE: Please see the published Agenda Packet for all item file attachments

SPECIAL MEETING

CALL TO ORDER

Mayor Barry McDonnell called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Council Members Greg Anderson, Ellen Burton, Bonnie Carter, Don Chaney, Steve Hogan, Shannon Roberts and Melissa Smith

Staff: Sam Adams, Bernie Bacon, Phil Bourquin, Jamal Fox, Jennifer Gorsuch, Cathy Huber Nickerson, Mitch Lackey, Trang Lam, Shawn MacPherson, Robert Maul, Randy Miller, Bryan Rachal, Denis Ryan, Nick Swinhart, Connie Urquhart and Steve Wall

Press: Kelly Moyer, Camas-Washougal Post-Record

PUBLIC COMMENTS

Wayne Pattison, Camas, commented about job order contracting.

Marie Tabata-Callerame, Camas, commented about the Lacamas Shores biofilter.

Public comments received via publiccomments@cityofcamas.us are attached to these minutes.

STAFF PRESENTATIONS

1. Recognition of 30-Year Anniversary for Randy Miller, Deputy Fire Marshal
 Presenter: Nick Swinhart, Fire Chief

Chief Swinhart presented Deputy Fire Marshal Randy Miller with his 30-Year Tenure Pin. Miller commented about his years of service.

2. Draft Resolution No. 21-001 Designating the City Clerk as the Agent to Receive Claims for Damages
 Presenter: Jennifer Gorsuch, Administrative Services Director

This resolution will be placed on the next Regular Meeting agenda for Council's consideration.

3. Job Order Contract Interlocal Agreements with the City of Vancouver
 Presenter: Denis Ryan, Public Works Operations Supervisor

This item will be placed on the next Consent Agenda for Council's consideration.

These materials are archived electronically by the City of Camas. DESTROY AFTER USE.

4. Sunningdale Gardens Sewer Lift Station Professional Services
Presenter: Sam Adams, Utilities Manager

This item will be placed on the next Consent Agenda for Council's consideration.

CONSENT AGENDA

5. January 15, 2021 Camas City Council Visioning Session and January 19, 2021 Camas City Council Special Meeting Minutes
6. \$703,064.11 Automated Clearing House and Claim Checks Numbered 146578-146591 and 146599–146675; \$ 7,099,430.53 Wires and Electronic Payments; \$2,308,791.32 Automated Clearing House, Direct Deposit and Payroll Checks Numbered 7896-7898 and Payroll Accounts Payable Checks Numbered 146592-146598.

It was moved by Anderson, and seconded, to approve the Consent Agenda with AssetWorks Fleet Management Software item removed to be discussed separately. The motion carried unanimously.

NON-AGENDA ITEMS

7. Staff

Fox inquired of Council about future Council Meeting topics and provided an update about the ongoing efforts regarding the community's fire services.

Fox congratulated Randy Miller for his 30 years of service, thanked Steve Wall for filling in with Parks and Recreation, welcomed new Parks and Recreation Director Trang Lam, and thanked Alicia Brazington for providing communications support to the City.

8. Council

Carter, Smith, Anderson, Hogan, Burton and Chaney congratulated Randy Miller for his years of service.

Carter attended the weekly Clark County restaurant owners call, the Public Works Committee meeting and an Equity Forum.

Roberts commented about citizen emails.

Anderson and Hogan thanked Jamal for his efforts regarding the community's fire services.

Anderson will attend the C-TRAN Board meeting.

Anderson, Hogan, Burton, and Chaney welcomed new Parks and Recreation Director Trang Lam.

Hogan commended Burton for her service with the Columbia River Economic Development Council (CREDC). He will attend CREDC Board training and a Finance Committee meeting.

Hogan and Burton will attend an Economic Development Outlook meeting.

Burton attended a City/Schools meeting, an equity seminar, a smart growth seminar, and will attend a tour of the Garver Theatre.

Chaney attended the City/Schools meeting and will attend the Finance Committee meeting and commented about the upcoming Association of Washington Cities (AWC) City Action Days event.

MAYOR

9. Mayor's Announcements

Mayor McDonnell attended the AWC Mayor's Exchange. He thanked Steve Wall for overseeing Parks and Recreation Department during the director interim; commended Lauren Hollenbeck for the FEMA expertise provided to the City; and thanked Alicia Brazington for providing communications support to the City.

10. Black History Month Proclamation

Mayor proclaimed February 2021, as Black History Month in the City of Camas.

MEETING ITEMS

11. Ordinance No. 21-001 Amending CMC 6.08.100 Aggressive or Vicious Dogs
Presenter: Mitch Lackey, Police Chief

It was moved by Anderson, and seconded, to read Ordinance No. 21-001 by title only. The motion carried unanimously.

It was moved by Anderson, and seconded, to adopt Ordinance No. 21-001 and publish according to law. The motion carried unanimously.

12. City of Camas Proclamation of Civil Emergency COVID-19
Presenter: Jamal Fox, City Administrator

It was moved by Carter, and seconded, that the Mayor's Proclamation of Civil Emergency dated March 18, 2020, the Supplement dated April 15, 2020, and the Amendment dated June 15, 2020, be reaffirmed.

ITEMS REMOVED FROM THE CONSENT AGENDA

13. AssetWorks Fleet Management Software (Submitted by Steve Wall, Public Works Director)

It was moved by Anderson, and seconded, to authorize the Mayor to sign the fleet management software agreement. The motion carried unanimously.

PUBLIC COMMENTS

Scott McElhaney, Camas, commented about Council comments.

ADJOURNMENT

The meeting adjourned at 8:54 p.m.

January 29, 2021

To: Mayor Barry McDonnell, and Council Members; Greg Anderson, Ellen Burton, Bonnie Carter, Don Chaney, Steve Hogan, Shannon Roberts, Melissa Smith

From: Sarah Laughlin, Director of Human Resources, Fuel Medical Group and HR Liaison to Grains of Wrath Brew Pub

Subject: Request the immediate release of city funds to hire Seasonal Labor to address Weeds, Flowers, Grass, and all other plantings that require water, weeding and mowing and other maintenance during non-winter months in Camas, WA.

Dear Mayor and Council Members,

I'm sure we all agree that Camas' downtown is something special! For us, it's a delight to come to work in a close-knit community, where we have the opportunity to support other small businesses in our collective effort to build a strong local economy. For the employees that I am able to attract and retain at Fuel Medical Group, they echo these sentiments, adding comments like, "I bring my kids to First Friday every month after work- they love it, and I love that they are safe" (J.Murray) "I love that we have a Farmer's Market for farm fresh food" (D.Rosenthal), "The flower baskets, even on side streets, make this place magical" (K.Tyler,D.Sweet). I could go on with similar comments.

For our employees, the aesthetic of downtown Camas is part of what keeps them at Fuel. Our local community is an intentional part of our company's culture. That is very important to me and to the owners of our business to maintain.

At present, the specialness and **biodiversity** benefits that come from the downtown landscaping, and all other areas of greenery in our community, appears to be threatened by a budget oversight omitting Seasonal Labor. To rectify this, I am asking that at the next City Council meeting, 2/16/21, you agree to fund a sufficient Seasonal Maintenance budget to maintain our community green spaces and all the details that have in the past made Camas beautiful - from watered flower baskets on lamp posts, to bark dust on community clean-up day, to mowing and weeding the cemetery, to picking up litter in our parks. This is a municipal service that citizens have come to expect and deserve from our City leaders.

We understand COVID is with us, however, this should not preclude us from having our community weeded, watered and mowed. We know from property values that curb appeal is critical, one would not stop mowing their lawn for fear of degrading their property value. I spend more time here than I do my own residence and consider downtown my second home. In fact, last year, I weeded downtown myself because I was unwilling to let my community become bedraggled.

Please reconsider the budget for maintaining and beautifying our community. In times like these, it is the little things, the things that provide joy in our lives that make a really big difference in how we view our town.

Thank you for your consideration.

Bernie Bacon

From: Douglas Strabel <dstrabel@gmail.com>
Sent: Monday, February 1, 2021 6:26 PM
To: Public Comments
Subject: Three (3) Items for the 2/01/2021 CITY COUNCIL MEETING

WARNING: This message originated outside the City of Camas Mail system. **DO NOT CLICK** on links or open attachments unless you recognize the sender and are expecting the content. If you are unsure, click the Phish Alert button to redirect the email for ITD review.

Three (3) Items for the 2/01/2021 CITY COUNCIL MEETING:

1. Resolution #1252 dtd 02/2020 - Modify or Repeal Sec III Note E to thereby allow Conversation, Debate or Q&A.

2. Why do Comments/Questions to the City Council not get answered or even posted into the PUBLIC COMMENTS FOLLOW UP section of the City Website?

There has been zero activity since April/May 2020.

Maybe you should ask the question of yourselves on why the participation by the citizens in the Council Meetings has dropped off.

3. NW Lake Road and NW Sierra Street Traffic Signal:

This item was listed as a \$2.5M line item as part of the \$78M in the Failed Prop 2 in the 2019 Election.

This item is now listed as #8 on the City of Camas 2020-2025 Six Year Street Priorities.

Steve Wall said earlier this year that it was considered a "Priority Project".

It is not listed in the 2021/2022 Capital Decision Package.

We all understand the budgeting process and that if you don't ask for it and put the line item in the 2021/2022 Capital Decision Package then it will not happen in the next 2 years minimum.

You have to ask for it to get it approved.

The status on this project was asked of Steve Wall in an email 11/02/2020.

Douglas Strabel

4307 NW Oregon St.

Camas, WA

Bernie Bacon

From: Sarah Laughlin <slaughlin@fuelmedical.com>
Sent: Monday, February 1, 2021 7:30 PM
To: Public Comments
Subject: Item for 2/16/2021 City Council Meeting
Attachments: Mayor Council RE maintenance budget 2.1.2021.docx

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Mayor, City Councilors, City Administrator and Communications Director:
I would appreciate it if you would add to the agenda for the 2/16/2021 City Council meeting the following letter and related discussion.

If you have any questions prior to the meeting, please let me know.

Be well,

Sarah

Sarah Laughlin, COPM-C | Director of Human Resources | Fuel Medical Group
p: 360-818-9434 | c: 503-789-8491 | f: 360-216-0339

Got a few minutes? Check out Fuel's new [On-Demand Resource Library](#).

[Click here](#) to send me files securely.

fuelmedical.com | [Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#)

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Bernie Bacon

From: Cassi Marshall <cassi.r.marshall@gmail.com>
Sent: Monday, February 1, 2021 5:30 PM
To: Public Comments
Subject: Port Waterfront Development and Welcome to Trang

WARNING: This message originated outside the City of Camas Mail system. **DO NOT CLICK** on links or open attachments unless you recognize the sender and are expecting the content. If you are unsure, click the Phish Alert button to redirect the email for ITD review.

Good Evening, Council and Mayor --

I can't make tonight's meeting, but did want to share a couple of thoughts.

- RKm Development will be sharing plans for Phase I construction at the Port's Waterfront Development at our meeting this Wednesday (2/3/2021) at 5:00 p.m. Should be a great update on this project, which will have important impacts on our East County community.
- Welcome Trang! I'm very excited that our new Parks Director has started, and want to thank her for reaching out to Parks Commission members during her first week on the job. Great things are ahead for Camas Parks!
- I attended a CREDC meeting last week, where your very own Councilperson Ellen Burton was honored for her work with the organization -- the "ambitious activator award", I believe, which sounds pretty fitting. Thank you, and congratulations, Ellen.

Thanks for all you do,
Cassi

*Cassi Marshall
1186 NW 10th Ave.
Camas*

INTERLOCAL COOPERATIVE PURCHASE AGREEMENT

This Interlocal Cooperative Purchase Agreement (hereinafter, the “agreement”) is made by and between the City of Vancouver, Washington, a municipal corporation under the laws of the State of Washington (hereinafter referred to as "Vancouver"), with its principal place of business at 415 W 6th Street in Vancouver, Washington, and the City of Camas, Washington, a municipal corporation under the laws of the State of Washington (hereinafter referred to as "Camas"), with its principal place of business at 616 NE 4th Avenue, Camas, Washington (collectively referred to as the "parties", and individually as a “party”).

WHEREAS, Vancouver has entered into job order contract #100196 for construction services (hereinafter referred to as the “JOC Contract”) with SDB Contracting Services (hereinafter referred to as “Contractor”) commencing on November 1, 2019; and

WHEREAS, Camas wishes to utilize the terms and conditions of the JOC Contract to perform various job order projects on Camas facilities; and

WHEREAS, the Parties hereto have the authority to enter into this agreement in accordance with Chapter 39.34 RCW, the Interlocal Cooperation Act.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants herein contained, the parties hereto agree as follows:

It is agreed by the parties as follows:

1. **Term.** The term of this agreement in respect to each party shall commence on the date of last signature by the parties hereto and shall remain in effect during the duration of the JOC Contract until terminated by a party as provided in paragraph 5 of this Agreement.
2. **Cooperative Purchase.** Vancouver agrees to a no cost change to the JOC Contract that the Contractor provide Camas with job order construction services on Camas facilities directly to Camas on the same terms and conditions of the JOC Contract, except that the obligations owed to the Vancouver under such agreement will be owed by Contractor to Camas including but not limited to obligations to provide performance and payment bonds for work performed and insurance endorsements that name Camas as additional insured. Contractor shall directly invoice Camas for any and all such work provided, and all work orders shall state "All work described herein provided directly to the City of Camas, Washington by the Contractor are subject to the terms and conditions of the JOC Contract, City of Vancouver Contract #100196 commencing, dated November 1, 2019. The City of Vancouver is not a party to, nor responsible for, performance of or payment for the work described in this invoice." Camas shall issue all job orders and perform all fiscal and program responsibilities for the projects to be identified by Camas. A true and correct copy of the JOC Contract is attached hereto as Attachment "A" and incorporated in its entirety by this reference.
3. **Compensation and Payment.** The parties agree that the total value of all work orders issued under this agreement shall not exceed \$600,000.00 USD. The Contractor shall directly invoice Camas and Camas shall directly pay the Contractor pursuant to the payment and compensation terms identified within the JOC Contract.

4. **Financial Responsibility.** Camas shall be solely financially responsible for the payment of the purchase price of goods and services provided under the JOC contract and received by Camas under the terms of this agreement.
5. **Ownership.** Title to all items purchased by any party to this agreement shall remain in the name of such party.
6. **Termination.** Any party to this agreement may terminate its participation by giving the other party to the agreement thirty (30) days written notice of such intent to terminate.
7. **Limitations.** The parties shall not jointly acquire property or jointly budget funds under the authority of this agreement.
8. **Statutory Compliance.** Each party agrees to comply with any statutory requirements applicable to such party when acting under this agreement.
9. **Administration.** No new or separate legal or administrative entity is created to administer the provisions of this agreement. Pursuant to RCW 39.34.030(4)(a), the administrator for this Agreement shall be determined by Vancouver.
10. **Right to Contract – Independent Action Preserved.** Each party reserves the right to contract independently for the acquisition of goods or services without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity.
11. **Hold Harmless.** Camas specifically acknowledges that Vancouver shall have no liability or responsibility for the performance of the Contractor with respect to Camas job orders. Camas shall defend and hold Vancouver harmless from any and all claims, suits, losses, costs (including attorney's fees), and/or damages of any kind whatsoever arising out of or in any way resulting from Camas's issuance of job orders and performance by any party pursuant to same facilitated by this agreement. Vancouver makes no representations or warranties of any kind, including, without limitation regarding the contractors, performance, or terms and conditions of the JOC Contract.
12. **Entirety of Agreement.** This agreement contains or incorporates all the terms and conditions agreed upon by the parties. No other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any parties hereto.

Dated: _____, 2021

Dated: _____, 2021

For Vancouver,
CITY OF VANCOUVER,
a municipal corporation

For Camas,
CITY OF CAMAS,
a municipal corporation

Eric Holmes, City Manager

Signature

Attest:

Printed Name and Title

Natasha Ramras, City Clerk

Approved as to form:

Jonathan J. Young, City Attorney

ATTACHMENT "A"

CITY OF VANCOUVER, WA
JOB ORDER CONTRACT

CONTRACT #100196

INTERLOCAL COOPERATIVE PURCHASE AGREEMENT

This Interlocal Cooperative Purchase Agreement (hereinafter, the “agreement”) is made by and between the City of Vancouver, Washington, a municipal corporation under the laws of the State of Washington (hereinafter referred to as "Vancouver"), with its principal place of business at 415 W 6th Street in Vancouver, Washington, and the City of Camas, Washington, a municipal corporation under the laws of the State of Washington (hereinafter referred to as "Camas"), with its principal place of business at 616 NE 4th Avenue, Camas, Washington (collectively referred to as the "parties", and individually as a “party”).

WHEREAS, Vancouver has entered into job order contract #100194 for construction services (hereinafter referred to as the “JOC Contract”) with Halbert Construction Services, LLC (hereinafter referred to as “Contractor”) commencing on November 1, 2019; and

WHEREAS, Camas wishes to utilize the terms and conditions of the JOC Contract to perform various job order projects on Camas facilities; and

WHEREAS, the Parties hereto have the authority to enter into this agreement in accordance with Chapter 39.34 RCW, the Interlocal Cooperation Act.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants herein contained, the parties hereto agree as follows:

It is agreed by the parties as follows:

1. **Term.** The term of this agreement in respect to each party shall commence on the date of last signature by the parties hereto and shall remain in effect during the duration of the JOC Contract until terminated by a party as provided in paragraph 5 of this Agreement.
2. **Cooperative Purchase.** Vancouver authorizes a no cost change to the JOC Contract that the Contractor provide Camas with job order construction services on Camas facilities directly to Camas on the same terms and conditions of the JOC Contract, except that the obligations owed to the Vancouver under such agreement will be owed by Contractor to Camas including but not limited to obligations to provide performance and payment bonds for work performed and insurance endorsements that name Camas as additional insured. Contractor shall directly invoice Camas for any and all such work provided, and all work orders shall state "All work described herein provided directly to the City of Camas, Washington by the Contractor are subject to the terms and conditions of the JOC Contract, City of Vancouver Contract #100194 commencing, dated November 1, 2019. The City of Vancouver is not a party to, nor responsible for, performance of or payment for the work described in this invoice." Camas shall issue all job orders and perform all fiscal and program responsibilities for the projects to be identified by Camas. A true and correct copy of the JOC Contract agreement is attached hereto as Attachment "A" and incorporated in its entirety by this reference.
3. **Compensation and Payment.** The parties agree that the total value of all work orders issued under this agreement shall not exceed \$600,000.00 USD. The Contractor shall directly invoice Camas and Camas shall directly pay the Contractor pursuant to the payment and compensation terms identified within the JOC Contract.

4. **Financial Responsibility.** Camas shall be solely financially responsible for the payment of the purchase price of goods and services provided under the JOC contract and received by Camas under the terms of this agreement.
5. **Ownership.** Title to all items purchased by any party to this agreement shall remain in the name of such party.
6. **Termination.** Any party to this agreement may terminate its participation by giving the other party to the agreement thirty (30) days written notice of such intent to terminate.
7. **Limitations.** The parties shall not jointly acquire property or jointly budget funds under the authority of this agreement.
8. **Statutory Compliance.** Each party agrees to comply with any statutory requirements applicable to such party when acting under this agreement.
9. **Administration.** No new or separate legal or administrative entity is created to administer the provisions of this agreement. Pursuant to RCW 39.34.030(4)(a), the administrator for this Agreement shall be determined by Vancouver.
10. **Right to Contract – Independent Action Preserved.** Each party reserves the right to contract independently for the acquisition of goods or services without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity.
11. **Hold Harmless.** Camas specifically acknowledges that Vancouver shall have no liability or responsibility for the performance of the Contractor with respect to Camas job orders. Camas shall defend and hold Vancouver harmless from any and all claims, suits, losses, costs (including attorney's fees), and/or damages of any kind whatsoever arising out of or in any way resulting from Camas's issuance of job orders and performance by any party pursuant to same facilitated by this agreement. Vancouver makes no representations or warranties of any kind, including, without limitation regarding the contractors, performance, or terms and conditions of the JOC Contract.
12. **Entirety of Agreement.** This agreement contains or incorporates all the terms and conditions agreed upon by the parties. No other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any parties hereto.

Dated: _____, 2021

Dated: _____, 2021

For Vancouver,
CITY OF VANCOUVER,
a municipal corporation

For Camas,
CITY OF CAMAS,
a municipal corporation

Eric Holmes, City Manager

Signature

Attest:

Printed Name and Title

Natasha Ramras, City Clerk

Approved as to form:

Jonathan J. Young, City Attorney

ATTACHMENT "A"

CITY OF VANCOUVER, WA
JOB ORDER CONTRACT

CONTRACT #100194

EXHIBIT A - SCOPE OF WORK**City of Camas
Sunningdale Gardens Pump Station R&R
November 2020**

Proposed Scope of Work

Grayling Engineers (Grayling) has developed the following scope of work for the City of Camas (City) for the Sunningdale Gardens Pump Station Repair and Rehabilitation (R&R) project. Installed in 1996, the Sunningdale Gardens Pump Station is a sanitary pump station serving the Sunningdale Gardens subdivision. The pump station is located within a residential neighborhood at 4042 NW Dahlia Loop Camas, WA 98607.

The goal of the project is to rehabilitate and upgrade the mechanical and electrical equipment at this existing pump station. The City provided a summary of the requested upgrades in an email dated March 2, 2020. A copy of the summary is incorporated into this scope of work as **Attachment A**. Pump station improvements will comply with the City's 2019 Sanitary Sewer Pump Station Design Manual. Construction phase services will be contracted under an amendment to this agreement.

Task 1 – Project Management

This task includes correspondence and coordination with the City, tracking and updating the delivery schedule, and tracking the project budget. Included with this task are email and phone correspondence, preparation of monthly invoices, and preparation of monthly progress reports.

Assumptions

- This task does not include in-person meetings.
- Task assumes an average involvement of one hour per week for a total of 30 weeks.

Deliverables

- Monthly invoices
- Monthly progress reports in PDF format

Task 2 – Preliminary Design

This task involves 1) collecting background information to support engineering calculations and final design, 2) completing a hydraulic analysis of the pressure sewer for equipment sizing, 3)

preparing a technical memorandum outlining the basis of design, and 4) preparing 30 percent plans. Work within this task is further divided into subtasks as described below.

Subtask 2.1 - Data Collection

Grayling will coordinate with the City to acquire background information necessary to generate plans and determine pump station capacity. Background information will be reviewed for accuracy and conflicts. Anticipated items include the following:

- Record drawings of the existing pump station.
- Design flows from the City's General Sewer Plan (GSP).
- Drawdown test results for the pump station.
- System map showing the horizontal alignment, vertical profile, and size of the existing force main.

Assumptions

- Professional survey services are not required for the project. Plans will be based on available aerial photography and field measurements.

Subtask 2.2 - Hydraulic Analysis

Grayling will perform a hydraulic analysis of the pressure sewer associated with the Sunningdale Gardens Pump Station. The purpose of the analysis is to determine equipment sizes and operating parameters. Key tasks include the following:

- Basin Plan
- Overflow storage analysis
- Peak design flow will be based on a 20-year forecast, or greater

Assumptions

- The downstream collection system has capacity to accept flows from the upgraded pump station.
- The Lake Road STEP main will be the extent of the analysis.
- Surge analysis is not required.

Subtask 2.3 - Basis of Design TM

Based on the information gathered in Subtask 2.1 and the results of Subtask 2.2, Grayling will prepare a draft technical memorandum (TM) summarizing the basis of design for City review and comment. The TM will summarize the hydraulic analysis and identify the basis for final design. A final version of the TM incorporating City review comments will be stamped and signed by a professional engineer licensed in the State of Washington.

Assumptions

- The TM will be submitted with the 30% plans as described in Subtask 2.4 below.

Deliverables

- Draft TM in electronic (PDF) format.
- Final TM in electronic (PDF) format.

Subtask 2.4 - 30% Design

Grayling will prepare and submit preliminary plans, an outline of technical specifications, and an engineer's opinion of probable construction cost representing 30% design. Following the submittal, a meeting will be held with the City to discuss review comments. The 30% design set will include the following sheets:

1. Cover sheet with maps and sheet index
2. General notes, legend, and symbols
3. Force main hydraulic profile and design criteria
4. Site map with erosion control measures
5. Demolition and bypass pumping plan
6. Civil site plan
7. Wet well and valve vault plans and sections

Assumptions

- Technical specifications will be based on the current version of the WSDOT Standard Specifications with Special Provisions prepared by Grayling.
- One representative of Grayling will attend a single in-person review meeting with the City.
- Utility potholing is not required.
- Stormwater improvements are not required.
- Landscape design is not required.
- Odor control design is not required.
- Land use permitting is not required.

Deliverables

- Two (2) sets of 22"x34" plans in paper format, one copy in electronic (PDF) format.
- Table of contents of Special Provisions.
- Engineer's opinion of probable construction cost reflecting 30% design in electronic (PDF) format.

Task 3 – Final Design

Subtask 3.1 - 60% Design

Construction documents will be modified to address comments on the 30% design received from the City. Grayling will prepare and submit plans, a draft of the technical specifications, and an engineer's opinion of probable construction cost representing 60% design. Work will include coordination with the electrical designers for new electrical equipment and generator sizing. Following the submittal, a meeting will be held with the City to discuss review comments. The 60% design set will include the following sheets:

1. Cover sheet with maps and sheet index
2. General notes, legend, and symbols
3. Force main hydraulic profile and design criteria
4. Site map with erosion control measures
5. Demolition and bypass pumping plan
6. Civil site plan
7. Detailed wet well and valve vault plans and sections
8. Electrical site plan (assume 1 sheet by subconsultant)
9. Electrical one-line diagram (assume 1 sheet by subconsultant)

Assumptions

- Technical specifications will be based on the current version of the WSDOT Standard Specifications with Special Provisions prepared by Grayling.
- Two representatives of Grayling will attend a single in-person review meeting with the City.

Deliverables

- 60% plans in electronic (PDF) format.
- Draft Special Provisions.
- Engineer's opinion of probable construction cost reflecting 60% design in electronic (PDF) format.

Subtask 3.2 - 90% Design

Construction documents will be modified to address comments on the 60% design received from the City. Grayling will prepare and submit 90% plans, technical specifications, front end documents, and an engineer's opinion of probable construction cost to the City for review and comment. The 90% design submittal will include detailed electrical design and structural design of the control panel shelter. Work will include coordination with electrical designers to ensure continuity. Following the submittal, a meeting will be held with the City to discuss review comments. The 90% design set will include the following sheets:

1. Cover sheet with maps and sheet index
2. General notes, legend, and symbols
3. Force main hydraulic profile and design criteria
4. Site map with erosion control measures
5. Demolition and bypass pumping plan
6. Civil site plan
7. Detailed wet well and valve vault plans and sections
8. Surface restoration plan
9. Detail sheets including City standards (assume up to 3 sheets)
10. Structural notes and details (assume 2 sheets by subconsultant)
11. Electrical notes and site plan (assume 2 sheets by subconsultant)
12. Electrical one-line diagram (assume 1 sheet by subconsultant)
13. Electrical and control plans (assume 3 sheets by subconsultant)

Assumptions

- The electrical engineer will coordinate with power and communication utilities.
- Traffic control plans are not required.
- Property acquisition or easements are not required.
- Bidding documents and contract forms will be provided by the City.

Deliverables

- 90% plans in electronic (PDF) format.
- Final draft of bidding documents and contract forms.
- Final draft of technical specifications.
- Engineer's opinion of probable construction cost reflecting 90% design in electronic (PDF) format.

Subtask 3.3 - 100% Design

Construction documents will be modified to address comments on the 90% design received from the City. Grayling will prepare final, bid ready, contract documents as well as a final engineer's opinion of probable construction cost. Contract documents will be stamped and signed by a professional engineer licensed in the State of Washington.

Assumptions

- The City will coordinate permitting, if required. Examples include a building permit for the control panel shelter.

Deliverables

- Four (4) 11"x17" copies of stamped, bid-ready construction documents, and a final engineer's opinion of probable construction cost.
- One copy in electronic (PDF) format.

Task 4 – Bidding Support Services

The City will advertise the project through their online bidding service and conduct the bid opening. Grayling will assist the City during the public bidding process with the following services:

- Schedule and attend a pre-bid meeting.
- Respond to bidder requests for information (RFI)
- Maintain a log of all communications and RFIs
- Prepare addenda to the contract documents as required
- Review the apparent low bidders bid documents and prepare a written recommendation of award
- Prepare a written notice of award to the contractor

Assumptions

- The City will manage the bid opening; Grayling will not attend the opening.
- The City will be responsible for preparing bid tabulations.
- 16 hours have been allocated for this task.

Deliverables

- RFI responses and addenda, if required.
- Letters recommending award and notice of award.

Task 5 – Subconsultant Services

Grayling will subcontract with R&W Engineering for electrical engineering and with Otak for structural engineering. The following subtasks summarize the subcontractor's scope of work.

Subtask 5.1 - Electrical Engineering

R&W Engineering will provide electrical engineering services. A list of services is provided below.

- Site visit to the pump station to gather data.
- Attendance at two design coordination meetings.
- Coordination with CPU for a potential upgrade of the existing electrical service.
- Preparation of electrical drawings.
- Preparation of electrical specifications in CSI format.
- Two design review submittals at 60% and 90%.
- Final construction documents.

Deliverables

- Design drawings at 60%, 90%, and 100%.

- Technical specifications.
- Cost estimate.

Subtask 5.2 - Structural Engineering

Otak will provide structural engineering design and calculations for the control panel shelter.

Assumptions

- The City will submit the building permit application and pay associated fees.

Deliverables

- Design drawings and calculations at 90% and 100%.

Exclusions

- Services and deliverables not defined herein.

Estimated Fee

The total estimated fee based on the scope of work described herein is **\$64,602**. Work will be invoiced monthly on a time and materials basis, not to exceed the agreed upon total without prior approval from the City. Please refer to **Exhibit B** for a detailed breakdown of the estimated fee by task.

Schedule

Professional engineering services are assumed to begin in November 2020 and be completed by June 30, 2021. Outlined below is a schedule of the anticipated project milestones.

Contract Execution	December 2020
Preliminary Design Submittal (TM and 30% plans)	February 2020
60% Design Submittal	March 2020
90% Design Submittal	April 2020
Final Design Submittal	May 2020
Bidding Assistance	May 2021
Construction Services (amendment anticipated)	Anticipated June 2021

EXHIBIT B - FEE ESTIMATE
City of Camas
Sunningdale Gardens Pump Station R&R
November 2020

Task	Description	Senior Engineer	Design Engineer III	Total Hours	Labor Cost	Expenses		Subconsultants		Total
		\$170	\$140			Mileage	Printing	Electrical Engineering	Structural Engineering	
1	Project Management	30		30	\$ 5,100					\$ 5,100
2	Preliminary Design									
2.1	Data Collection	2	4	6	\$ 900					\$ 900
2.2	Hydraulic Analysis	8	16	24	\$ 3,600					\$ 3,600
2.3	Basis of Design TM	8	16	24	\$ 3,600					\$ 3,600
2.4	30% Design	10	32	42	\$ 6,180	\$ 20	\$ 100			\$ 6,300
3	Final Design									
3.1	60% Design	10	32	42	\$ 6,180	\$ 20				\$ 6,200
3.2	90% Design	10	24	34	\$ 5,060	\$ 20				\$ 5,080
3.3	100% Design	6	16	22	\$ 3,260		\$ 500			\$ 3,760
4	Bidding Support Services	12	24	36	\$ 5,400					\$ 5,400
5	Subconsultant Services									
5.1	Electrical Engineering			0	\$ -			\$ 21,362		\$ 21,362
5.2	Structural Engineering			0	\$ -				\$ 3,300	\$ 3,300
Total		96	164	260	\$ 39,280	\$ 60	\$ 600	\$ 21,362	\$ 3,300	\$ 64,602



Kyle Thompson <kyle.thompson@graylingeng.com>

Sunningdale Gardens Lift Station Upgrades

2 messages

Bob Busch <BBusch@cityofcamas.us>

Mon, Mar 2, 2020 at 3:18 PM

To: Kyle Thompson <kyle.thompson@graylingeng.com>, Nathan Abercrombie <nathan.abercrombie@graylingeng.com>

Cc: Will Blake <WBlake@cityofcamas.us>, Joe Calderone <JCalderone@cityofcamas.us>

Hi Kyle & Nathan,

I know you are probably in the middle of working on the proposal for the Sunningdale Gardens R&R project, but I thought I'd send along a rough scoping list. We already discussed most of the below, but I thought it was important that I get you a written list of what we are looking to accomplish.

Project Scope:

- Provide updated capacity/demand calculation, to facilitate proper sizing of pumps.
- Spec new pumps that meet current and expected future demand at the site.
- Upgrade/replace controls to match city's current PLC-based standard.
 - Us CompactLogix PLC (we are pursuing this a standard for all lift stations)
 - Instrumentation upgrade. Replace float-based level indicator with either multitrode + backup multitrode or ultrasonic + backup multitrode configuration.
 - Flow meter not necessary.
 - Electronic pressure sensor not necessary.
 - Install "local" disconnect control panel at wet well, with Meltric pump disconnects (?)
- Replace float-based level indicator with either multitrode + backup multitrode or ultrasonic + backup multitrode configuration.
- Add site lighting.
- Add wet well hatch safety grating.
- Replace valve vault hatch doors and add safety grating (new cap?).
- Replace generator (current generator is obsolete, no parts available).
- Evaluate existing wet well lining, replace if necessary.
- Rust abatement and re-coat piping in valve vault.
- Rebuild check valves (if necessary).
- Replace bad forcemain pressure gauge with a larger gauge that is readable from the surface. Re-orient if necessary.
- Replace pump boots? Currently has Paco pump boots requiring the Flygt pumps to have an adapter.
- Evaluate pump rails. Replace if necessary.

- Definitely need to replace anchors which attach pump rails to wet well slab, with stainless steel hardware. They are badly corroded.

Item 6.

- After work is complete, grade and gravel driveway.

Please forgive the informality of the list....I was just trying jot down everything that has been discussed to date. Let me know if you have any questions.

Thanks,

Bob Busch

WWTP Operations Supervisor

bbusch@cityofcamas.us

D: (360) 817-7164



Camas,WA Wastewater Treatment Facility

(360) 834-3263

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Kyle Thompson <kyle.thompson@graylingeng.com>

Mon, Mar 2, 2020 at 3:57 PM

To: Bob Busch <BBusch@cityofcamas.us>

Cc: Nathan Abercrombie <nathan.abercrombie@graylingeng.com>, Will Blake <WBlake@cityofcamas.us>, Joe Calderone <JCalderone@cityofcamas.us>

Thanks for the email Bob. This is on our list for this week so your timing is excellent. We will let you know if we have any questions. I will be sending R&W an email shortly about helping us with the work.

Kyle Thompson

PE (WA, OR & MT)

Principal Engineer / Owner

605 Barnes Street, Suite 203, Vancouver, WA 98661

P 360.347.6399 | M 360.977.3104

www.graylingeng.com

[Quoted text hidden]



Staff Report – Consent Agenda

February 16, 2021 Council Regular Meeting

Sunningdale Garden Sewer Lift Station Professional Services
(Submitted by Sam Adams, Utilities Manager)

Phone	Email
360.817.7003	sadams@cityofcamas.us

INTRODUCTION/PURPOSE/SUMMARY: This consent item was presented to City Council on February 1, 2021. This item is a professional services agreement with Grayling Engineers for the redesign of Sunningdale Gardens Sewer Lift Station.

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item?

What's the data? What does the data tell us?

- The 2017 Condition Assessment identified substantial corrosion and age-related issues with the station and proposed improvements.

How have communities been engaged? Are there opportunities to expand engagement?

Who will benefit from, or be burdened by this agenda item?

- The City and residents in the surrounding area will benefit from this project through the continued operation of a functioning sewer lift station that will prevent back-ups and sewer overflows from occurring.

What are the strategies to mitigate any unintended consequences?

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.

Will this agenda item improve ADA accessibilities for people with disabilities?

What potential hurdles exists in implementing this proposal (include both operational and political)?

How will you ensure accountabilities, communicate, and evaluate results?

How does this item support a comprehensive plan goal, policy or other adopted resolution?

BUDGET IMPACT: This professional services agreement is for \$64,602. The Sewer Fund has budget available to complete this project.

RECOMMENDATION: Authorize the Mayor to sign the professional services agreement with Grayling Engineers.



Staff Report – Consent Agenda

February 16, 2021 Council Regular Meeting

Camas School District (CSD) - Transportation Improvements Traffic Impact Fee Credits
(James Carothers, Engineering Manager)

Phone	Email
360.817.7230	jacarothers@cityofcamas.us

INTRODUCTION/PURPOSE/SUMMARY: This agenda item is to approve the assignment of traffic impact fee (TIF) credits in the amount of \$98,025.00, to the Camas School District (CSD). The development of the CSD Project Based Learning (PBL) high school required certain transportation improvements, specifically the installation of a traffic signal, at the intersection of SE Payne Road and NW Pacific Rim Blvd. The traffic signal, and associated improvements, were completed in May 2020. These improvements are TIF eligible per the adopted 2012 Camas TIF Update (see Project 14, on Figure 10, on the TIF Project Locations Map.)

Per Section 1.5 on page 3 of the recorded 3-Party MOU between Sharp, CSD, and COC, "... the City shall issue \$196,050.00 of Transportation Impact Fee (TIF) credits to Sharp or its designee." Per Section 1.3 on page 2 of the recorded two-party MOU, "Sharp shall direct the City to issue one-half of the credits for Sharp's construction of the transportation improvement (traffic signal) identified in Section 1.1 of the attached MOU to CSD."



**Figure: Transportation Improvement - Traffic Signal
Intersection of SE Payne Road & NW Pacific Rim Blvd.**

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item?

Formal approval of assignment of the traffic impact fee credits.

What is the data? What does the data tell us?

The signal has been constructed and the traffic impact fee credits should be assigned per the two-party MOU between the CSD and Sharp Electronics Corporation, as well as the three-party MOU between Sharp Electronics Corporation, the CSD, and City of Camas.

How have communities been engaged? Are there opportunities to expand engagement?

The public was given the opportunity to participate during the public hearing held in May 2017.

Who will benefit from, or be burdened by this agenda item?

N/A

What are the strategies to mitigate any unintended consequences?

N/A

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.

No.

Will this agenda item improve ADA accessibilities for people with disabilities?

Yes. The signalized intersection and road crossings are ADA accessible.

What potential hurdles exists in implementing this proposal (include both operational and political)?

None.

How will you ensure accountabilities, communicate, and evaluate results?

The signal is currently, and has been, functioning properly since final acceptance. In the unlikely event of malfunction or failure of the signal during the warranty period, City staff will work with the CSD/Sharp to resolve any said issues.

How does this item support a comprehensive plan goal, policy, or other adopted resolution?

Construction of the signalized intersection was a coordinated effort with the CSD and the community to provide for a safe pedestrian route between residential areas, schools, and public facilities, per the 2016 Comprehensive Plan.

BUDGET IMPACT: This item is budget neutral.

RECOMMENDATION: Approve traffic impact fee credits to the Camas School District in the amount of \$98,025.00.

DKS Associates
TRANSPORTATION SOLUTIONS

Figure 10

City of Camas TIF PROJECT LOCATIONS



NO SCALE

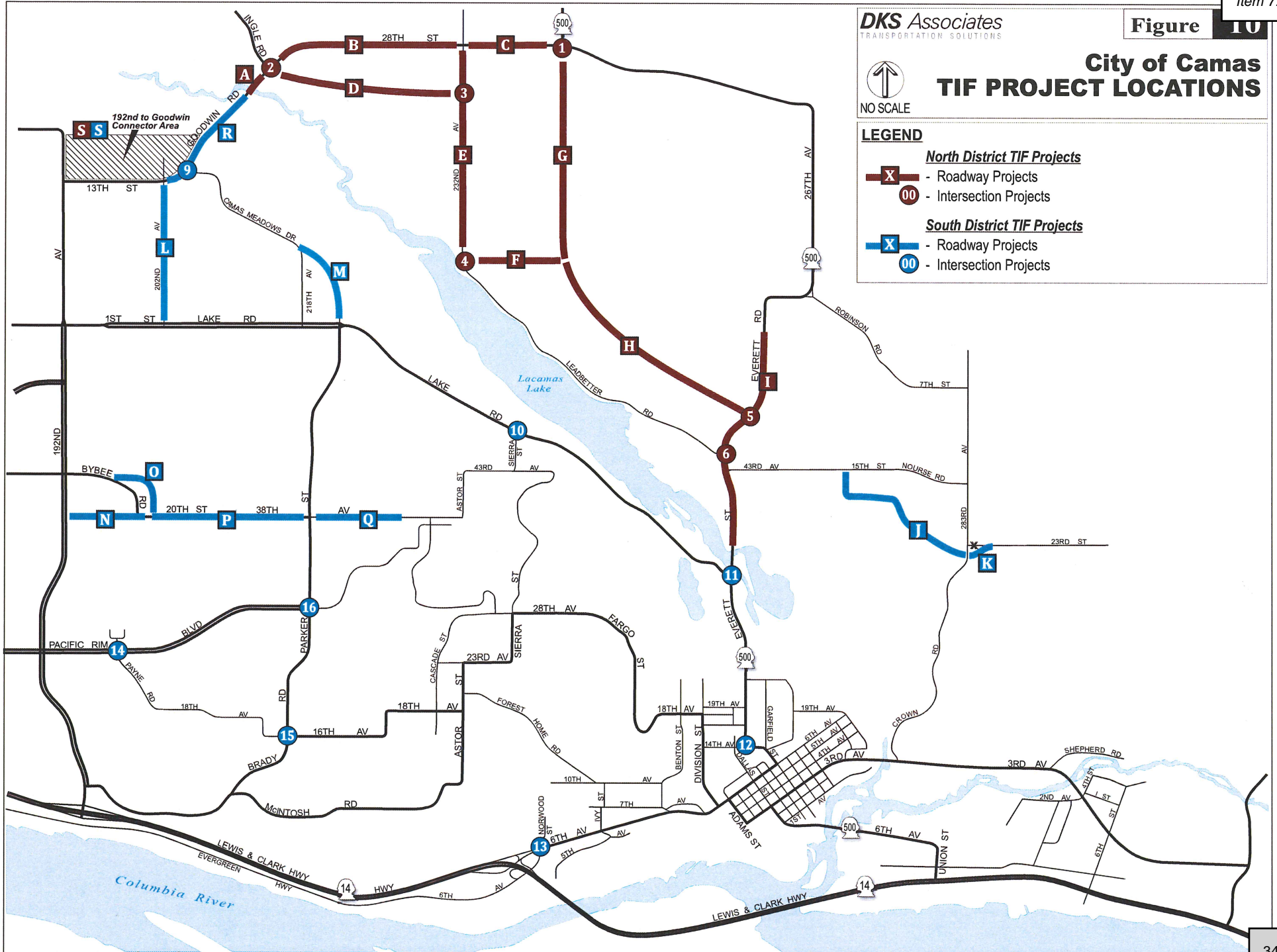
LEGEND

North District TIF Projects

- X - Roadway Projects
- 00 - Intersection Projects

South District TIF Projects

- X - Roadway Projects
- 00 - Intersection Projects



3-Party MOU Between Sharp, CSD, & COC

Item 7.

MEMORANDUM OF UNDERSTANDING REGARDING TRANSPORTATION IMPROVEMENTS

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of this 29 day of June, 2016, by and between **SHARP ELECTRONICS CORPORATION**, ("Sharp"), **CAMAS SCHOOL DISTRICT**, a Washington public school district ("CSD") and **CITY OF CAMAS**, a municipal corporation ("Camas").

RECITALS

A. Sharp is the owner of real property located in Camas, Clark County, Washington identified as Parcels 1 through 2 and 4 through 6, Tax Parcel Nos. 986033-959; 986033-960; 9866033-962; 125661-000; 125651-000 and legally described on the attached Exhibit "A". For over twenty years Sharp has owned and operated two buildings, one on Parcel 5 and one on Parcel 6 as depicted on Exhibit "B".

B. CSD has contracted to purchase Parcels 4 and 5 from Sharp and the parties intend to close the transaction on June 30, 2016. The Parcels to be acquired are to be utilized for School purposes. Execution of this MOU is part of the purchase and sale negotiations for this property.

C. CSD commissioned a traffic analysis report, which was completed by Charbonneau Engineering LLC, in May 2016, utilizing certain assumptions for school purpose use of the parcels to be acquired (hereinafter "Charbonneau report").

D. CSD's use of Parcels 4 and 5 is currently anticipated to include use of the existing building on Parcel 5 for a Project Based Learning environment with the number of students increasing over time. The Parties agree that CSD will use the building to accommodate up to 125 students in 2016/2017 and up to 250 students in 2017/2018 with limited after school activities and parent drop-off/pick-up. The vested Transportation Impact Fee trips from the office use on said parcels equates to 500 middle school students.

E. The parties hereto desire to jointly plan and provide for transportation improvements that will increase safety and reduce congestion in the area. The parties agree that the proposed improvements fully satisfy any transportation mitigation associated with CSD's occupancy of the existing building on Parcel 5 up to the maximum identified in the Charbonneau report. The parties agree that addition of students beyond this maximum or construction of additional buildings on Parcels 4 or 5 may warrant additional analysis or mitigation as determined by the City.

AGREEMENT

NOW, THEREFORE, in support of the foregoing premises of this MOU, which are incorporated into the agreement of the parties set forth herein, the undersigned hereby agree as follows.

1. IMPROVEMENTS

1.1 At some point prior to September 1, 2018, Sharp shall cause the substantial completion of a signalized intersection at Payne Road and Pacific Rim Boulevard to be constructed with a design substantially similar to the design depicted in Exhibit "C". Preliminary design of improvements is to be submitted not later than July 1, 2017, with final design of improvements to be submitted by Sharp, to allow final review and approval by Camas no later than January 1, 2018. Sharp shall complete any punch list items necessary to obtain final acceptance by the City of the improvement no later than October 1, 2018.

1.2 At some point prior to September 1, 2018, Sharp shall cause the substantial completion of a new intersection with its current internal private road and Payne Road in the approximate location of Lacy Street ("New Payne Road Intersection") to be constructed with a design substantially similar to the design depicted in Exhibit "D" attached hereto. Preliminary design of improvements is to be submitted not later than July 1, 2017, with final design of improvements to be submitted by Sharp, to allow final review and approval by Camas no later than January 1, 2018. Sharp shall complete any punch list items necessary to obtain final acceptance by the City of the improvement shall occur no later than October 1, 2018.

1.3 At or prior to the completion and acceptance by Camas and the operation of: (1) the signalized intersection at Payne Road and Pacific Rim Boulevard; and (2) the New Payne Road Intersection, Sharp shall take necessary action to eliminate the current direct access from its private internal road to Pacific Rim Boulevard. Nothing in this MOU shall be construed in any way to limit Sharp's access to Pacific Rim Boulevard at any other locations otherwise approved by Camas.

1.4 At some point prior to January 1, 2018, if necessary, to construct the signalized intersection at Payne Road and Pacific Rim Boulevard, Camas will obtain at no expense to the other parties, any Right of Way acquisition necessary for the Payne Road and Pacific Rim Boulevard intersection improvements. Sharp agrees to timely donate any reasonably necessary right-of-way from their existing parcel(s) to complete construction of the signal. In the event timely acquisition of necessary Right-of-Way fails to occur and, as a result, the construction of the improvement identified in Section 1.1 herein is delayed then, on the condition that Sharp is diligently pursuing completion of said improvement, the City shall allow the building on parcel 5 to be used by CSD as a full Project Based Learning Middle School for up to 500 students commencing as of the 2018/2019 school year. If the City fails to obtain the right-of-way necessary for the construction of the signalized intersection by January 1, 2018; and provided the

City does obtain such right-of-way, Sharp shall be given a reasonable amount of time to complete the improvement, taking into account time of year, weather and other factors customarily considered in construction of this type.

1.5 Based upon Camas' Capital Facilities Plan and Transportation Impact Fee program, upon completion and acceptance of the Payne Road and Pacific Rim Boulevard improvements in September 2018, the City shall issue \$196,050.00 of Transportation Impact Fee credits to Sharp or its designee.

1.6 (Deleted)

1.7 Camas shall allow access from Sharp's Parcel 6 (Tax Parcel No. 125651-000) to 18th Street as depicted in Exhibit "E". As a condition of such access being granted, at the time of construction of the access, Sharp shall also construct certain improvements, including a three-lane section of 18th Street and pedestrian access, as depicted on Exhibit "E". Sharp shall also dedicate to the City six (6) feet of Right of Way along Parcel 6 upon completion and acceptance by the City of construction of the 18th Street access.

2. MISCELLANEOUS PROVISIONS.

2.1 Authority. Each person executing this MOU on behalf of a party represents and warrants that such person has the authority to enter into this MOU on the terms and conditions contained herein.

2.2 Notices. Any notices, demands, or other communications to be given hereunder must be in writing and must be delivered personally or sent by first-class U.S. mail, postage prepaid, addressed to the parties at the addresses set forth below, or at such other address as any party may hereinafter or from time to time designate by written notice to the other parties given accordance herewith. Notice will be considered given when personally delivered or mailed and will be considered received by the party to whom it is addressed on the third day after such notice is given.

Notices to Sharp:

Sharp Electronics Corporation
1 Sharp Plaza, Mahwah, NJ 07495-1163
Attn: William Flynn
Phone: (201) 529-9416

With a Copy to:

Office of General Counsel
1 Sharp Plaza, Mahwah, NJ 07495-1163
legalnotices@sharpsec.com

Notices to CSD:

Camas School District
841 NE 22nd Avenue, Camas, WA 98607
Attn: Jeff Snell
Phone: (360) 833-5412

Notices to Camas:

City of Camas
616 NE 4th Avenue, Camas, WA 98607
Attn: City Administrator
Phone: (360) 834-6864

2.3 Headings for Convenience. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this MOU.

2.4 No Recordation. This MOU, any portion of this document, or any other document referencing these terms shall not be recorded in the real property records in the State of Washington.

2.5 Entire Agreement. This MOU constitutes the entire agreement between the parties and cannot be changed or modified, other than in a writing executed by all parties hereto. There are no other agreements, oral or written, with respect to the subject matter hereof, except as expressed herein. If required the parties shall negotiate and execute such further or supplemental agreements as may be necessary or proper to carry out the terms set forth herein.

2.6 Interpretation and Governing Law. This MOU shall be governed by the laws of the State of Washington.

2.7 Time of the Essence. Time is of the essence of this MOU and of every provision hereof.

2.8 Counterparts. This MOU may be executed in multiple counterparts, each of which will be deemed an original, but all of which, together, will constitute one and the same instrument. Digital signatures shall constitute original signatures for purposes of this document.

2.9 Representation. Landerholm, P.S. represented Sharp in drafting of this document. Camas and CSD consulted their counsel regarding the terms of this document. The parties agree that any interpretation of the language contained herein shall not be construed against the drafter.

2.10 Purpose. In the event any party shall be precluded from fulfilling its obligations stated herein as the result of a statute, regulation or ordinance which prohibits or restricts the terms of this MOU from being fully enforced, the parties shall negotiate in good faith to seek a solution which will allow the general purpose and intent of this MOU to be fulfilled, to the extent permitted by law. In the event that any specific provision of this MOU is deemed unenforceable, the balance of the terms shall remain in full force and effect, so long as such continued enforcement of the remaining terms does not act to defeat or deprive a party of its reasonable economic expectations hereunder.

IN WITNESS WHEREOF, the parties have executed this MOU as of the day and year first above written.

[SIGNATURES ON FOLLOWING PAGE]

SHARP ELECTRONICS CORPORATION

By: [Signature]Name: AKIHIKO KISHITitle: Senior Executive Vice President

CAMAS SCHOOL DISTRICT

By: [Signature]Name: Jeff SnellTitle: Deputy Superintendent

CITY OF CAMAS

By: [Signature]Name: Shannon TurkTitle: Mayor Pro Tem



LAND SURVEYORS
ENGINEERS

(360) 695-1385
1111 Broadway
Vancouver, WA
98660

Exhibit "A"

LEGAL DESCRIPTION FOR PARCEL 1
NET OF RIGHT-OF-WAY
(PORTION OF ASN 125651-000)

July 14, 2014

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE North 31° 42' 11" West, a distance of 768.97 feet, more or less to a point on the South right-of way line of NW Pacific Rim Blvd, said point being 40.00 feet from, when measured perpendicular to, the centerline of said Blvd;

THENCE North 58° 23' 08" East, along said right-of-way, a distance of 967.17 feet to the Northeast corner of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's File No. 8905220187, records of said county;

THENCE South 31° 36' 49" East, along the East line of said Sharp Microelectronics Technology, Inc. parcel, a distance of 974.00 feet to an angle point therein;

THENCE continuing along said East line, South 01° 13' 20" West, a distance of 183.00 feet;

THENCE leaving said East line North 88° 37' 48" West, a distance of 584.08 feet to a point which bears North 64° 34' 00" East from the TRUE POINT OF BEGINNING;

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Page 1 of 2



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98660

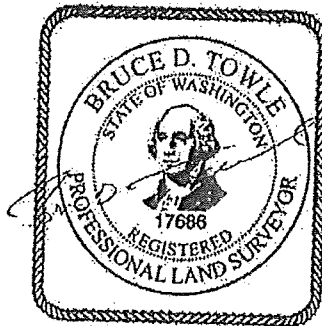
THENCE South 64° 34' 00" West, a distance of 379.00 feet to the TRUE POINT OF BEGINNING;

EXCEPT that parcel conveyed to Public Utility District No. 1 of Clark County as described under Auditor's File No. 9012030081, records of said County.

EXCEPT public streets.

Containing 19.12 acres, more or less.

Containing 20.00 acres (gross), more or less, to centerline of adjacent public right-of-way.



7/24/14



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(360) 695-1385
1111 Broadway
Vancouver, WA
98660

LEGAL DESCRIPTION FOR ADJUSTED PARCEL 2
NET OF RIGHT-OF-WAY
(PORTION OF ASN 125651-000)

July 14, 2014

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE North 00° 55' 41" East, a distance of 275.25 feet;

THENCE North 89° 42' 11" West, a distance of 1181.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE North 39° 17' 25" West, along said right-of-way, a distance of 440.08 feet to a point on a 170.00 foot radius curve to the right;

THENCE along said right-of-way and along said 170.00 foot radius curve to the right (the long chord of which bears North 18° 57' 35" West, a distance of 118.13 feet), an arc distance of 120.64 feet to a point on a 20.00 foot radius curve to the right;

THENCE along said right-of-way and along said 20.00 foot radius curve to the right (the long chord of which bears North 46° 16' 50" East, a distance of 28.24 feet), an arc

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Page 1 of 2



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distance of 31.35 feet, more or less, to a point on the South right-of-way of Northwest Pacific Rim Blvd, said point being 40.00 feet from, when measured perpendicular to, the centerline of said Blvd;

THENCE South $88^{\circ} 48' 34''$ East, along said right-of-way, a distance of 1076.73 feet to a point on a 1040.00 foot radius curve to the left;

THENCE along said right-of-way and along said 1040.00 foot radius curve to the left (the long chord of which bears North $74^{\circ} 47' 17''$ East, a distance of 587.36 feet), an arc distance of 595.46 feet;

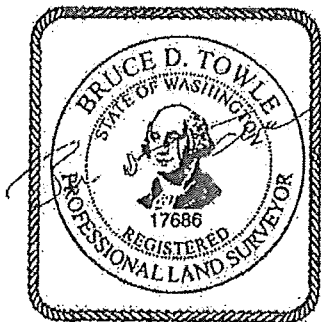
THENCE North $58^{\circ} 23' 08''$ East, along said right-of-way, a distance of 355.44 feet to a point which bears North $31^{\circ} 42' 11''$ West from the TRUE POINT OF BEGINNING;

THENCE leaving said right-of-way, South $31^{\circ} 42' 11''$ East, a distance of 768.97 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 27.32 acres, more or less.

Containing 29.62 acres (gross), more or less, to centerline of adjacent public right-of-way.



7/24/14



LAND SURVEYORS
ENGINEERS

(360) 695-1385
222 E. Evergreen Blvd.
Vancouver, WA
98660

LEGAL DESCRIPTION FOR ADJUSTED PARCEL 4
(ASN 986033-962)

June 24, 2016

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet;

THENCE leaving said right-of-way, North 00° 26' 43" East, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, a distance of 299.80 feet;

THENCE South 89° 19' 34" East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

JMB

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98660

THENCE North 01° 13' 20" East, along said West line, a distance of 325.18 feet;

THENCE leaving said West line, South 89° 42' 11" East, a distance of 193.77 feet;

THENCE North 00° 17' 49" East, a distance of 20.00 feet to a point on the North line of said "Parcel 6";

THENCE South 89° 42' 11" East, along said North line, a distance of 496.22 feet;

THENCE North 01° 13' 20" East, along said North line, a distance of 98.00 feet;

THENCE South 89° 42' 11" East, a distance of 72.01 feet, to the East line of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's file No. 8905220187, records of said county;

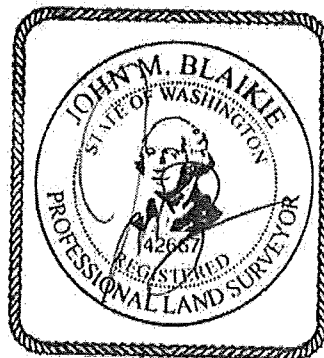
THENCE North 01° 13' 20" East, along said East line, a distance of 350.00 feet, more or less, to a point which bears South 01° 13' 20" West, a distance of 183.00 feet from an angle point in said East line;

THENCE North 88° 37' 48" West, a distance of 584.08 feet to a point which bears North 64° 34' 00" East from the TRUE POINT OF BEGINNING;

THENCE South 64° 34' 00" West, a distance of 379.00 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 29.48 acres, more or less.



06/24/16

JMB

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Page 2 of 2



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(360) 695-1385
222 E. Evergreen Blvd.
Vancouver, WA
98660

LEGAL DESCRIPTION FOR ADJUSTED PARCEL 5
(ASN 125661-000)

June 24, 2016

A parcel of property located in the South half of Section 5, and the Northeast quarter of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet to the TRUE POINT OF BEGINNING;

THENCE leaving said right-of-way, North 00° 26' 43" East, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, a distance of 299.80 feet;



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ENGINEERS

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222 E. Evergreen Blvd.
Vancouver, WA
98660

THENCE South 89° 19' 34" East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

THENCE South 01° 13' 20" West, along said West line, a distance of 190.00 feet;

THENCE leaving said West line, South 01° 26' 04" East, a distance of 81.62 feet;

THENCE South 45° 11' 16" West, a distance of 17.30 feet;

THENCE South 01° 13' 18" West, a distance of 29.78 feet;

THENCE South 49° 29' 49" West, a distance of 55.97 feet to a point on the West line of said "Parcel 6";

THENCE South 01° 13' 20" West, along said West line, a distance of 104.79 feet;

THENCE leaving said West line, South 41° 23' 19" West, a distance of 39.14 feet;

THENCE South 71° 49' 58" West, a distance of 5.50 feet;

THENCE North 70° 07' 33" West, a distance of 6.64 feet;

THENCE South 78° 01' 18" West, a distance of 57.66 feet to a point on the West line of said "Parcel 6";

THENCE South 37° 23' 08" West, along said West line, a distance of 149.60 feet, more or less, to a point on the North right-of-way of Northwest 18th Ave, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Ave, said point also being on a non-tangent 280.00 foot radius curve to the left;

THENCE along said right-of-way, and along said 280.00 foot radius curve to the left (the long chord of which bears North 71° 09' 31" West, a distance of 178.10 feet), an arc distance of 181.25 feet to a point on the North right-of-way of said Southeast 40th Street, said point bears South 89° 42' 11" East, from the TRUE POINT OF BEGINNING;

THENCE North 89° 42' 11" West, along said right-of-way, a distance of 434.50 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 9.76 acres, more or less.



JMB

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ENGINEERS
(360) 695-1385
222 E. Evergreen Blvd.
Vancouver, WA
98660

LEGAL DESCRIPTION FOR ADJUSTED PARCEL 6
(ASN 125651-000)

June 24, 2016

A parcel of property located in the South half of Section 5, and the Northeast quarter of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet;

THENCE leaving said right-of-way, North 00° 26' 43" East, along said West line, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, along said West line, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, along said West line, a distance of 299.80 feet;

JMB

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Page 1 of 3



*LAND SURVEYORS
ENGINEERS*

*(360) 695-1385
222 E. Evergreen Blvd.
Vancouver, WA
98660*

THENCE South $89^{\circ} 19' 34''$ East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

THENCE North $01^{\circ} 13' 20''$ East, along said West line, a distance of 345.18 feet to the Northwest corner thereof;

THENCE South $89^{\circ} 42' 11''$ East, along the North line of said "Parcel 6", a distance of 689.66 feet;

THENCE North $01^{\circ} 13' 20''$ East, along said North line, a distance of 98.00 feet to the TRUE POINT OF BEGINNING;

THENCE South $01^{\circ} 13' 20''$ West, a distance of 98.00 feet;

THENCE North $89^{\circ} 42' 11''$ West, a distance of 496.22 feet;

THENCE South $00^{\circ} 17' 49''$ West, a distance of 20.00 feet;

THENCE North $89^{\circ} 42' 11''$ West, a distance of 193.77 feet to a point on the West line of said "Parcel 6";

THENCE South $01^{\circ} 13' 20''$ West, along said West line, a distance of 515.18 feet;

THENCE leaving said West line, South $01^{\circ} 26' 04''$ East, a distance of 81.62 feet;

THENCE South $45^{\circ} 11' 16''$ West, a distance of 17.30 feet;

THENCE South $01^{\circ} 13' 18''$ West, a distance of 29.78 feet;

THENCE South $49^{\circ} 29' 49''$ West, a distance of 55.97 feet to a point on the West line of said "Parcel 6";

THENCE South $01^{\circ} 13' 20''$ West, along said West line, a distance of 104.79 feet;

THENCE leaving said West line, South $41^{\circ} 23' 19''$ West, a distance of 39.14 feet;

THENCE South $71^{\circ} 49' 58''$ West, a distance of 5.50 feet;

THENCE North $70^{\circ} 07' 33''$ West, a distance of 6.64 feet;

THENCE South $78^{\circ} 01' 18''$ West, a distance of 57.66 feet to a point on the West line of said "Parcel 6";

JMB

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Vancouver, WA
98660

THENCE South $37^{\circ} 23' 08''$ West, a distance of 149.60 feet, more or less, to a point on the North right-of-way of Northwest 18th Ave, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Ave, said point also being on a non-tangent 280.00 foot radius curve to the right;

THENCE along said right-of-way, and along said 280.00 foot radius curve to the right (the long chord of which bears South $51^{\circ} 53' 54''$ East, a distance of 7.00 feet), an arc distance of 7.00 feet;

THENCE South $51^{\circ} 10' 55''$ East, along said right-of-way, a distance of 28.26 feet to a point on a 470.00 foot radius curve to the left;

THENCE along said right-of-way and along said 470.00 foot radius curve to the left (the long chord of which bears South $60^{\circ} 07' 30''$ East, a distance of 146.12 feet), an arc distance of 146.72 feet;

THENCE South $69^{\circ} 04' 05''$ East, along said right-of-way, a distance of 48.48 feet to a point on a 470.00 foot radius curve to the left;

THENCE along said right-of-way and along said 470.00 foot radius curve to the left (the long chord of which bears South $78^{\circ} 42' 59''$ East, a distance of 157.54 feet), an arc distance of 158.29 feet;

THENCE South $88^{\circ} 21' 53''$ East, along said right-of-way, a distance of 225.68 feet;

THENCE South $89^{\circ} 28' 54''$ East, along said right-of-way, a distance of 410.10 feet to the Southeast corner of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's File No. 8905220187, records of said county;

THENCE North $01^{\circ} 13' 20''$ East, along the East line of said parcel, a distance of 1206.82 feet, more or less, to a point which bears South $89^{\circ} 42' 11''$ East, from the TRUE POINT OF BEGINNING;

THENCE leaving said East line, North $89^{\circ} 42' 11''$ West, a distance of 72.01 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 20.50 acres, more or less.



06/24/16

JMB

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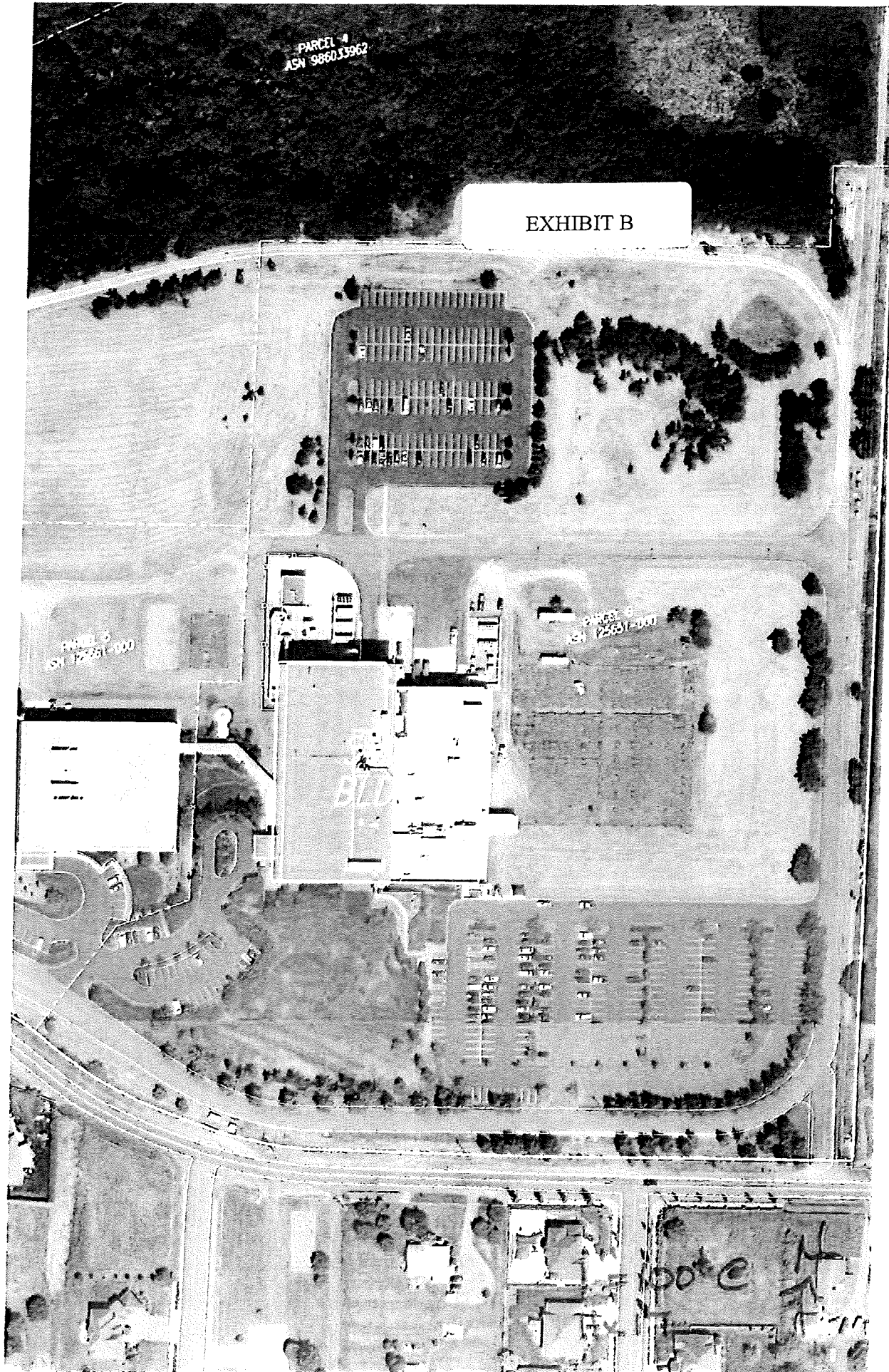
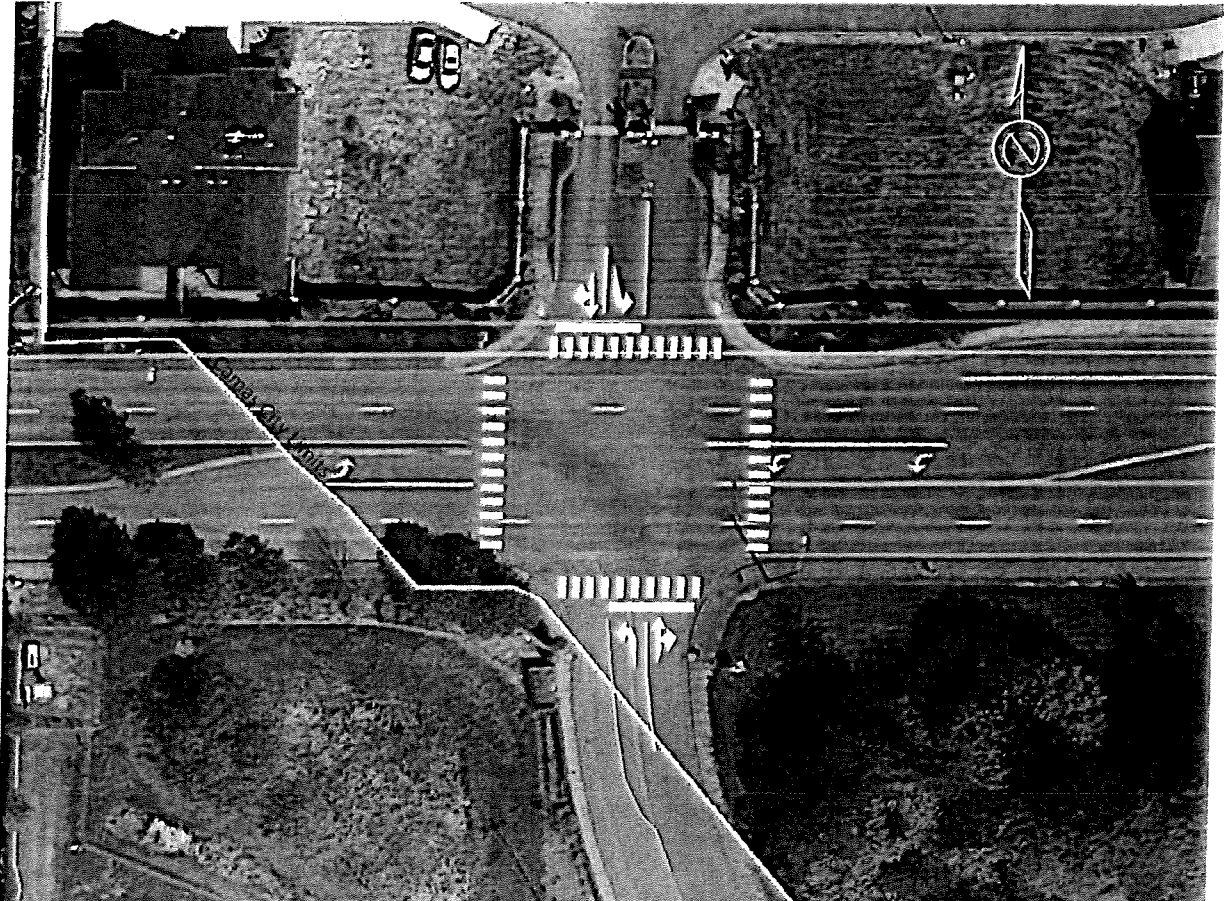


EXHIBIT C

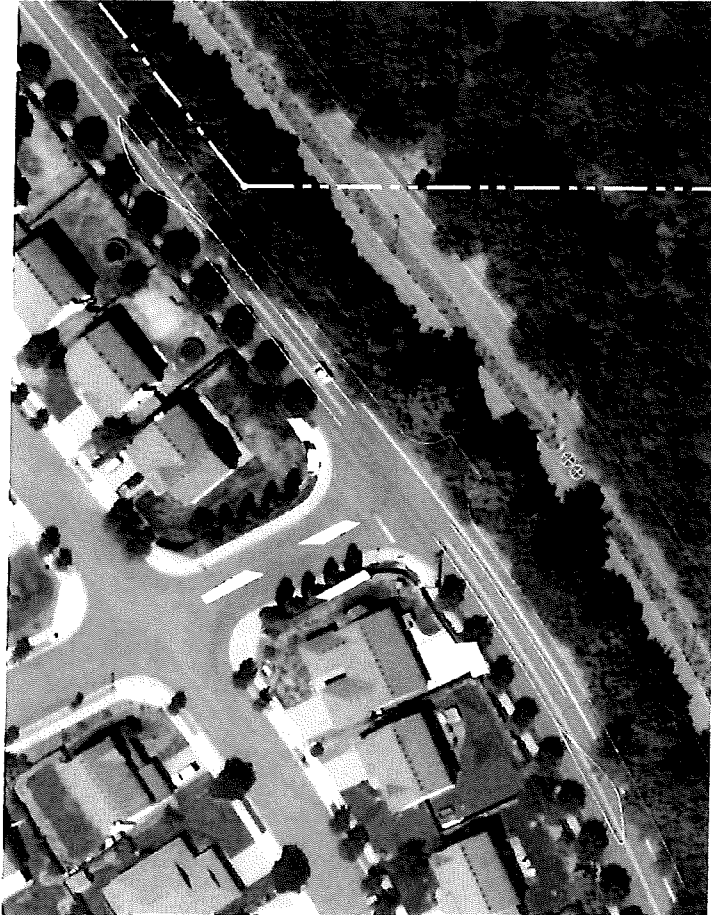


NW PACIFIC RIM DRIVE AND SE PAYNE ROAD

Conceptual Lane Configuration for Future Signal.

NOT TO SCALE
160617 PRB & PAYNE RD - JE

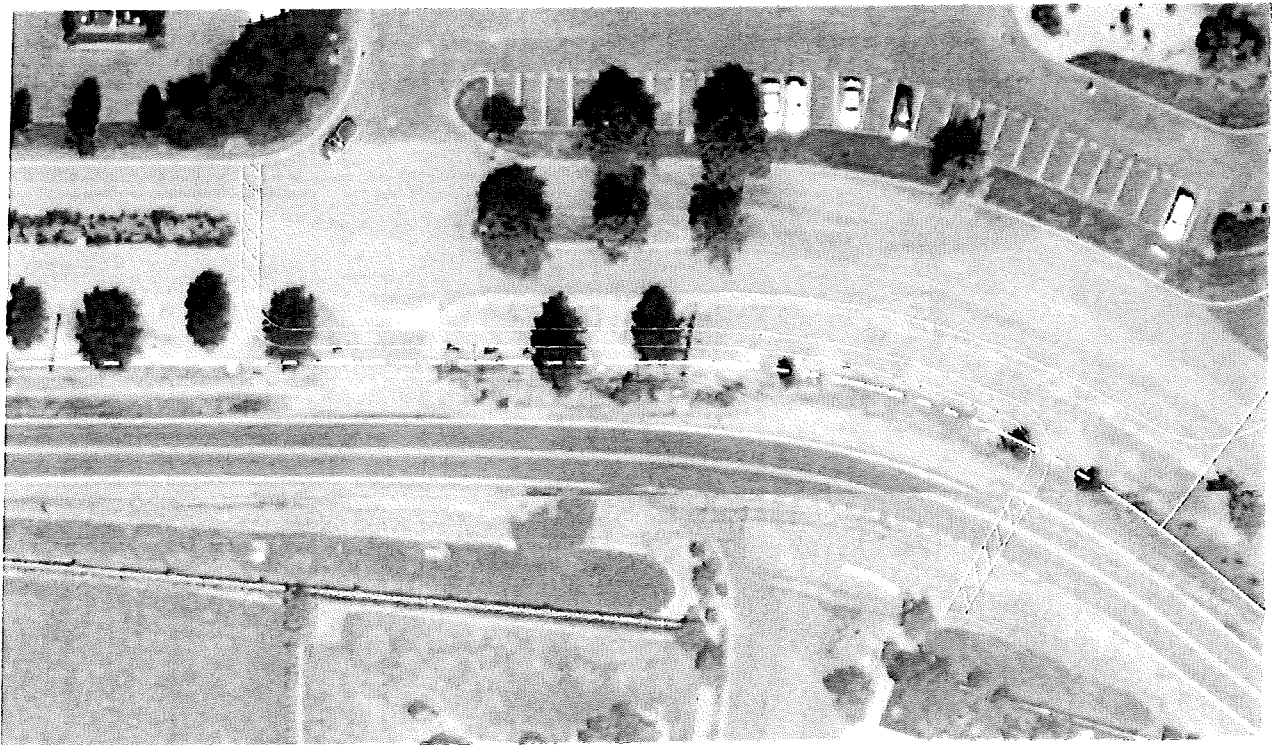
EXHIBIT D



175'

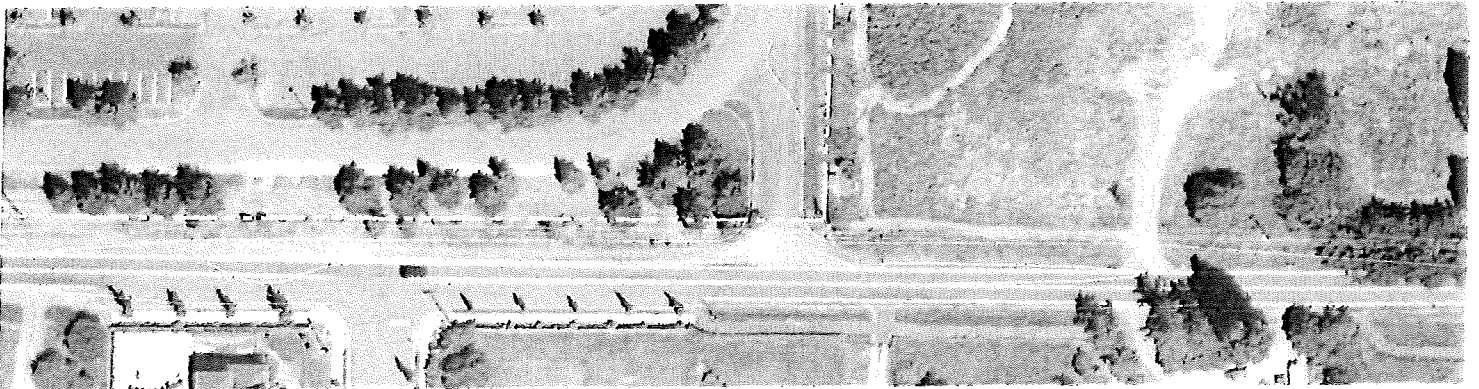
Subject to an agreed engineered design and City of Camas approval, Sharp will construct a new access to the Sharp private drive off Payne Road with sufficient depth and radius of access to adequately accommodate busses to and from both directions on Payne Road and of sufficient intersection width to allow simultaneous left and right turn exit (two lane exit width at intersection).

EXHIBIT "E"



1-3-21

EXHIBIT "E"



2-Party MOU Between Sharp & CSD

MEMORANDUM OF UNDERSTANDING (TRANSPORTATION ISSUES)

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of this 29 day of June, 2016, by and between **SHARP ELECTRONICS CORPORATION**, ("Sharp") and **CAMAS SCHOOL DISTRICT**, a Washington public school district ("CSD")

RECITALS

A. Sharp is the owner of real property located in Camas, Clark County, Washington identified as Parcels 1 through 2 and 4 through 6, Tax Parcel Nos. 986033-959; 986033-960; 9866033-962; 125661-000; 125651-000.

B. CSD has contracted to purchase Parcels 4 and 5 from Sharp and the parties intend to close the transaction on or before June 30, 2016. The Parcels to be acquired are to be utilized for School purposes. Execution of this MOU is part of the purchase and sale negotiations for this property.

C. The parties have executed a separate MOU between themselves and the City of Camas ("Camas"), dated June 29, 2016 evidencing Camas' stipulation to occupancy by CSD and future transportation improvements that will increase safety and reduce congestion in the area. A copy of said MOU is attached hereto as Exhibit "A".

D. The parties wish to provide detail regarding responsibility for construction and cost sharing.

AGREEMENT

NOW, THEREFORE, in support of the foregoing premises of this MOU, which are incorporated into the agreement of the parties set forth herein, the undersigned hereby agree as follows.

1. IMPROVEMENTS

1.1 Between June 30, 2016 and September 1, 2018, Sharp shall obtain bids, coordinate and shall achieve substantial completion of the construction of those certain improvements identified in the MOU attached hereto, or as subsequently agreed to by the parties pursuant to a separate written agreement. Sharp shall complete all improvements necessary for

the City to issue final acceptance of the improvement by October 1, 2018. Provided, however, that Sharp's obligation to construct the improvement identified in Section 1.1 of the attached MOU is contingent upon the City of Camas obtaining in a timely manner any Right of Way necessary to construct the identified improvement. In the event the City fails to obtain any Right of Way necessary to construct the improvement identified in Section 1.1 of the attached MOU by January 1, 2018, but ultimately does obtain it, Sharp shall be given a reasonable amount of time to complete the improvement, taking into account time of year, weather and other factors customarily considered in construction of this type.

1.2 CSD shall pay one-half of the costs incurred to complete the transportation improvement identified in Section 1.1 of the attached MOU. Sharp shall invoice CSD on a monthly basis for completed work and payment will be made within thirty (30) days from date of invoice.

1.3 The City of Camas calculates the sum of \$196,050.00 is available for Transportation Impact Fee ("TIF") credits for construction of the SE Payne/NW Pacific Rim Boulevard traffic signal. Sharp shall direct the the City to issue one half of the credits issued by the City for Sharp's construction of the transportation improvement identified in Section 1.1 of the attached MOU to CSD. Either party may purchase the other's TIF credits dollar for dollar.

1.4 The parties estimate the cost of the anticipated transportation improvement identified in Section 1.1 of the attached MOU to be \$ 400,000.00. The parties agree that this is a good faith estimate only and is based on information currently held by the parties, including the attached conceptual drawings of the intersection provided by the City, but specifically not including any detailed engineering, environmental or geotechnical review.

1.5 As identified in Section 1.2 of the attached MOU, Sharp shall provide at its sole cost a new entrance to Sharp Drive off of SE Payne Road, at SE Lacy Way, to replace the current Sharp Drive entrance off of NW Pacific Rim Boulevard, on or before September 1, 2018.

2. MISCELLANEOUS PROVISIONS.

2.1 Authority. Each person executing this MOU on behalf of a party represents and warrants that such person has the authority to enter into this MOU on the terms and conditions contained herein.

2.2 Notices. Any notices, demands, or other communications to be given hereunder must be in writing and must be delivered personally or sent by first-class U.S. mail, postage prepaid, addressed to the parties at the addresses set forth below, or at such other address as any party may hereinafter or from time to time designate by written notice to the other parties given accordance herewith. Notice will be considered given when personally delivered or mailed and

will be considered received by the party to whom it is addressed on the third day after such notice is given.

Notices to Sharp:

Sharp Electronics Corporation
1 Sharp Plaza, Mahwah, NJ 07495-1163
Attn: William Flynn
Phone: (201) 529-9416

With Copy to:

Office of General Counsel
1 Sharp Plaza, Mahwah, NJ 07495-1163
legalnotices@sharpsec.com

Notices to CSD:

Camas School District
841 NE 22nd Avenue, Camas, WA 98607
Attn: Jeff Snell
Phone: (360) 833-5412

2.3 Headings for Convenience. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this MOU.

2.4 No Recordation. This MOU, any portion of this document, or any other document referencing these terms shall not be recorded in the real property records in the State of Washington.

2.5 Entire Agreement. This MOU constitutes the entire agreement between the parties and cannot be changed or modified, other than in a writing executed by all parties hereto. There are no other agreements, oral or written, with respect to the subject matter hereof, except as expressed herein. If required, the parties shall negotiate in good faith and execute such further or supplemental agreements as may be necessary or proper to carry out the terms set forth herein.

2.6 Interpretation and Governing Law. This MOU shall be governed by the laws of the State of Washington

2.7 Time of the Essence. Time is of the essence of this MOU and of every provision hereof.

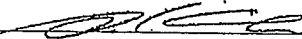
2.8 Counterparts. This MOU may be executed in multiple counterparts, each of which will be deemed an original, but all of which, together, will constitute one and the same instrument. Digital signatures shall constitute original signatures for purposes of this document.

2.9 Representation. Landerholm, P.S. represented Sharp in drafting of this document. CSD consulted its own counsel regarding the terms of this document. The parties agree that any interpretation of the language contained herein shall not be construed against the drafter.

2.10 Purpose. In the event either party shall be precluded from fulfilling its obligations stated herein as the result of a statute, regulation or ordinance which prohibits or restricts the terms of this MOU from being fully enforced, the parties shall negotiate in good faith to seek a solution which will allow the general purpose and intent of this MOU to be fulfilled, to the extent permitted by law. In the event that any specific provision of this MOU is deemed unenforceable, the balance of the terms shall remain in full force and effect, so long as such continued enforcement of the remaining terms does not act to defeat or deprive a party of its reasonable economic expectations hereunder.

IN WITNESS WHEREOF, the parties have executed this MOU as of the day and year first above written.

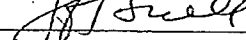
SHARP ELECTRONICS CORPORATION

By: 

Name: AKIHIRO KISHI

Title: Senior Executive Vice President

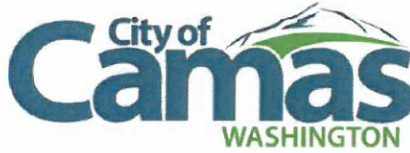
CAMAS SCHOOL DISTRICT

By: 

Name: Jeff Small

Title: Deputy Superintendent

MEMORANDUM OF UNDERSTANDING
(Transportation Issues) - 4
Doc 1618370



Application Form for Impact Fee Credit

Impact Fee Credit Applying for:

- ☒ Traffic Impact Fee
 ☐ Fire Impact Fee
 ☐ School Impact Fee
☐ Open Space Impact Fee
 ☐ Parks Impact Fee
☐ Water System Development Charge
 ☐ Sewer System Development Charge

Company Name: Camas School District Work Phone: 360-833-5593
 Contact Name: Heidi Rosenberg
 Address: 841 NE 22nd Ave
 City: Camas State: WA Zip: 98607 Fax: _____
 E-mail Address: heidi.rosenberg@camas.wednet.edu

Associated Development Proposal:

(COC, CSD, Sharp)
3-Party MOU regarding transportation improvements - June 29, 2016
2-Party MOU transportation issues - June 29, 2016 (CSD, Sharp)

Case Number: _____ Parcel Number: 125661000, 986033962
 Site Address: 5001 & 5125 NW Nan Henriksen Way, Camas WA 98607

Location of Request:

Address of Location: Intersection at NW Pacific Rim Blvd / SE Payne Rd
 Intersection from: _____ Intersection to: _____
 Amount of Credit Requested: \$98,025 (half of \$196,050.00 shared w/Sharp)

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, error, and/or omissions may be sufficient cause for denial of the request.

Printed Name: Heidi Rosenberg

Applicant Signature: [Signature] Date: 1/12/2021

For Office Use Only:

- ☐ Approved
☐ Disapproved Signature: _____ Date: _____



Staff Report – Consent Agenda

February 16, 2021 Council Regular Meeting

Sharp Electronics - Transportation Improvements Traffic Impact Fee Credits
(James Carothers, Engineering Manager)

Phone	Email
360.817.7230	jacarothers@cityofcamas.us

INTRODUCTION/PURPOSE/SUMMARY: This agenda item is to approve the assignment of traffic impact fee credits in the amount of \$98,025.00, to Sharp Electronics Corporation. The development of the CSD Project Based Learning (PBL) high school required certain transportation improvements, specifically the installation of a traffic signal, at the intersection of SE Payne Road and NW Pacific Rim Blvd. The traffic signal, and associated improvements, were completed in May 2020. These improvements are TIF eligible per the adopted 2012 Camas TIF Update (see Project 14, on Figure 10, on the TIF Project Locations Map.)

Per Section 1.5 on page 3 of the recorded 3-Party MOU between Sharp, CSD, and COC, "... the City shall issue \$196,050.00 of Transportation Impact Fee (TIF) credits to Sharp or its designee." Per Section 1.3 on page 2 of the recorded two-party MOU, "Sharp shall direct the City to issue one-half of the credits for Sharp's construction of the transportation improvement (traffic signal) identified in Section 1.1 of the attached MOU to CSD."



**Figure: Transportation Improvement - Traffic Signal
Intersection of SE Payne Road & NW Pacific Rim Blvd.**

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item?

Formal approval of assignment of the traffic impact fee credits.

What is the data? What does the data tell us?

The signal has been constructed and the traffic impact fee credits should be assigned per the two-party MOU between the CSD and Sharp Electronics Corporation, as well as the three-party MOU between Sharp Electronics Corporation, the CSD, and City of Camas.

How have communities been engaged? Are there opportunities to expand engagement?

The public was given the opportunity to participate during the public hearing held in May 2017.

Who will benefit from, or be burdened by this agenda item?

N/A

What are the strategies to mitigate any unintended consequences?

N/A

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.

No.

Will this agenda item improve ADA accessibilities for people with disabilities?

Yes. The signalized intersection and road crossings are ADA accessible.

What potential hurdles exists in implementing this proposal (include both operational and political)?

None.

How will you ensure accountabilities, communicate, and evaluate results?

The signal is currently, and has been, functioning properly since final acceptance. In the unlikely event of malfunction or failure of the signal during the warranty period, City staff will work with the CSD/Sharp to resolve any said issues.

How does this item support a comprehensive plan goal, policy, or other adopted resolution?

Construction of the signalized intersection was a coordinated effort with the CSD and the community to provide for a safe pedestrian route between residential areas, schools, and public facilities, per the 2016 Comprehensive Plan.

BUDGET IMPACT: This item is budget neutral.

RECOMMENDATION: Approve traffic impact fee credits to Sharp Corporation in the amount of \$98,025.00.

DKS Associates
TRANSPORTATION SOLUTIONS

Figure 10

City of Camas TIF PROJECT LOCATIONS



NO SCALE

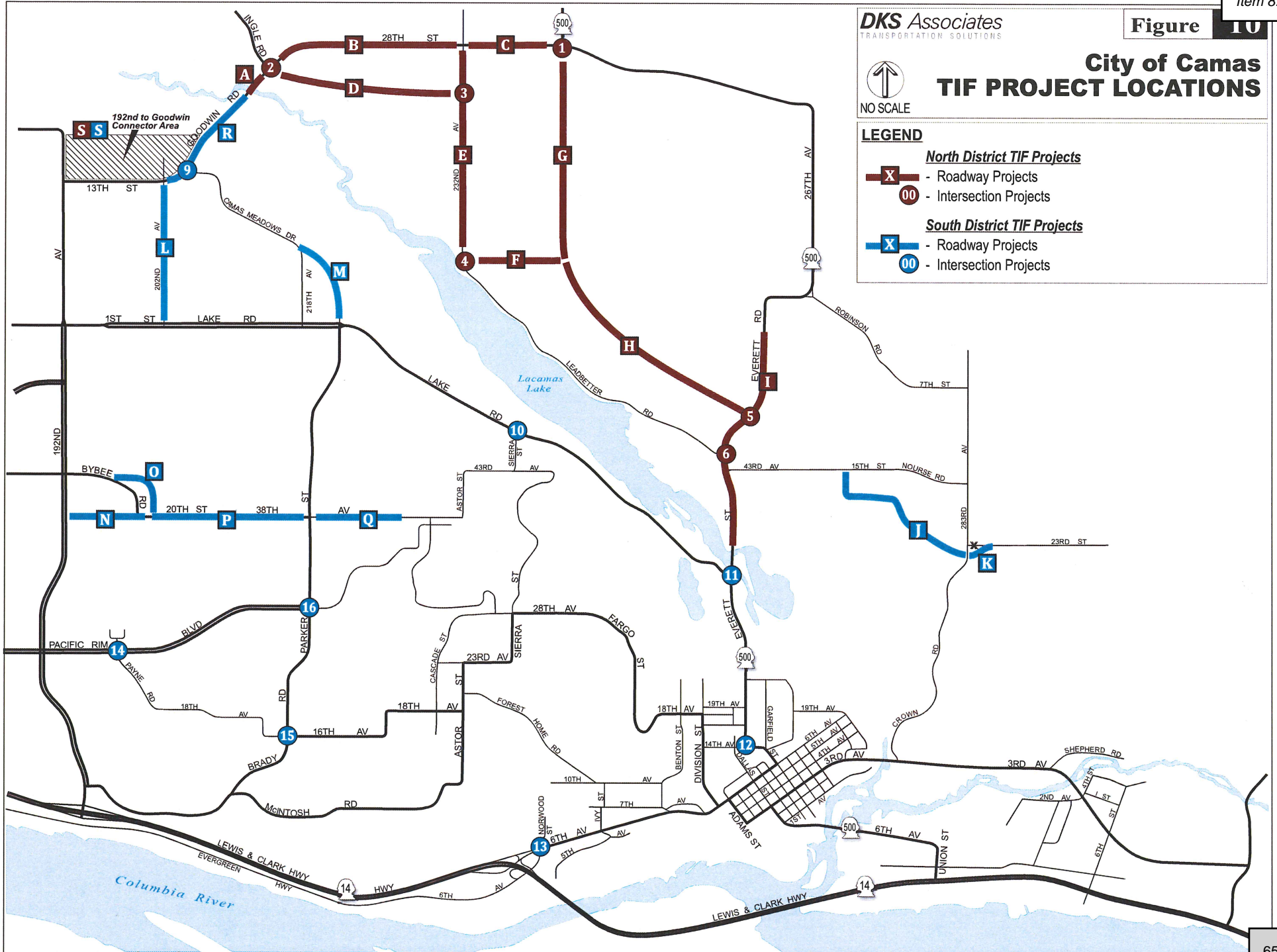
LEGEND

North District TIF Projects

- X - Roadway Projects
- 00 - Intersection Projects

South District TIF Projects

- X - Roadway Projects
- 00 - Intersection Projects



3-Party MOU Between Sharp, CSD, & COC

Item 8.

MEMORANDUM OF UNDERSTANDING REGARDING TRANSPORTATION IMPROVEMENTS

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of this 29 day of June, 2016, by and between **SHARP ELECTRONICS CORPORATION**, ("Sharp"), **CAMAS SCHOOL DISTRICT**, a Washington public school district ("CSD") and **CITY OF CAMAS**, a municipal corporation ("Camas").

RECITALS

A. Sharp is the owner of real property located in Camas, Clark County, Washington identified as Parcels 1 through 2 and 4 through 6, Tax Parcel Nos. 986033-959; 986033-960; 9866033-962; 125661-000; 125651-000 and legally described on the attached Exhibit "A". For over twenty years Sharp has owned and operated two buildings, one on Parcel 5 and one on Parcel 6 as depicted on Exhibit "B".

B. CSD has contracted to purchase Parcels 4 and 5 from Sharp and the parties intend to close the transaction on June 30, 2016. The Parcels to be acquired are to be utilized for School purposes. Execution of this MOU is part of the purchase and sale negotiations for this property.

C. CSD commissioned a traffic analysis report, which was completed by Charbonneau Engineering LLC, in May 2016, utilizing certain assumptions for school purpose use of the parcels to be acquired (hereinafter "Charbonneau report").

D. CSD's use of Parcels 4 and 5 is currently anticipated to include use of the existing building on Parcel 5 for a Project Based Learning environment with the number of students increasing over time. The Parties agree that CSD will use the building to accommodate up to 125 students in 2016/2017 and up to 250 students in 2017/2018 with limited after school activities and parent drop-off/pick-up. The vested Transportation Impact Fee trips from the office use on said parcels equates to 500 middle school students.

E. The parties hereto desire to jointly plan and provide for transportation improvements that will increase safety and reduce congestion in the area. The parties agree that the proposed improvements fully satisfy any transportation mitigation associated with CSD's occupancy of the existing building on Parcel 5 up to the maximum identified in the Charbonneau report. The parties agree that addition of students beyond this maximum or construction of additional buildings on Parcels 4 or 5 may warrant additional analysis or mitigation as determined by the City.

AGREEMENT

NOW, THEREFORE, in support of the foregoing premises of this MOU, which are incorporated into the agreement of the parties set forth herein, the undersigned hereby agree as follows.

1. IMPROVEMENTS

1.1 At some point prior to September 1, 2018, Sharp shall cause the substantial completion of a signalized intersection at Payne Road and Pacific Rim Boulevard to be constructed with a design substantially similar to the design depicted in Exhibit "C". Preliminary design of improvements is to be submitted not later than July 1, 2017, with final design of improvements to be submitted by Sharp, to allow final review and approval by Camas no later than January 1, 2018. Sharp shall complete any punch list items necessary to obtain final acceptance by the City of the improvement no later than October 1, 2018.

1.2 At some point prior to September 1, 2018, Sharp shall cause the substantial completion of a new intersection with its current internal private road and Payne Road in the approximate location of Lacy Street ("New Payne Road Intersection") to be constructed with a design substantially similar to the design depicted in Exhibit "D" attached hereto. Preliminary design of improvements is to be submitted not later than July 1, 2017, with final design of improvements to be submitted by Sharp, to allow final review and approval by Camas no later than January 1, 2018. Sharp shall complete any punch list items necessary to obtain final acceptance by the City of the improvement shall occur no later than October 1, 2018.

1.3 At or prior to the completion and acceptance by Camas and the operation of: (1) the signalized intersection at Payne Road and Pacific Rim Boulevard; and (2) the New Payne Road Intersection, Sharp shall take necessary action to eliminate the current direct access from its private internal road to Pacific Rim Boulevard. Nothing in this MOU shall be construed in any way to limit Sharp's access to Pacific Rim Boulevard at any other locations otherwise approved by Camas.

1.4 At some point prior to January 1, 2018, if necessary, to construct the signalized intersection at Payne Road and Pacific Rim Boulevard, Camas will obtain at no expense to the other parties, any Right of Way acquisition necessary for the Payne Road and Pacific Rim Boulevard intersection improvements. Sharp agrees to timely donate any reasonably necessary right-of-way from their existing parcel(s) to complete construction of the signal. In the event timely acquisition of necessary Right-of-Way fails to occur and, as a result, the construction of the improvement identified in Section 1.1 herein is delayed then, on the condition that Sharp is diligently pursuing completion of said improvement, the City shall allow the building on parcel 5 to be used by CSD as a full Project Based Learning Middle School for up to 500 students commencing as of the 2018/2019 school year. If the City fails to obtain the right-of-way necessary for the construction of the signalized intersection by January 1, 2018; and provided the

City does obtain such right-of-way, Sharp shall be given a reasonable amount of time to complete the improvement, taking into account time of year, weather and other factors customarily considered in construction of this type.

1.5 Based upon Camas' Capital Facilities Plan and Transportation Impact Fee program, upon completion and acceptance of the Payne Road and Pacific Rim Boulevard improvements in September 2018, the City shall issue \$196,050.00 of Transportation Impact Fee credits to Sharp or its designee.

1.6 (Deleted)

1.7 Camas shall allow access from Sharp's Parcel 6 (Tax Parcel No. 125651-000) to 18th Street as depicted in Exhibit "E". As a condition of such access being granted, at the time of construction of the access, Sharp shall also construct certain improvements, including a three-lane section of 18th Street and pedestrian access, as depicted on Exhibit "E". Sharp shall also dedicate to the City six (6) feet of Right of Way along Parcel 6 upon completion and acceptance by the City of construction of the 18th Street access.

2. MISCELLANEOUS PROVISIONS.

2.1 Authority. Each person executing this MOU on behalf of a party represents and warrants that such person has the authority to enter into this MOU on the terms and conditions contained herein.

2.2 Notices. Any notices, demands, or other communications to be given hereunder must be in writing and must be delivered personally or sent by first-class U.S. mail, postage prepaid, addressed to the parties at the addresses set forth below, or at such other address as any party may hereinafter or from time to time designate by written notice to the other parties given accordance herewith. Notice will be considered given when personally delivered or mailed and will be considered received by the party to whom it is addressed on the third day after such notice is given.

2.9 Representation. Landerholm, P.S. represented Sharp in drafting of this document. Camas and CSD consulted their counsel regarding the terms of this document. The parties agree that any interpretation of the language contained herein shall not be construed against the drafter.

2.10 Purpose. In the event any party shall be precluded from fulfilling its obligations stated herein as the result of a statute, regulation or ordinance which prohibits or restricts the terms of this MOU from being fully enforced, the parties shall negotiate in good faith to seek a solution which will allow the general purpose and intent of this MOU to be fulfilled, to the extent permitted by law. In the event that any specific provision of this MOU is deemed unenforceable, the balance of the terms shall remain in full force and effect, so long as such continued enforcement of the remaining terms does not act to defeat or deprive a party of its reasonable economic expectations hereunder.

IN WITNESS WHEREOF, the parties have executed this MOU as of the day and year first above written.

[SIGNATURES ON FOLLOWING PAGE]

SHARP ELECTRONICS CORPORATION

By: [Signature]Name: AKIHIKO KISHITitle: Senior Executive Vice President

CAMAS SCHOOL DISTRICT

By: [Signature]Name: Jeff SnellTitle: Deputy Superintendent

CITY OF CAMAS

By: [Signature]Name: Shannon TurkTitle: Mayor Pro Tem



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98660

Exhibit "A"

LEGAL DESCRIPTION FOR PARCEL 1 NET OF RIGHT-OF-WAY (PORTION OF ASN 125651-000)

July 14, 2014

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE North 31° 42' 11" West, a distance of 768.97 feet, more or less to a point on the South right-of way line of NW Pacific Rim Blvd, said point being 40.00 feet from, when measured perpendicular to, the centerline of said Blvd;

THENCE North 58° 23' 08" East, along said right-of-way, a distance of 967.17 feet to the Northeast corner of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's File No. 8905220187, records of said county;

THENCE South 31° 36' 49" East, along the East line of said Sharp Microelectronics Technology, Inc. parcel, a distance of 974.00 feet to an angle point therein;

THENCE continuing along said East line, South 01° 13' 20" West, a distance of 183.00 feet;

THENCE leaving said East line North 88° 37' 48" West, a distance of 584.08 feet to a point which bears North 64° 34' 00" East from the TRUE POINT OF BEGINNING;

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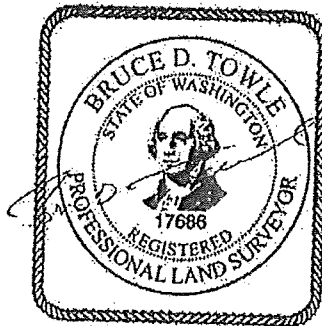
THENCE South 64° 34' 00" West, a distance of 379.00 feet to the TRUE POINT OF BEGINNING;

EXCEPT that parcel conveyed to Public Utility District No. 1 of Clark County as described under Auditor's File No. 9012030081, records of said County.

EXCEPT public streets.

Containing 19.12 acres, more or less.

Containing 20.00 acres (gross), more or less, to centerline of adjacent public right-of-way.



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LEGAL DESCRIPTION FOR ADJUSTED PARCEL 2
NET OF RIGHT-OF-WAY
(PORTION OF ASN 125651-000)

July 14, 2014

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE North 00° 55' 41" East, a distance of 275.25 feet;

THENCE North 89° 42' 11" West, a distance of 1181.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE North 39° 17' 25" West, along said right-of-way, a distance of 440.08 feet to a point on a 170.00 foot radius curve to the right;

THENCE along said right-of-way and along said 170.00 foot radius curve to the right (the long chord of which bears North 18° 57' 35" West, a distance of 118.13 feet), an arc distance of 120.64 feet to a point on a 20.00 foot radius curve to the right;

THENCE along said right-of-way and along said 20.00 foot radius curve to the right (the long chord of which bears North 46° 16' 50" East, a distance of 28.24 feet), an arc

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Page 1 of 2



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distance of 31.35 feet, more or less, to a point on the South right-of-way of Northwest Pacific Rim Blvd, said point being 40.00 feet from, when measured perpendicular to, the centerline of said Blvd;

THENCE South $88^{\circ} 48' 34''$ East, along said right-of-way, a distance of 1076.73 feet to a point on a 1040.00 foot radius curve to the left;

THENCE along said right-of-way and along said 1040.00 foot radius curve to the left (the long chord of which bears North $74^{\circ} 47' 17''$ East, a distance of 587.36 feet), an arc distance of 595.46 feet;

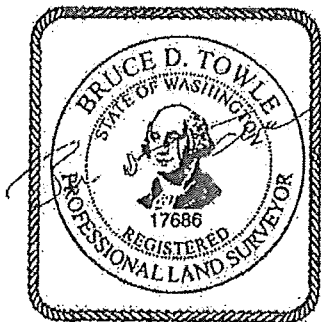
THENCE North $58^{\circ} 23' 08''$ East, along said right-of-way, a distance of 355.44 feet to a point which bears North $31^{\circ} 42' 11''$ West from the TRUE POINT OF BEGINNING;

THENCE leaving said right-of-way, South $31^{\circ} 42' 11''$ East, a distance of 768.97 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 27.32 acres, more or less.

Containing 29.62 acres (gross), more or less, to centerline of adjacent public right-of-way.



7/24/14



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LEGAL DESCRIPTION FOR ADJUSTED PARCEL 4
(ASN 986033-962)

June 24, 2016

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet;

THENCE leaving said right-of-way, North 00° 26' 43" East, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, a distance of 299.80 feet;

THENCE South 89° 19' 34" East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

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THENCE North 01° 13' 20" East, along said West line, a distance of 325.18 feet;

THENCE leaving said West line, South 89° 42' 11" East, a distance of 193.77 feet;

THENCE North 00° 17' 49" East, a distance of 20.00 feet to a point on the North line of said "Parcel 6";

THENCE South 89° 42' 11" East, along said North line, a distance of 496.22 feet;

THENCE North 01° 13' 20" East, along said North line, a distance of 98.00 feet;

THENCE South 89° 42' 11" East, a distance of 72.01 feet, to the East line of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's file No. 8905220187, records of said county;

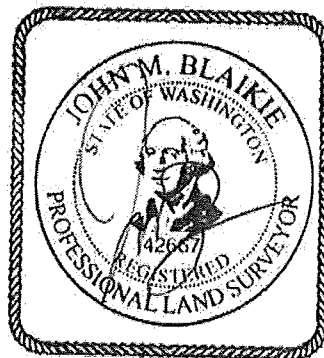
THENCE North 01° 13' 20" East, along said East line, a distance of 350.00 feet, more or less, to a point which bears South 01° 13' 20" West, a distance of 183.00 feet from an angle point in said East line;

THENCE North 88° 37' 48" West, a distance of 584.08 feet to a point which bears North 64° 34' 00" East from the TRUE POINT OF BEGINNING;

THENCE South 64° 34' 00" West, a distance of 379.00 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 29.48 acres, more or less.



06/24/16

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LEGAL DESCRIPTION FOR ADJUSTED PARCEL 5
(ASN 125661-000)

June 24, 2016

A parcel of property located in the South half of Section 5, and the Northeast quarter of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet to the TRUE POINT OF BEGINNING;

THENCE leaving said right-of-way, North 00° 26' 43" East, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, a distance of 299.80 feet;

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THENCE South 89° 19' 34" East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

THENCE South 01° 13' 20" West, along said West line, a distance of 190.00 feet;

THENCE leaving said West line, South 01° 26' 04" East, a distance of 81.62 feet;

THENCE South 45° 11' 16" West, a distance of 17.30 feet;

THENCE South 01° 13' 18" West, a distance of 29.78 feet;

THENCE South 49° 29' 49" West, a distance of 55.97 feet to a point on the West line of said "Parcel 6";

THENCE South 01° 13' 20" West, along said West line, a distance of 104.79 feet;

THENCE leaving said West line, South 41° 23' 19" West, a distance of 39.14 feet;

THENCE South 71° 49' 58" West, a distance of 5.50 feet;

THENCE North 70° 07' 33" West, a distance of 6.64 feet;

THENCE South 78° 01' 18" West, a distance of 57.66 feet to a point on the West line of said "Parcel 6";

THENCE South 37° 23' 08" West, along said West line, a distance of 149.60 feet, more or less, to a point on the North right-of-way of Northwest 18th Ave, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Ave, said point also being on a non-tangent 280.00 foot radius curve to the left;

THENCE along said right-of-way, and along said 280.00 foot radius curve to the left (the long chord of which bears North 71° 09' 31" West, a distance of 178.10 feet), an arc distance of 181.25 feet to a point on the North right-of-way of said Southeast 40th Street, said point bears South 89° 42' 11" East, from the TRUE POINT OF BEGINNING;

THENCE North 89° 42' 11" West, along said right-of-way, a distance of 434.50 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 9.76 acres, more or less.



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LEGAL DESCRIPTION FOR ADJUSTED PARCEL 6
(ASN 125651-000)

June 24, 2016

A parcel of property located in the South half of Section 5, and the Northeast quarter of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet;

THENCE leaving said right-of-way, North 00° 26' 43" East, along said West line, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, along said West line, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, along said West line, a distance of 299.80 feet;

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Vancouver, WA
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THENCE South $89^{\circ} 19' 34''$ East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

THENCE North $01^{\circ} 13' 20''$ East, along said West line, a distance of 345.18 feet to the Northwest corner thereof;

THENCE South $89^{\circ} 42' 11''$ East, along the North line of said "Parcel 6", a distance of 689.66 feet;

THENCE North $01^{\circ} 13' 20''$ East, along said North line, a distance of 98.00 feet to the TRUE POINT OF BEGINNING;

THENCE South $01^{\circ} 13' 20''$ West, a distance of 98.00 feet;

THENCE North $89^{\circ} 42' 11''$ West, a distance of 496.22 feet;

THENCE South $00^{\circ} 17' 49''$ West, a distance of 20.00 feet;

THENCE North $89^{\circ} 42' 11''$ West, a distance of 193.77 feet to a point on the West line of said "Parcel 6";

THENCE South $01^{\circ} 13' 20''$ West, along said West line, a distance of 515.18 feet;

THENCE leaving said West line, South $01^{\circ} 26' 04''$ East, a distance of 81.62 feet;

THENCE South $45^{\circ} 11' 16''$ West, a distance of 17.30 feet;

THENCE South $01^{\circ} 13' 18''$ West, a distance of 29.78 feet;

THENCE South $49^{\circ} 29' 49''$ West, a distance of 55.97 feet to a point on the West line of said "Parcel 6";

THENCE South $01^{\circ} 13' 20''$ West, along said West line, a distance of 104.79 feet;

THENCE leaving said West line, South $41^{\circ} 23' 19''$ West, a distance of 39.14 feet;

THENCE South $71^{\circ} 49' 58''$ West, a distance of 5.50 feet;

THENCE North $70^{\circ} 07' 33''$ West, a distance of 6.64 feet;

THENCE South $78^{\circ} 01' 18''$ West, a distance of 57.66 feet to a point on the West line of said "Parcel 6";

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222 E. Evergreen Blvd.
Vancouver, WA
98660

THENCE South $37^{\circ} 23' 08''$ West, a distance of 149.60 feet, more or less, to a point on the North right-of-way of Northwest 18th Ave, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Ave, said point also being on a non-tangent 280.00 foot radius curve to the right;

THENCE along said right-of-way, and along said 280.00 foot radius curve to the right (the long chord of which bears South $51^{\circ} 53' 54''$ East, a distance of 7.00 feet), an arc distance of 7.00 feet;

THENCE South $51^{\circ} 10' 55''$ East, along said right-of-way, a distance of 28.26 feet to a point on a 470.00 foot radius curve to the left;

THENCE along said right-of-way and along said 470.00 foot radius curve to the left (the long chord of which bears South $60^{\circ} 07' 30''$ East, a distance of 146.12 feet), an arc distance of 146.72 feet;

THENCE South $69^{\circ} 04' 05''$ East, along said right-of-way, a distance of 48.48 feet to a point on a 470.00 foot radius curve to the left;

THENCE along said right-of-way and along said 470.00 foot radius curve to the left (the long chord of which bears South $78^{\circ} 42' 59''$ East, a distance of 157.54 feet), an arc distance of 158.29 feet;

THENCE South $88^{\circ} 21' 53''$ East, along said right-of-way, a distance of 225.68 feet;

THENCE South $89^{\circ} 28' 54''$ East, along said right-of-way, a distance of 410.10 feet to the Southeast corner of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's File No. 8905220187, records of said county;

THENCE North $01^{\circ} 13' 20''$ East, along the East line of said parcel, a distance of 1206.82 feet, more or less, to a point which bears South $89^{\circ} 42' 11''$ East, from the TRUE POINT OF BEGINNING;

THENCE leaving said East line, North $89^{\circ} 42' 11''$ West, a distance of 72.01 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 20.50 acres, more or less.



06/24/16

JMB

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Page 3 of 3

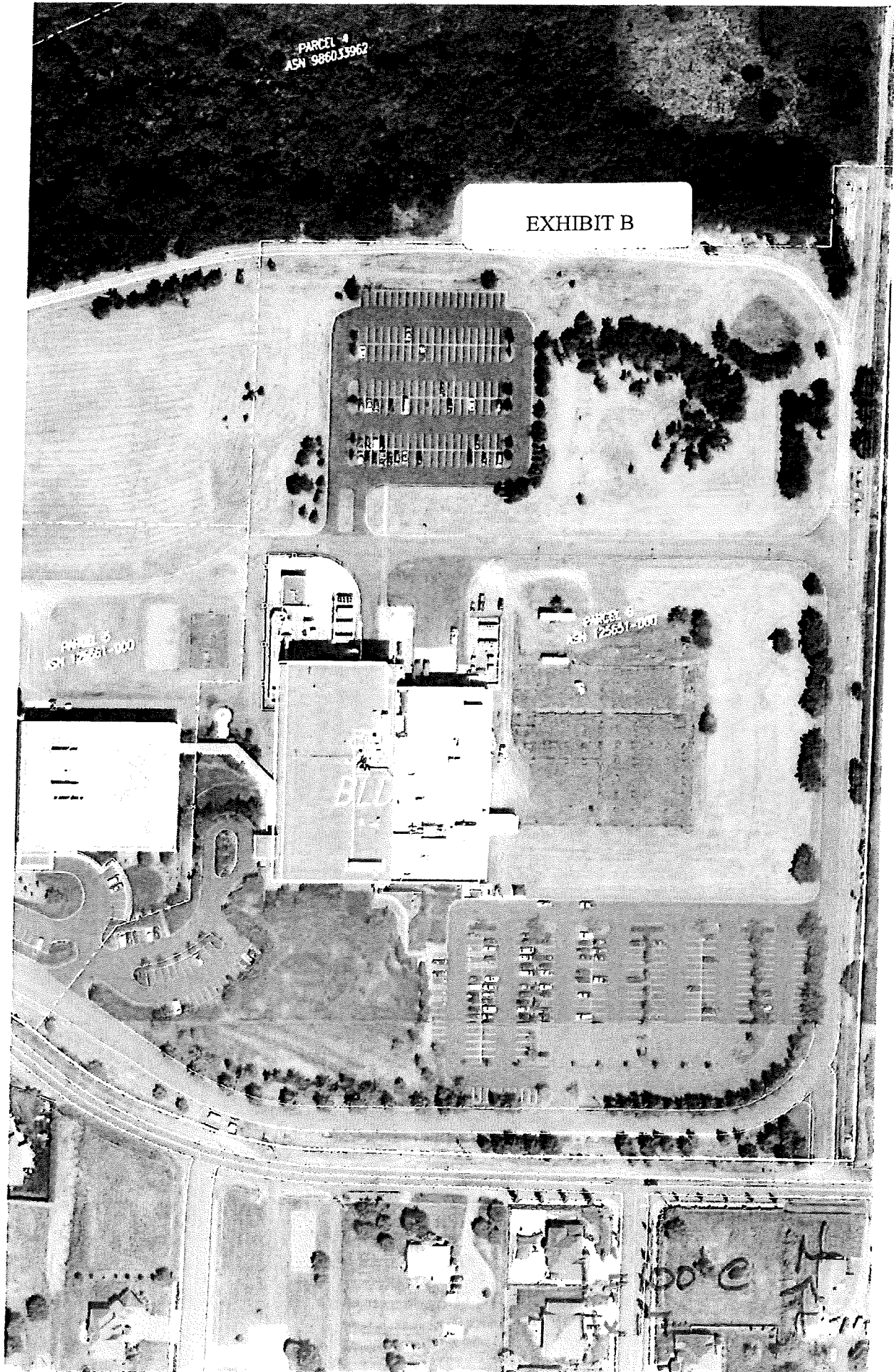
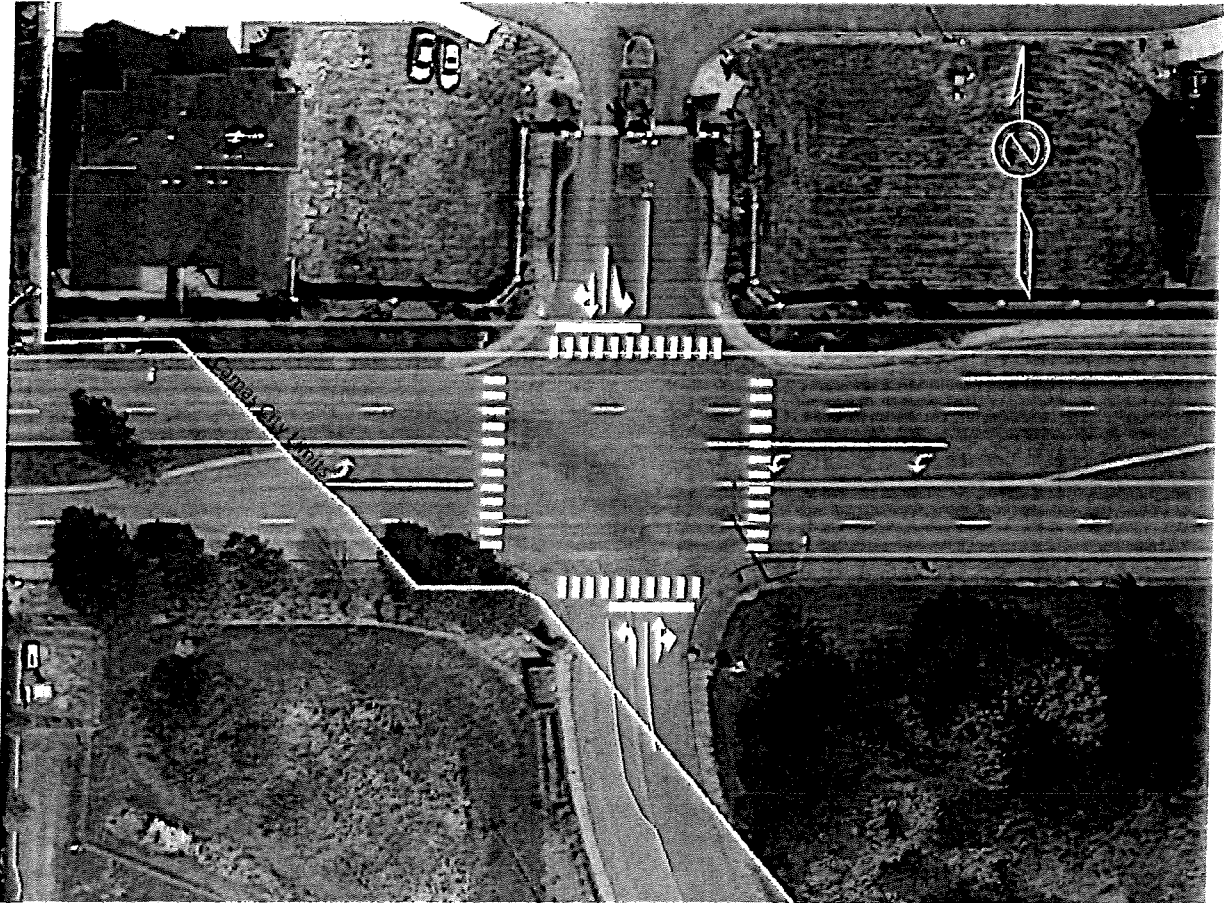


EXHIBIT C

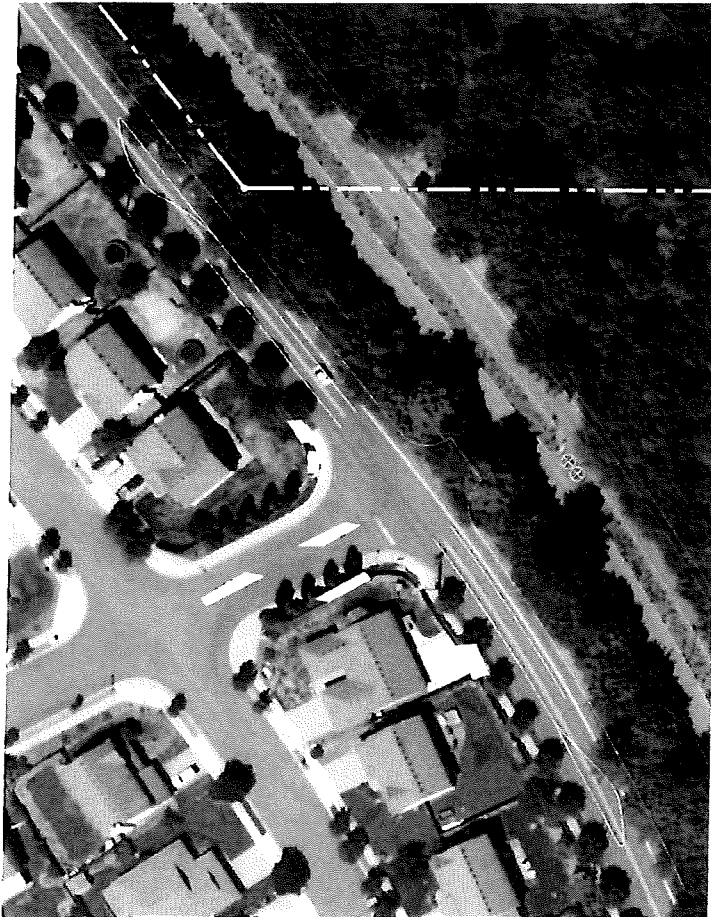


NW PACIFIC RIM DRIVE AND SE PAYNE ROAD

Conceptual Lane Configuration for Future Signal.

NOT TO SCALE
160617 PRB & PAYNE RD - JE

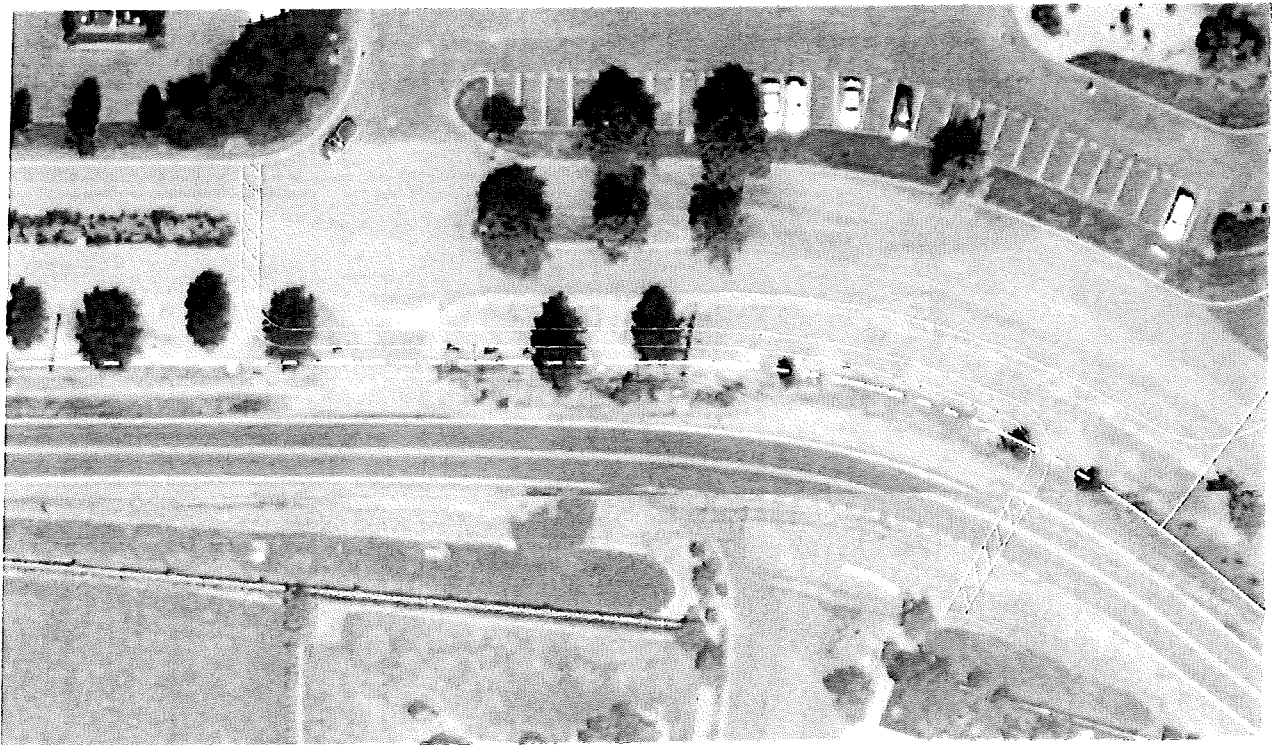
EXHIBIT D



175'

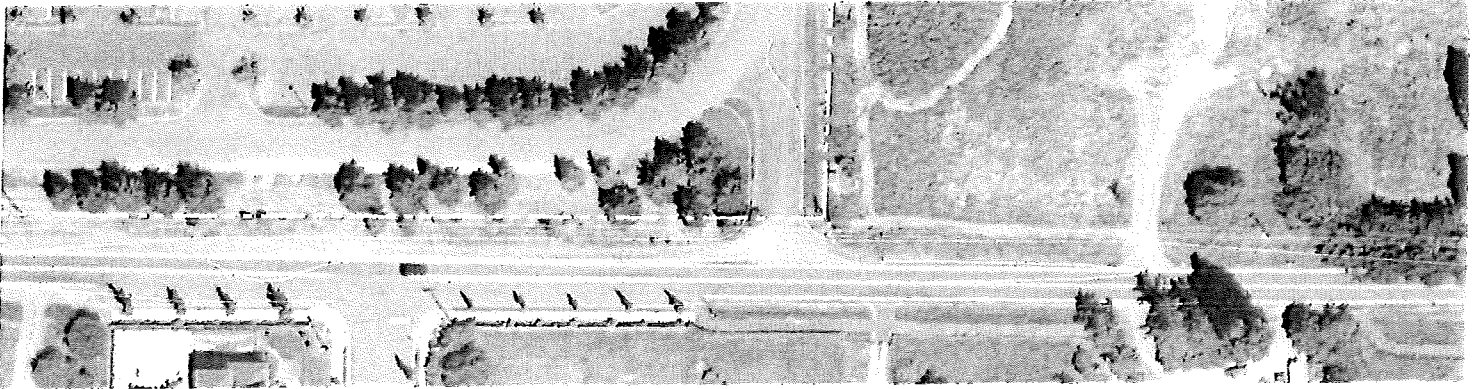
Subject to an agreed engineered design and City of Camas approval, Sharp will construct a new access to the Sharp private drive off Payne Road with sufficient depth and radius of access to adequately accommodate busses to and from both directions on Payne Road and of sufficient intersection width to allow simultaneous left and right turn exit (two lane exit width at intersection).

EXHIBIT "E"



1-3-21

EXHIBIT "E"



2-Party MOU Between Sharp & CSD

MEMORANDUM OF UNDERSTANDING (TRANSPORTATION ISSUES)

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of this 29 day of June, 2016, by and between **SHARP ELECTRONICS CORPORATION**, ("Sharp") and **CAMAS SCHOOL DISTRICT**, a Washington public school district ("CSD")

RECITALS

A. Sharp is the owner of real property located in Camas, Clark County, Washington identified as Parcels 1 through 2 and 4 through 6, Tax Parcel Nos. 986033-959; 986033-960; 9866033-962; 125661-000; 125651-000.

B. CSD has contracted to purchase Parcels 4 and 5 from Sharp and the parties intend to close the transaction on or before June 30, 2016. The Parcels to be acquired are to be utilized for School purposes. Execution of this MOU is part of the purchase and sale negotiations for this property.

C. The parties have executed a separate MOU between themselves and the City of Camas ("Camas"), dated June 29, 2016 evidencing Camas' stipulation to occupancy by CSD and future transportation improvements that will increase safety and reduce congestion in the area. A copy of said MOU is attached hereto as Exhibit "A".

D. The parties wish to provide detail regarding responsibility for construction and cost sharing.

AGREEMENT

NOW, THEREFORE, in support of the foregoing premises of this MOU, which are incorporated into the agreement of the parties set forth herein, the undersigned hereby agree as follows.

1. IMPROVEMENTS

1.1 Between June 30, 2016 and September 1, 2018, Sharp shall obtain bids, coordinate and shall achieve substantial completion of the construction of those certain improvements identified in the MOU attached hereto, or as subsequently agreed to by the parties pursuant to a separate written agreement. Sharp shall complete all improvements necessary for

the City to issue final acceptance of the improvement by October 1, 2018. Provided, however, that Sharp's obligation to construct the improvement identified in Section 1.1 of the attached MOU is contingent upon the City of Camas obtaining in a timely manner any Right of Way necessary to construct the identified improvement. In the event the City fails to obtain any Right of Way necessary to construct the improvement identified in Section 1.1 of the attached MOU by January 1, 2018, but ultimately does obtain it, Sharp shall be given a reasonable amount of time to complete the improvement, taking into account time of year, weather and other factors customarily considered in construction of this type.

1.2 CSD shall pay one-half of the costs incurred to complete the transportation improvement identified in Section 1.1 of the attached MOU. Sharp shall invoice CSD on a monthly basis for completed work and payment will be made within thirty (30) days from date of invoice.

1.3 The City of Camas calculates the sum of \$196,050.00 is available for Transportation Impact Fee ("TIF") credits for construction of the SE Payne/NW Pacific Rim Boulevard traffic signal. Sharp shall direct the the City to issue one half of the credits issued by the City for Sharp's construction of the transportation improvement identified in Section 1.1 of the attached MOU to CSD. Either party may purchase the other's TIF credits dollar for dollar.

1.4 The parties estimate the cost of the anticipated transportation improvement identified in Section 1.1 of the attached MOU to be \$400,000.00. The parties agree that this is a good faith estimate only and is based on information currently held by the parties, including the attached conceptual drawings of the intersection provided by the City, but specifically not including any detailed engineering, environmental or geotechnical review.

1.5 As identified in Section 1.2 of the attached MOU, Sharp shall provide at its sole cost a new entrance to Sharp Drive off of SE Payne Road, at SE Lacy Way, to replace the current Sharp Drive entrance off of NW Pacific Rim Boulevard, on or before September 1, 2018.

2. MISCELLANEOUS PROVISIONS.

2.1 Authority. Each person executing this MOU on behalf of a party represents and warrants that such person has the authority to enter into this MOU on the terms and conditions contained herein.

2.2 Notices. Any notices, demands, or other communications to be given hereunder must be in writing and must be delivered personally or sent by first-class U.S. mail, postage prepaid, addressed to the parties at the addresses set forth below, or at such other address as any party may hereinafter or from time to time designate by written notice to the other parties given accordance herewith. Notice will be considered given when personally delivered or mailed and

will be considered received by the party to whom it is addressed on the third day after such notice is given.

Notices to Sharp:

Sharp Electronics Corporation
1 Sharp Plaza, Mahwah, NJ 07495-1163
Attn: William Flynn
Phone: (201) 529-9416

With Copy to:

Office of General Counsel
1 Sharp Plaza, Mahwah, NJ 07495-1163
legalnotices@sharpsec.com

Notices to CSD:

Camas School District
841 NE 22nd Avenue, Camas, WA 98607
Attn: Jeff Snell
Phone: (360) 833-5412

2.3 Headings for Convenience. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this MOU.

2.4 No Recordation. This MOU, any portion of this document, or any other document referencing these terms shall not be recorded in the real property records in the State of Washington.

2.5 Entire Agreement. This MOU constitutes the entire agreement between the parties and cannot be changed or modified, other than in a writing executed by all parties hereto. There are no other agreements, oral or written, with respect to the subject matter hereof, except as expressed herein. If required, the parties shall negotiate in good faith and execute such further or supplemental agreements as may be necessary or proper to carry out the terms set forth herein.

2.6 Interpretation and Governing Law. This MOU shall be governed by the laws of the State of Washington

2.7 Time of the Essence. Time is of the essence of this MOU and of every provision hereof.

2.8 Counterparts. This MOU may be executed in multiple counterparts, each of which will be deemed an original, but all of which, together, will constitute one and the same instrument. Digital signatures shall constitute original signatures for purposes of this document.

2.9 Representation. Landerholm, P.S. represented Sharp in drafting of this document. CSD consulted its own counsel regarding the terms of this document. The parties agree that any interpretation of the language contained herein shall not be construed against the drafter.

2.10 Purpose. In the event either party shall be precluded from fulfilling its obligations stated herein as the result of a statute, regulation or ordinance which prohibits or restricts the terms of this MOU from being fully enforced, the parties shall negotiate in good faith to seek a solution which will allow the general purpose and intent of this MOU to be fulfilled, to the extent permitted by law. In the event that any specific provision of this MOU is deemed unenforceable, the balance of the terms shall remain in full force and effect, so long as such continued enforcement of the remaining terms does not act to defeat or deprive a party of its reasonable economic expectations hereunder.

IN WITNESS WHEREOF, the parties have executed this MOU as of the day and year first above written.

SHARP ELECTRONICS CORPORATION

By: [Signature]

Name: AKIHIKO KISHI

Title: Senior Executive Vice President

CAMAS SCHOOL DISTRICT

By: [Signature]

Name: Jeff Small

Title: Deputy Superintendent

MEMORANDUM OF UNDERSTANDING
(Transportation Issues) - 4
Doc 1618370



Application Form for Impact Fee Credit

Impact Fee Credit Applying for:

- ☒ Traffic Impact Fee
 ☐ Fire Impact Fee
 ☐ School Impact Fee
☐ Open Space Impact Fee
 ☐ Parks Impact Fee
☐ Water System Development Charge
 ☐ Sewer System Development Charge

Company Name: Sharp Electronics Corporation Work Phone: 201-529-8412
 Contact Name: Bryan Schmitz
 Address: 100 Paragon Drive
 City: Montvale State: NJ Zip: 07645 Fax: _____
 E-mail Address: schmitzb@sharpsec.com

Associated Development Proposal:

Camas Capital Facilities Plan and Transportation Impact Fee program, pursuant to Agreement attached hereto.

Case Number: _____ Parcel Number: See Attached
 Site Address: See Attached

Location of Request:

Address of Location: Signal at Intersection
 Intersection from: Payne Road Intersection to: Pacific Rim Boulevard
 Amount of Credit Requested: \$98,025.00 (one-half of eligible credits)

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, error, and/or omissions may be sufficient cause for denial of the request.

Printed Name: [Signature]
 Applicant Signature: Sharp Electronics Corporation, by counsel Date: 1/13/21

For Office Use Only:

☐ Approved
☐ Disapproved Signature: _____ Date: _____

MEMORANDUM OF UNDERSTANDING
REGARDING TRANSPORTATION IMPROVEMENTS

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of this 29 day of June, 2016, by and between **SHARP ELECTRONICS CORPORATION**, ("Sharp"), **CAMAS SCHOOL DISTRICT**, a Washington public school district ("CSD") and **CITY OF CAMAS**, a municipal corporation ("Camas").

RECITALS

A. Sharp is the owner of real property located in Camas, Clark County, Washington identified as Parcels 1 through 2 and 4 through 6, Tax Parcel Nos. 986033-959; 986033-960; 9866033-962; 125661-000; 125651-000 and legally described on the attached Exhibit "A". For over twenty years Sharp has owned and operated two buildings, one on Parcel 5 and one on Parcel 6 as depicted on Exhibit "B".

B. CSD has contracted to purchase Parcels 4 and 5 from Sharp and the parties intend to close the transaction on June 30, 2016. The Parcels to be acquired are to be utilized for School purposes. Execution of this MOU is part of the purchase and sale negotiations for this property.

C. CSD commissioned a traffic analysis report, which was completed by Charbonneau Engineering LLC, in May 2016, utilizing certain assumptions for school purpose use of the parcels to be acquired (hereinafter "Charbonneau report").

D. CSD's use of Parcels 4 and 5 is currently anticipated to include use of the existing building on Parcel 5 for a Project Based Learning environment with the number of students increasing over time. The Parties agree that CSD will use the building to accommodate up to 125 students in 2016/2017 and up to 250 students in 2017/2018 with limited after school activities and parent drop-off/pick-up. The vested Transportation Impact Fee trips from the office use on said parcels equates to 500 middle school students.

E. The parties hereto desire to jointly plan and provide for transportation improvements that will increase safety and reduce congestion in the area. The parties agree that the proposed improvements fully satisfy any transportation mitigation associated with CSD's occupancy of the existing building on Parcel 5 up to the maximum identified in the Charbonneau report. The parties agree that addition of students beyond this maximum or construction of additional buildings on Parcels 4 or 5 may warrant additional analysis or mitigation as determined by the City.

AGREEMENT

NOW, THEREFORE, in support of the foregoing premises of this MOU, which are incorporated into the agreement of the parties set forth herein, the undersigned hereby agree as follows.

1. IMPROVEMENTS

1.1 At some point prior to September 1, 2018, Sharp shall cause the substantial completion of a signalized intersection at Payne Road and Pacific Rim Boulevard to be constructed with a design substantially similar to the design depicted in Exhibit "C". Preliminary design of improvements is to be submitted not later than July 1, 2017, with final design of improvements to be submitted by Sharp, to allow final review and approval by Camas no later than January 1, 2018. Sharp shall complete any punch list items necessary to obtain final acceptance by the City of the improvement no later than October 1, 2018.

1.2 At some point prior to September 1, 2018, Sharp shall cause the substantial completion of a new intersection with its current internal private road and Payne Road in the approximate location of Lacy Street ("New Payne Road Intersection") to be constructed with a design substantially similar to the design depicted in Exhibit "D" attached hereto. Preliminary design of improvements is to be submitted not later than July 1, 2017, with final design of improvements to be submitted by Sharp, to allow final review and approval by Camas no later than January 1, 2018. Sharp shall complete any punch list items necessary to obtain final acceptance by the City of the improvement shall occur no later than October 1, 2018.

1.3 At or prior to the completion and acceptance by Camas and the operation of: (1) the signalized intersection at Payne Road and Pacific Rim Boulevard; and (2) the New Payne Road Intersection, Sharp shall take necessary action to eliminate the current direct access from its private internal road to Pacific Rim Boulevard. Nothing in this MOU shall be construed in any way to limit Sharp's access to Pacific Rim Boulevard at any other locations otherwise approved by Camas.

1.4 At some point prior to January 1, 2018, if necessary, to construct the signalized intersection at Payne Road and Pacific Rim Boulevard, Camas will obtain at no expense to the other parties, any Right of Way acquisition necessary for the Payne Road and Pacific Rim Boulevard intersection improvements. Sharp agrees to timely donate any reasonably necessary right-of-way from their existing parcel(s) to complete construction of the signal. In the event timely acquisition of necessary Right-of-Way fails to occur and, as a result, the construction of the improvement identified in Section 1.1 herein is delayed then, on the condition that Sharp is diligently pursuing completion of said improvement, the City shall allow the building on parcel 5 to be used by CSD as a full Project Based Learning Middle School for up to 500 students commencing as of the 2018/2019 school year. If the City fails to obtain the right-of-way necessary for the construction of the signalized intersection by January 1, 2018; and provided the

MEMORANDUM OF UNDERSTANDING - 2

Doc 1617131

City does obtain such right-of-way, Sharp shall be given a reasonable amount of time to complete the improvement, taking into account time of year, weather and other factors customarily considered in construction of this type.

1.5 Based upon Camas' Capital Facilities Plan and Transportation Impact Fee program, upon completion and acceptance of the Payne Road and Pacific Rim Boulevard improvements in September 2018, the City shall issue \$196,050.00 of Transportation Impact Fee credits to Sharp or its designee.

1.6 (Deleted)

1.7 Camas shall allow access from Sharp's Parcel 6 (Tax Parcel No. 125651-000) to 18th Street as depicted in Exhibit "E". As a condition of such access being granted, at the time of construction of the access, Sharp shall also construct certain improvements, including a three-lane section of 18th Street and pedestrian access, as depicted on Exhibit "E". Sharp shall also dedicate to the City six (6) feet of Right of Way along Parcel 6 upon completion and acceptance by the City of construction of the 18th Street access.

2. MISCELLANEOUS PROVISIONS.

2.1 Authority. Each person executing this MOU on behalf of a party represents and warrants that such person has the authority to enter into this MOU on the terms and conditions contained herein.

2.2 Notices. Any notices, demands, or other communications to be given hereunder must be in writing and must be delivered personally or sent by first-class U.S. mail, postage prepaid, addressed to the parties at the addresses set forth below, or at such other address as any party may hereinafter or from time to time designate by written notice to the other parties given accordance herewith. Notice will be considered given when personally delivered or mailed and will be considered received by the party to whom it is addressed on the third day after such notice is given.

Notices to Sharp:

Sharp Electronics Corporation
1 Sharp Plaza, Mahwah, NJ 07495-1163
Attn: William Flynn
Phone: (201) 529-9416

With a Copy to:

Office of General Counsel
1 Sharp Plaza, Mahwah, NJ 07495-1163
legalnotices@sharpsec.com

Notices to CSD:

Camas School District
841 NE 22nd Avenue, Camas, WA 98607
Attn: Jeff Snell
Phone: (360) 833-5412

Notices to Camas:

City of Camas
616 NE 4th Avenue, Camas, WA 98607
Attn: City Administrator
Phone: (360) 834-6864

2.3 Headings for Convenience. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this MOU.

2.4 No Recordation. This MOU, any portion of this document, or any other document referencing these terms shall not be recorded in the real property records in the State of Washington.

2.5 Entire Agreement. This MOU constitutes the entire agreement between the parties and cannot be changed or modified, other than in a writing executed by all parties hereto. There are no other agreements, oral or written, with respect to the subject matter hereof, except as expressed herein. If required the parties shall negotiate and execute such further or supplemental agreements as may be necessary or proper to carry out the terms set forth herein.

2.6 Interpretation and Governing Law. This MOU shall be governed by the laws of the State of Washington.

2.7 Time of the Essence. Time is of the essence of this MOU and of every provision hereof.

2.8 Counterparts. This MOU may be executed in multiple counterparts, each of which will be deemed an original, but all of which, together, will constitute one and the same instrument. Digital signatures shall constitute original signatures for purposes of this document.

2.9 Representation. Landerholm, P.S. represented Sharp in drafting of this document. Camas and CSD consulted their counsel regarding the terms of this document. The parties agree that any interpretation of the language contained herein shall not be construed against the drafter.

2.10 Purpose. In the event any party shall be precluded from fulfilling its obligations stated herein as the result of a statute, regulation or ordinance which prohibits or restricts the terms of this MOU from being fully enforced, the parties shall negotiate in good faith to seek a solution which will allow the general purpose and intent of this MOU to be fulfilled, to the extent permitted by law. In the event that any specific provision of this MOU is deemed unenforceable, the balance of the terms shall remain in full force and effect, so long as such continued enforcement of the remaining terms does not act to defeat or deprive a party of its reasonable economic expectations hereunder.

IN WITNESS WHEREOF, the parties have executed this MOU as of the day and year first above written.

[SIGNATURES ON FOLLOWING PAGE]

SHARP ELECTRONICS CORPORATION

By: [Signature]Name: AKIHIKO KISHITitle: Senior Executive Vice President

CAMAS SCHOOL DISTRICT

By: [Signature]Name: Jeff SnellTitle: Deputy Superintendent

CITY OF CAMAS

By: [Signature]Name: Shannon TurkTitle: Mayor Pro Tem



LAND SURVEYORS
ENGINEERS

(360) 695-1385
1111 Broadway
Vancouver, WA
98660

Exhibit "A"

LEGAL DESCRIPTION FOR PARCEL 1
NET OF RIGHT-OF-WAY
(PORTION OF ASN 125651-000)

July 14, 2014

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE North 31° 42' 11" West, a distance of 768.97 feet, more or less to a point on the South right-of way line of NW Pacific Rim Blvd, said point being 40.00 feet from, when measured perpendicular to, the centerline of said Blvd;

THENCE North 58° 23' 08" East, along said right-of-way, a distance of 967.17 feet to the Northeast corner of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's File No. 8905220187, records of said county;

THENCE South 31° 36' 49" East, along the East line of said Sharp Microelectronics Technology, Inc. parcel, a distance of 974.00 feet to an angle point therein;

THENCE continuing along said East line, South 01° 13' 20" West, a distance of 183.00 feet;

THENCE leaving said East line North 88° 37' 48" West, a distance of 584.08 feet to a point which bears North 64° 34' 00" East from the TRUE POINT OF BEGINNING;

JMB
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OLSON
ENGINEERING INC.

LAND SURVEYORS
ENGINEERS

(360) 695-1385
1111 Broadway
Vancouver, WA
98660

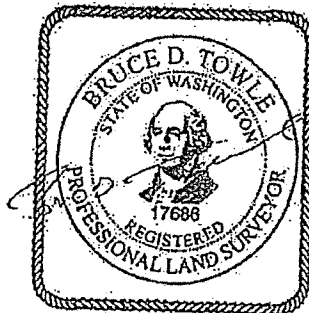
THENCE South 64° 34' 00" West, a distance of 379.00 feet to the TRUE POINT OF BEGINNING;

EXCEPT that parcel conveyed to Public Utility District No. 1 of Clark County as described under Auditor's File No. 9012030081, records of said County.

EXCEPT public streets.

Containing 19.12 acres, more or less.

Containing 20.00 acres (gross), more or less, to centerline of adjacent public right-of-way.



7/24/14



LAND SURVEYORS
ENGINEERS

(360) 695-1385
1111 Broadway
Vancouver, WA
98660

LEGAL DESCRIPTION FOR ADJUSTED PARCEL 2
NET OF RIGHT-OF-WAY
(PORTION OF ASN 125651-000)

July 14, 2014

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE North 00° 55' 41" East, a distance of 275.25 feet;

THENCE North 89° 42' 11" West, a distance of 1181.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE North 39° 17' 25" West, along said right-of-way, a distance of 440.08 feet to a point on a 170.00 foot radius curve to the right;

THENCE along said right-of-way and along said 170.00 foot radius curve to the right (the long chord of which bears North 18° 57' 35" West, a distance of 118.13 feet), an arc distance of 120.64 feet to a point on a 20.00 foot radius curve to the right;

THENCE along said right-of-way and along said 20.00 foot radius curve to the right (the long chord of which bears North 46° 16' 50" East, a distance of 28.24 feet), an arc

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Page 1 of 2



LAND SURVEYORS
ENGINEERS

(360) 695-1385
1111 Broadway
Vancouver, WA
98660

distance of 31.35 feet, more or less, to a point on the South right-of-way of Northwest Pacific Rim Blvd, said point being 40.00 feet from, when measured perpendicular to, the centerline of said Blvd;

THENCE South $88^{\circ} 48' 34''$ East, along said right-of-way, a distance of 1076.73 feet to a point on a 1040.00 foot radius curve to the left;

THENCE along said right-of-way and along said 1040.00 foot radius curve to the left (the long chord of which bears North $74^{\circ} 47' 17''$ East, a distance of 587.36 feet), an arc distance of 595.46 feet;

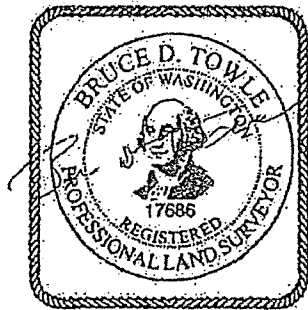
THENCE North $58^{\circ} 23' 08''$ East, along said right-of-way, a distance of 355.44 feet to a point which bears North $31^{\circ} 42' 11''$ West from the TRUE POINT OF BEGINNING;

THENCE leaving said right-of-way, South $31^{\circ} 42' 11''$ East, a distance of 768.97 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 27.32 acres, more or less.

Containing 29.62 acres (gross), more or less, to centerline of adjacent public right-of-way.



7/24/14



LAND SURVEYORS
ENGINEERS

(360) 695-1385
222 E. Evergreen Blvd.
Vancouver, WA
98660

LEGAL DESCRIPTION FOR ADJUSTED PARCEL 4
(ASN 986033-962)

June 24, 2016

A parcel of property located in the South half of Section 5, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet to the TRUE POINT OF BEGINNING;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet;

THENCE leaving said right-of-way, North 00° 26' 43" East, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, a distance of 299.80 feet;

THENCE South 89° 19' 34" East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

JMB

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Page 1 of 2



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THENCE North $01^{\circ} 13' 20''$ East, along said West line, a distance of 325.18 feet;

THENCE leaving said West line, South $89^{\circ} 42' 11''$ East, a distance of 193.77 feet;

THENCE North $00^{\circ} 17' 49''$ East, a distance of 20.00 feet to a point on the North line of said "Parcel 6";

THENCE South $89^{\circ} 42' 11''$ East, along said North line, a distance of 496.22 feet;

THENCE North $01^{\circ} 13' 20''$ East, along said North line, a distance of 98.00 feet;

THENCE South $89^{\circ} 42' 11''$ East, a distance of 72.01 feet, to the East line of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's file No. 8905220187, records of said county;

THENCE North $01^{\circ} 13' 20''$ East, along said East line, a distance of 350.00 feet, more or less, to a point which bears South $01^{\circ} 13' 20''$ West, a distance of 183.00 feet from an angle point in said East line;

THENCE North $88^{\circ} 37' 48''$ West, a distance of 584.08 feet to a point which bears North $64^{\circ} 34' 00''$ East from the TRUE POINT OF BEGINNING;

THENCE South $64^{\circ} 34' 00''$ West, a distance of 379.00 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 29.48 acres, more or less.



06/24/16

JMB

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LEGAL DESCRIPTION FOR ADJUSTED PARCEL 5
(ASN 125661-000)

June 24, 2016

A parcel of property located in the South half of Section 5, and the Northeast quarter of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet to the TRUE POINT OF BEGINNING;

THENCE leaving said right-of-way, North 00° 26' 43" East, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, a distance of 299.80 feet;

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THENCE South $89^{\circ} 19' 34''$ East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

THENCE South $01^{\circ} 13' 20''$ West, along said West line, a distance of 190.00 feet;

THENCE leaving said West line, South $01^{\circ} 26' 04''$ East, a distance of 81.62 feet;

THENCE South $45^{\circ} 11' 16''$ West, a distance of 17.30 feet;

THENCE South $01^{\circ} 13' 18''$ West, a distance of 29.78 feet;

THENCE South $49^{\circ} 29' 49''$ West, a distance of 55.97 feet to a point on the West line of said "Parcel 6";

THENCE South $01^{\circ} 13' 20''$ West, along said West line, a distance of 104.79 feet;

THENCE leaving said West line, South $41^{\circ} 23' 19''$ West, a distance of 39.14 feet;

THENCE South $71^{\circ} 49' 58''$ West, a distance of 5.50 feet;

THENCE North $70^{\circ} 07' 33''$ West, a distance of 6.64 feet;

THENCE South $78^{\circ} 01' 18''$ West, a distance of 57.66 feet to a point on the West line of said "Parcel 6";

THENCE South $37^{\circ} 23' 08''$ West, along said West line, a distance of 149.60 feet, more or less, to a point on the North right-of-way of Northwest 18th Ave, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Ave, said point also being on a non-tangent 280.00 foot radius curve to the left;

THENCE along said right-of-way, and along said 280.00 foot radius curve to the left (the long chord of which bears North $71^{\circ} 09' 31''$ West, a distance of 178.10 feet), an arc distance of 181.25 feet to a point on the North right-of-way of said Southeast 40th Street, said point bears South $89^{\circ} 42' 11''$ East, from the TRUE POINT OF BEGINNING;

THENCE North $89^{\circ} 42' 11''$ West, along said right-of-way, a distance of 434.50 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 9.76 acres, more or less.





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LEGAL DESCRIPTION FOR ADJUSTED PARCEL 6
(ASN 125651-000)

June 24, 2016

A parcel of property located in the South half of Section 5, and the Northeast quarter of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington, described as follows:

COMMENCING at a concrete monument with a 3-1/2" brass cap marking the Southeast corner of said Section 5 as shown in Record of Survey Book 59 at Page 152, records of said County;

THENCE North 89° 29' 41" West, towards a concrete monument with a 3" brass cap marking the Southwest corner of said Section 5 as shown in said record of survey, a distance of 1400.93 feet;

THENCE leaving said Section line, North 00° 30' 19" East, a distance of 1250.08 feet;

THENCE South 64° 34' 00" West, a distance of 971.00 feet;

THENCE South 00° 55' 41" West, a distance of 275.00 feet;

THENCE North 89° 42' 11" West, a distance of 828.00 feet, more or less, to a point on the East right-of-way line of Southeast Payne Road, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Road;

THENCE South 24° 34' 57" East, along said right-of-way, a distance of 205.19 feet to a point on a 545.00 foot radius curve to the left;

THENCE along said right-of-way and along said 545.00 foot radius curve to the left (the long chord of which bears South 57° 08' 34" East, a distance of 586.62 feet), an arc distance of 619.43 feet to a point on the North right-of-way line of Southeast 40th Street, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Street;

THENCE South 89° 42' 11" East, along said right-of-way, a distance of 431.45 feet;

THENCE leaving said right-of-way, North 00° 26' 43" East, along said West line, a distance of 264.00 feet;

THENCE South 89° 42' 11" East, along said West line, a distance of 99.36 feet;

THENCE North 00° 54' 19" East, along said West line, a distance of 299.80 feet;

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THENCE South $89^{\circ} 19' 34''$ East, a distance of 741.26 feet to a point on the West line of "Parcel 6" as described in Exhibit B of that Boundary Line Adjustment recorded under Auditor's File No. 5095354 BLA, records of said county;

THENCE North $01^{\circ} 13' 20''$ East, along said West line, a distance of 345.18 feet to the Northwest corner thereof;

THENCE South $89^{\circ} 42' 11''$ East, along the North line of said "Parcel 6", a distance of 689.66 feet;

THENCE North $01^{\circ} 13' 20''$ East, along said North line, a distance of 98.00 feet to the TRUE POINT OF BEGINNING;

THENCE South $01^{\circ} 13' 20''$ West, a distance of 98.00 feet;

THENCE North $89^{\circ} 42' 11''$ West, a distance of 496.22 feet;

THENCE South $00^{\circ} 17' 49''$ West, a distance of 20.00 feet;

THENCE North $89^{\circ} 42' 11''$ West, a distance of 193.77 feet to a point on the West line of said "Parcel 6";

THENCE South $01^{\circ} 13' 20''$ West, along said West line, a distance of 515.18 feet;

THENCE leaving said West line, South $01^{\circ} 26' 04''$ East, a distance of 81.62 feet;

THENCE South $45^{\circ} 11' 16''$ West, a distance of 17.30 feet;

THENCE South $01^{\circ} 13' 18''$ West, a distance of 29.78 feet;

THENCE South $49^{\circ} 29' 49''$ West, a distance of 55.97 feet to a point on the West line of said "Parcel 6";

THENCE South $01^{\circ} 13' 20''$ West, along said West line, a distance of 104.79 feet;

THENCE leaving said West line, South $41^{\circ} 23' 19''$ West, a distance of 39.14 feet;

THENCE South $71^{\circ} 49' 58''$ West, a distance of 5.50 feet;

THENCE North $70^{\circ} 07' 33''$ West, a distance of 6.64 feet;

THENCE South $78^{\circ} 01' 18''$ West, a distance of 57.66 feet to a point on the West line of said "Parcel 6";



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THENCE South $37^{\circ} 23' 08''$ West, a distance of 149.60 feet, more or less, to a point on the North right-of-way of Northwest 18th Ave, said point being 30.00 feet from, when measured perpendicular to, the centerline of said Ave, said point also being on a non-tangent 280.00 foot radius curve to the right;

THENCE along said right-of-way, and along said 280.00 foot radius curve to the right (the long chord of which bears South $51^{\circ} 53' 54''$ East, a distance of 7.00 feet), an arc distance of 7.00 feet;

THENCE South $51^{\circ} 10' 55''$ East, along said right-of-way, a distance of 28.26 feet to a point on a 470.00 foot radius curve to the left;

THENCE along said right-of-way and along said 470.00 foot radius curve to the left (the long chord of which bears South $60^{\circ} 07' 30''$ East, a distance of 146.12 feet), an arc distance of 146.72 feet;

THENCE South $69^{\circ} 04' 05''$ East, along said right-of-way, a distance of 48.48 feet to a point on a 470.00 foot radius curve to the left;

THENCE along said right-of-way and along said 470.00 foot radius curve to the left (the long chord of which bears South $78^{\circ} 42' 59''$ East, a distance of 157.54 feet), an arc distance of 158.29 feet;

THENCE South $88^{\circ} 21' 53''$ East, along said right-of-way, a distance of 225.68 feet;

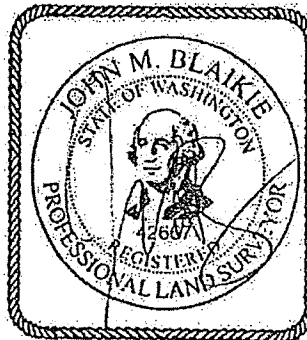
THENCE South $89^{\circ} 28' 54''$ East, along said right-of-way, a distance of 410.10 feet to the Southeast corner of that parcel conveyed to Sharp Microelectronics Technology, Inc. as described under Auditor's File No. 8905220187, records of said county;

THENCE North $01^{\circ} 13' 20''$ East, along the East line of said parcel, a distance of 1206.82 feet, more or less, to a point which bears South $89^{\circ} 42' 11''$ East, from the TRUE POINT OF BEGINNING;

THENCE leaving said East line, North $89^{\circ} 42' 11''$ West, a distance of 72.01 feet to the TRUE POINT OF BEGINNING.

EXCEPT public streets.

Containing 20.50 acres, more or less.



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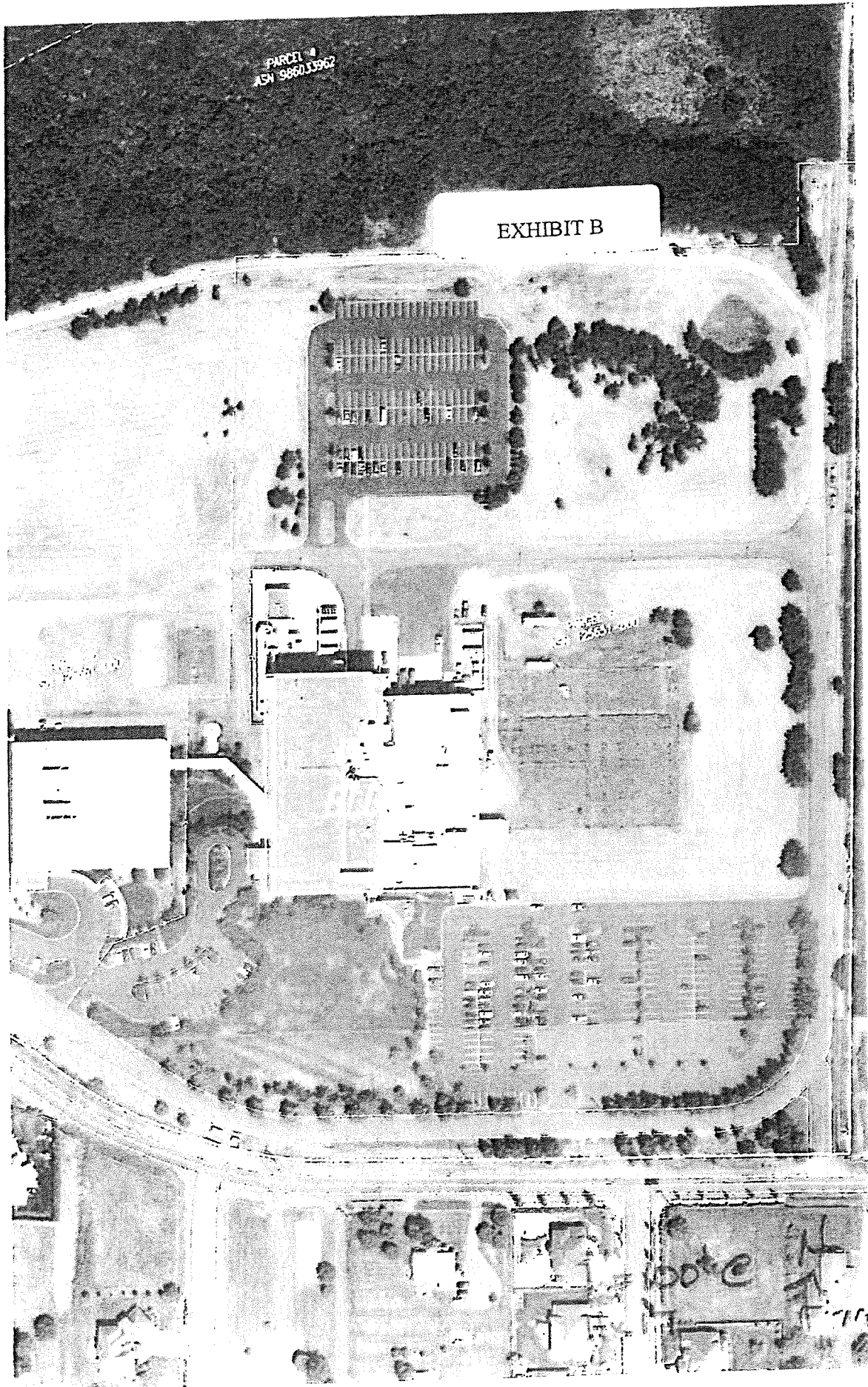
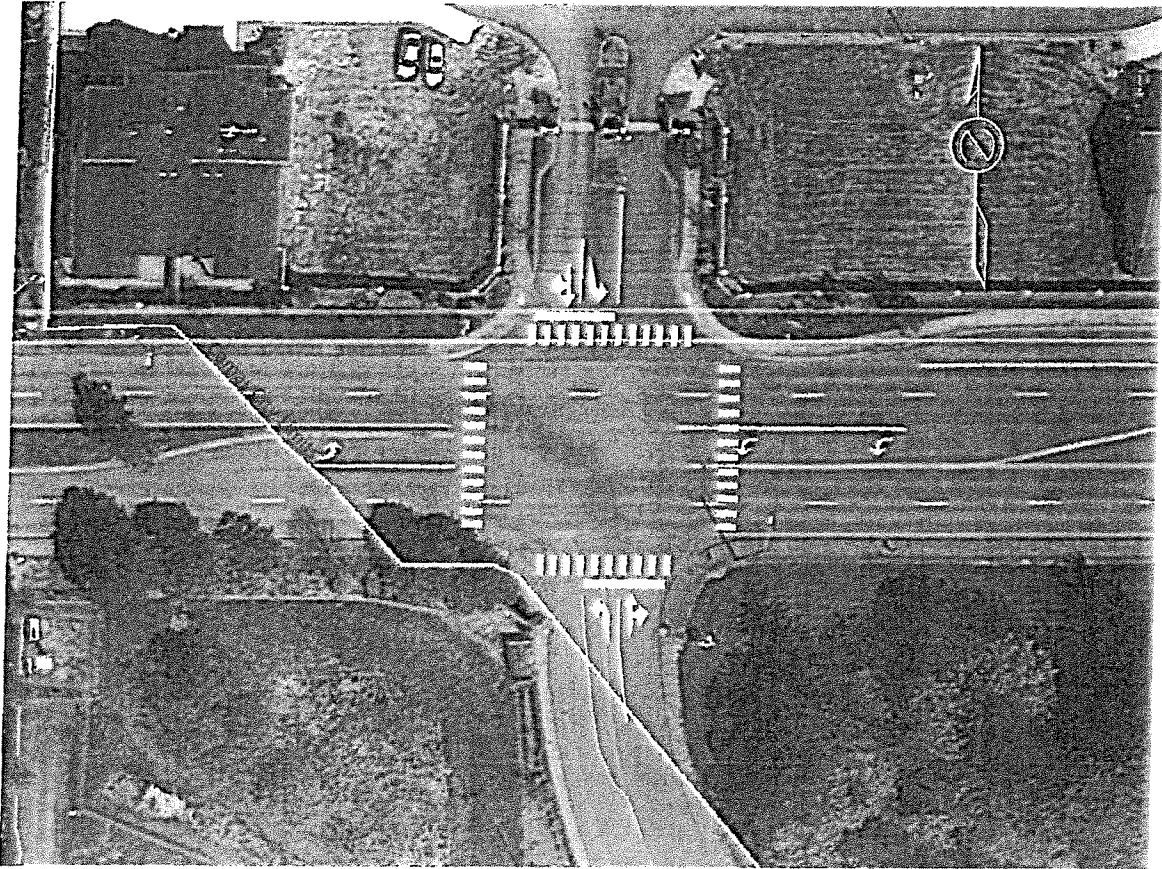


EXHIBIT C



NW PACIFIC RIM DRIVE AND SE PAYNE ROAD

Conceptual Lane Configuration for Future Signal.

NOT TO SCALE
160617 PRB & PAYNE RD - JE

EXHIBIT D



Subject to an agreed engineered design and City of Camas approval, Sharp will construct a new access to the Sharp private drive off Payne Road with sufficient depth and radius of access to adequately accommodate busses to and from both directions on Payne Road and of sufficient intersection width to allow simultaneous left and right turn exit (two lane exit width at intersection).

EXHIBIT "E"

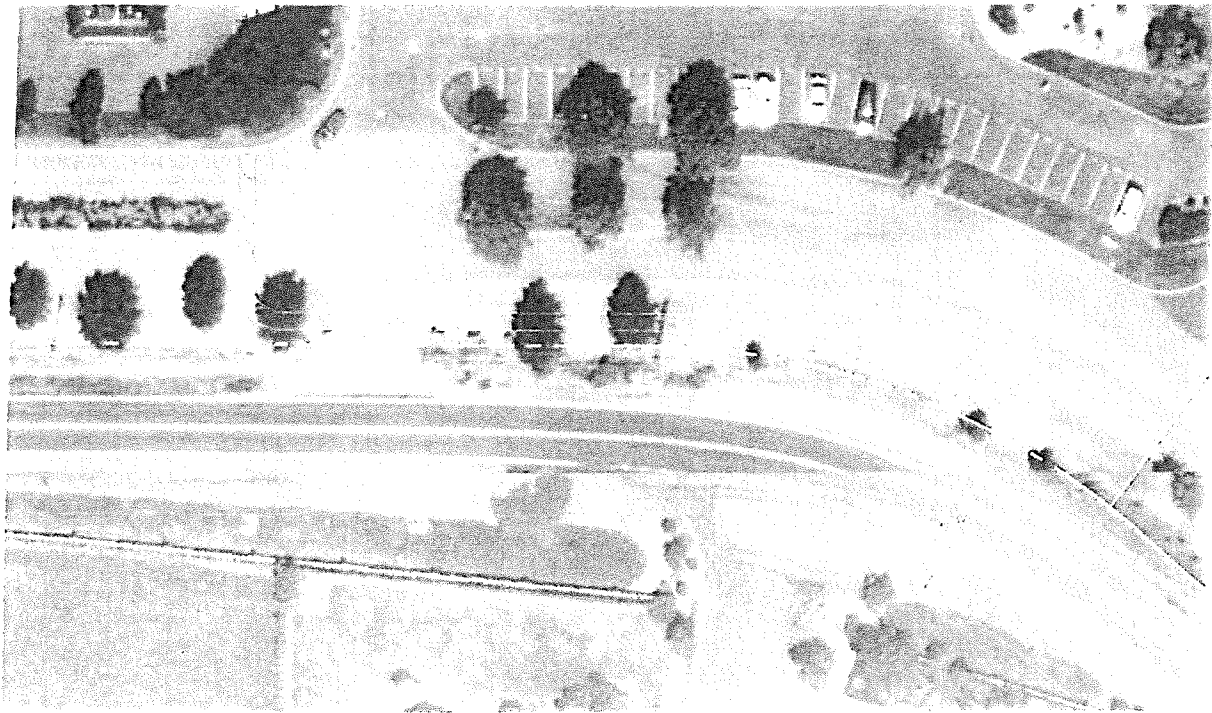


EXHIBIT "E"



MEMORANDUM OF UNDERSTANDING
(TRANSPORTATION ISSUES)

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into as of this 29 day of June, 2016, by and between **SHARP ELECTRONICS CORPORATION**, ("Sharp") and **CAMAS SCHOOL DISTRICT**, a Washington public school district ("CSD")

RECITALS

A. Sharp is the owner of real property located in Camas, Clark County, Washington identified as Parcels 1 through 2 and 4 through 6, Tax Parcel Nos. 986033-959; 986033-960; 9866033-962; 125661-000; 125651-000.

B. CSD has contracted to purchase Parcels 4 and 5 from Sharp and the parties intend to close the transaction on or before June 30, 2016. The Parcels to be acquired are to be utilized for School purposes. Execution of this MOU is part of the purchase and sale negotiations for this property.

C. The parties have executed a separate MOU between themselves and the City of Camas ("Camas"), dated June 29, 2016 evidencing Camas' stipulation to occupancy by CSD and future transportation improvements that will increase safety and reduce congestion in the area. A copy of said MOU is attached hereto as Exhibit "A".

D. The parties wish to provide detail regarding responsibility for construction and cost sharing.

AGREEMENT

NOW, THEREFORE, in support of the foregoing premises of this MOU, which are incorporated into the agreement of the parties set forth herein, the undersigned hereby agree as follows.

1. IMPROVEMENTS

1.1 Between June 30, 2016 and September 1, 2018, Sharp shall obtain bids, coordinate and shall achieve substantial completion of the construction of those certain improvements identified in the MOU attached hereto, or as subsequently agreed to by the parties pursuant to a separate written agreement. Sharp shall complete all improvements necessary for

MEMORANDUM OF UNDERSTANDING

(Transportation Issues) - 1

Doc 1618370

the City to issue final acceptance of the improvement by October 1, 2018. Provided, however, that Sharp's obligation to construct the improvement identified in Section 1.1 of the attached MOU is contingent upon the City of Camas obtaining in a timely manner any Right of Way necessary to construct the identified improvement. In the event the City fails to obtain any Right of Way necessary to construct the improvement identified in Section 1.1 of the attached MOU by January 1, 2018, but ultimately does obtain it, Sharp shall be given a reasonable amount of time to complete the improvement, taking into account time of year, weather and other factors customarily considered in construction of this type.

1.2 CSD shall pay one-half of the costs incurred to complete the transportation improvement identified in Section 1.1 of the attached MOU. Sharp shall invoice CSD on a monthly basis for completed work and payment will be made within thirty (30) days from date of invoice.

1.3 The City of Camas calculates the sum of \$196,050.00 is available for Transportation Impact Fee ("TIF") credits for construction of the SE Payne/NW Pacific Rim Boulevard traffic signal. Sharp shall direct the the City to issue one half of the credits issued by the City for Sharp's construction of the transportation improvement identified in Section 1.1 of the attached MOU to CSD. Either party may purchase the other's TIF credits dollar for dollar.

1.4 The parties estimate the cost of the anticipated transportation improvement identified in Section 1.1 of the attached MOU to be \$400,000.00. The parties agree that this is a good faith estimate only and is based on information currently held by the parties, including the attached conceptual drawings of the intersection provided by the City, but specifically not including any detailed engineering, environmental or geotechnical review.

1.5 As identified in Section 1.2 of the attached MOU, Sharp shall provide at its sole cost a new entrance to Sharp Drive off of SE Payne Road, at SE Lacy Way, to replace the current Sharp Drive entrance off of NW Pacific Rim Boulevard, on or before September 1, 2018.

2. MISCELLANEOUS PROVISIONS.

2.1 **Authority.** Each person executing this MOU on behalf of a party represents and warrants that such person has the authority to enter into this MOU on the terms and conditions contained herein.

2.2 **Notices.** Any notices, demands, or other communications to be given hereunder must be in writing and must be delivered personally or sent by first-class U.S. mail, postage prepaid, addressed to the parties at the addresses set forth below, or at such other address as any party may hereinafter or from time to time designate by written notice to the other parties given accordance herewith. Notice will be considered given when personally delivered or mailed and

will be considered received by the party to whom it is addressed on the third day after such notice is given.

Notices to Sharp:

Sharp Electronics Corporation
1 Sharp Plaza, Mahwah, NJ 07495-1163
Attn: William Flynn
Phone: (201) 529-9416

With Copy to:

Office of General Counsel
1 Sharp Plaza, Mahwah, NJ 07495-1163
legalnotices@sharpsec.com

Notices to CSD:

Camas School District
841 NE 22nd Avenue, Camas, WA 98607
Attn: Jeff Snell
Phone: (360) 833-5412

2.3 Headings for Convenience. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this MOU.

2.4 No Recordation. This MOU, any portion of this document, or any other document referencing these terms shall not be recorded in the real property records in the State of Washington.

2.5 Entire Agreement. This MOU constitutes the entire agreement between the parties and cannot be changed or modified, other than in a writing executed by all parties hereto. There are no other agreements, oral or written, with respect to the subject matter hereof, except as expressed herein. If required, the parties shall negotiate in good faith and execute such further or supplemental agreements as may be necessary or proper to carry out the terms set forth herein.

2.6 Interpretation and Governing Law. This MOU shall be governed by the laws of the State of Washington

2.7 Time of the Essence. Time is of the essence of this MOU and of every provision hereof.

2.8 Counterparts. This MOU may be executed in multiple counterparts, each of which will be deemed an original, but all of which, together, will constitute one and the same instrument. Digital signatures shall constitute original signatures for purposes of this document.

2.9 Representation. Landerholm, P.S. represented Sharp in drafting of this document. CSD consulted its own counsel regarding the terms of this document. The parties agree that any interpretation of the language contained herein shall not be construed against the drafter.

2.10 Purpose. In the event either party shall be precluded from fulfilling its obligations stated herein as the result of a statute, regulation or ordinance which prohibits or restricts the terms of this MOU from being fully enforced, the parties shall negotiate in good faith to seek a solution which will allow the general purpose and intent of this MOU to be fulfilled, to the extent permitted by law. In the event that any specific provision of this MOU is deemed unenforceable, the balance of the terms shall remain in full force and effect, so long as such continued enforcement of the remaining terms does not act to defeat or deprive a party of its reasonable economic expectations hereunder.

IN WITNESS WHEREOF, the parties have executed this MOU as of the day and year first above written.

SHARP ELECTRONICS CORPORATION

By: [Signature]

Name: AKIHIKO KISHI

Title: Senior Executive Vice President

CAMAS SCHOOL DISTRICT

By: [Signature]

Name: Jeff Small

Title: Deputy Superintendent

MEMORANDUM OF UNDERSTANDING
(Transportation Issues) - 4
Doc 1619370

2021 Citizen Appointments

Item 11.

Board/ Committee/ Commission	Term	Full Name	Appointment	Term Expiration
Board of Adjustment	5-year		Appointment	12/31/2025
Civil Service	6-year		Appointment	12/31/2026
Clark County Arts Commission	Indefinite	Deborah Nagano	Recommendation	Indefinite
Clark County Mosquito Control Brd	Indefinite		Appointment	Indefinite
Lacamas Lake Commission	Indefinite	Brianna Kroeker	Appointment	Indefinite
	Indefinite	Todd Zabel	Appointment	Indefinite
	Indefinite	Rodger Hauge	Appointment	Indefinite
	Indefinite	Judit Lorincz	Appointment	Indefinite
	Indefinite	Rainy Rau	Appointment	Indefinite
	Indefinite	Marie Tabata-Callerame	Appointment	Indefinite
	Indefinite	John Connell	Appointment	Indefinite
Library Board	5-year	Robin Owens Webster	Appointment	12/31/2025
Parking Advisory Committee	4-year	Matthew McBride	Appointment	12/31/2024
	4-year	Bradyn Miller	Appointment	12/31/2024
Parks & Recreation Commission	3-year	Steve Lorenz	Re-appointment	12/31/2023
	3-year	Cassi Marshall	Re-appointment	12/31/2023
	3-year	Katy Daane	Re-appointment	12/31/2023
	3-year term recently vacated	Brittany Grahm	Appointment	12/31/2021
	3-year term recently vacated	Dario Izarraras	Appointment	12/31/2021
Planning Commission	3-year	Shawn High	Re-appointment	12/31/2023
	3-year	Joe Walsh	Appointment	12/31/2023



Staff Report

February 16, 2021 Council Regular Meeting

Ordinance No. 21-003 Amendments to the Camas Shoreline Master Program

Presenter: Sarah Fox, Senior Planner

Phone	Email
360.513.2729	sfox@cityofcamas.us

BACKGROUND: The City of Camas is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The city's current plan was amended in its entirety in 2012, with limited amendments adopted in 2015.

The state requires each SMP be reviewed and revised, if needed, on an eight-year schedule. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other City plans and regulations, and is responsive to changed circumstances, new information and improved data.

SUMMARY: A public hearing was held before City Council on January 19, 2021. Council approved amendments that were forwarded from the Planning Commission and directed the City Attorney to prepare an ordinance for adoption. Ordinance No. 21-003 is attached to this agenda item. Refer to Staff Report dated December 22, 2020 for details on amendment, to include legal notifications and public engagement.

EQUITY CONSIDERATIONS:

Considerations

Response

What are the desired results and outcomes for this agenda item?	Adopt amendments to the Camas Shoreline Master Program that are consistent with RCW 90.58.080(4).
What's the data? What does the data tell us?	The Department of Ecology provided documentation to demonstrate need for changes to our SMP.
How have communities been engaged? Are there opportunities to expand engagement?	The city's website has provided timely updates throughout the process, along with staff updates during public workshops. A video with information was posted on YouTube and social media networks. Shoreline property owners received information mailed to their homes. Legal

	notices were published in the Camas Post Record.
Who will benefit from, or be burdened by this agenda item?	n/a
What are the strategies to mitigate any unintended consequences?	Opportunities to participate and provide meaningful comments have been provided throughout the process.
Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.	No, this program applies to all owners of property along shorelines and to the public use and enjoyment of shorelines.
Will this agenda item improve ADA accessibilities for people with disabilities?	This is a non-project action.
What potential hurdles exists in implementing this proposal (include both operational and political)?	Staff is unaware of any hurdles.
How will you ensure accountabilities, communicate, and evaluate results?	The city's website will continue to communicate the status of the project and provide current regulations.
How does this item support a comprehensive plan goal, policy or other adopted resolution?	This periodic review is required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The city's current plan was amended in its entirety in 2012, with limited amendments adopted in 2015.

BUDGET IMPACT: The city was awarded a \$22,400 grant to assist with mandated update.

RECOMMENDATION: Staff recommends that Council adopt Ordinance No. 21-003.

ORDINANCE NO. 21-003

AN ORDINANCE adopting amendments to the Camas Shoreline Master Program pursuant to RCW Chapter 90.58.

The Council of the City of Camas do ordain as follows:

Section I

The Council makes the following findings:

A. The City of Camas has heretofore adopted a document entitled “Camas Shoreline Master Program” pursuant to Ordinance No. 2643 as the master program for regulations within the City, as required by Chapter 90.58, Revised Code of Washington.

B. In 2015 the City adopted limited amendments to the Camas Shoreline Master Program pursuant to Ordinance No. 15-007.

C. RCW 90.58.080(4) requires periodic review of any adopted Shoreline Master Program and accordingly the City formed a Technical Advisory Committee to assist in the review of proposed amendments thereto.

D. City staff received guidance from the Washington State Department of Ecology specific to the City’s Master Program update, to ensure compliance with state and federal laws and consistency with the Shoreline Management Act’s goals and policies.

E. During the Department of Ecology’s and the City’s joint 30-day comment period, the City received correspondence regarding the amendments, and minor revisions were made therein.

F. As allowed under WAC 173-26-104, the City and the Department of Ecology held a joint public hearing before the Planning Commission on September 15, 2020, to consider the amendments to the Camas Shoreline Master Program and to allow public comment.

G. The amendments to the Camas Shoreline Master Program were forwarded to the Department of Ecology for review and comment on October 15, 2020. The city received an initial determination of consistency from the Department of Ecology on October 23, 2020, with a required change noted. Ecology determined that the City’s proposed amendments, subject to the required change identified

in their letter, was consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable guidelines (WAC 173-26-171 through 251 and .020 definitions). The amended SMP was forwarded to City Council for action.

H. The City Council held a public hearing on January 19, 2021, to consider the amendments to the Camas Shoreline Master Program and to allow public comment.

I. The City desires to adopt amendments to Camas Shoreline Master Program as the master program for the regulation of the shorelines within the City of Camas.

Section II

The document entitled “Camas Shoreline Master Program” dated February 16, 2021 is hereby adopted as the master program of the City of Camas for the regulation of shorelines within city.

Section III

Upon the effective date of this ordinance, the document entitled “Camas Shoreline Master Program” as adopted pursuant to Ordinance No. 2643, with limited amendments adopted pursuant to Ordinance No. 15-007 shall be deemed superseded and shall have no further effect for any development, substantial development, conditional use, or variance, under application under the Shoreline Management Act made after the effective date of this Ordinance.

Section IV

This Ordinance shall take force and be in effect fourteen (14) days from the date of the Washington State Department of Ecology’s written notice of final action to the City of Camas, stating the Department of Ecology has approved the proposed amendments, as indicated herein, to the Camas Shoreline Master Program.

PASSED BY the Council and APPROVED by the Mayor this ____ day of February 2021.

SIGNED: _____
Mayor

Ordinance No. 21-003

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ATTEST: _____
Clerk

APPROVED as to form:

City Attorney



Camas Shoreline Master Program

Adopted by Ordinance No. 21-003 *(Red-line version)*

February 16, 2021

CHAPTER 1 INTRODUCTION

1.1 Title

This document shall be known and may be cited as the Camas (City) Shoreline Master Program (referred to in this document as Program or SMP).

1.2 Adoption Authority

This Program is adopted under the authority granted by the Shoreline Management Act (SMA, or the Act) of 1971 (Revised Code of Washington (RCW) 90.58) and Chapter 173-26 of the Washington Administrative Code (WAC) as amended.

1.3 Background

The first Shoreline ~~Management~~ Master Program (SMP) for the City was published on October 24, 1977. This document provided the initial criteria for management of shorelines within the city in compliance with the SMA of 1971.

The State of Washington requires periodic updates to all shoreline master programs, which is the genesis for an update in 1997. In 1997, the City embarked on an update to their 1977 program by engaging citizens and collaborating with other municipalities. The SMP adopted by Ordinance #2191, on January 11, 1999, was entitled “Camas Shoreline Master Program, December 14, 1998”. This SMP was created through the work of two committees: ~~(1) the Clark County Citizen Advisory Committee, which consisted of representatives from Washougal, Vancouver, La Center, and unincorporated Clark County; and (2) the City’s Citizen Advisory Committee of eleven participants, which consisted of members from City Council, Planning Commission, and representatives from other City boards and commissions.~~ There was a limited amendment to the Program adopted on October 1, 2009, which was namely to allow for carefully constructed trails within Natural Shoreline Designations.

The 2003 Washington State Legislature enacted a law (Substitute Senate Bill 6012) for Washington cities and counties to amend their SMP’s by December 2011 and offered grants to assist communities in meeting this deadline. In order to obtain the best value for limited state grant funds, the cities of Camas, Battleground, Vancouver, Washougal, Ridgefield, La Center, Town of Yacolt, and Clark County agreed to form a coalition by means of an interlocal agreement (Record #4570316 IA). The Clark County Coalition was established in 2009, to update the shoreline inventory, and to encourage public participation on the mandated SMP amendments. ~~In the years that preceded the adoption of this Program, there were monthly public outreach activities, regional open houses, and Planning Commission and City Council work sessions. The city also created an ad hoc committee to examine the proposed amendments and to ensure that the locally significant policies remain intact. The resulting SMP was adopted by Council with Ordinance #2643 and went into effect after final approval by Ecology on September 12, 2012. Limited aAmendments to update critical area regulations were adopted by Ordinance #15-007 that were in effect on July 27, 2015.~~

In 2019 Ecology offered grant funds to jurisdictions with periodic reviews due in 2020 and 2021. Camas was awarded a grant to assist with the mandated update and to conduct a more robust public outreach effort. The city convened an ad hoc committee of volunteers with expertise in shoreline development, held a series of public workshops, and sent information to residents via mail and online.

1.4 Acknowledgements

Although, it is difficult to thank everyone who contributed countless hours to the development and review of this document, the City would like to acknowledge and thank the following individuals:

City Council

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Melissa Smith
Steve Hogan
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Planning Commission

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Ad Hoc Shoreline Technical Advisory Committee

Cassi Marshall, Camas Parks
Commissioner & Camas-Washougal Port
Commissioner
Jack Loranger, Consultant
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Geoerl Niles, Planning Commissioner

Contributing Staff

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Sarah Fox, Senior Planner
Lauren Hollenbeck, Senior Planner
Madeline Sutherland, Assistant Planner

1.5 Purpose and Intent

The purpose of this Program is:

1. To guide the future development of shorelines in the City in a positive, effective, and equitable manner consistent with the Act;
2. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of the City's shorelines; and
3. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state:

"It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

1.6 Governing Principles

4. The goals, policies, and regulations of this Program are intended to be consistent with the State shoreline guidelines in Chapter 173-26 of the WAC. The goals, policies and regulations are informed by the Governing Principles in WAC 173-26-186, and the policy statements of RCW 90.58.020.
5. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
6. Regulatory or administrative actions contained herein as Appendix 'B' Administration and Enforcement, must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
7. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program extend beyond the designated shoreline boundaries, given that activities outside the shoreline jurisdiction may affect shorelines of the state.
8. The policies and regulations established by this Program must be integrated and coordinated with those policies and rules of the Camas Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.
9. Appendices A (Camas Shoreline Designations Map), B (Administration and Enforcement), C (Critical Area Regulations and Maps), and D (Restoration Plan) are governing documents and considered integral to this Program.
10. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecosystems from such impairments in the following ways:
 - a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines;
 - b. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs.
 - c. By including policies and regulations to address cumulative impacts, to include ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.

- d. By including regulations and regulatory incentives designed to protect shoreline ecological functions and restore impaired ecological functions where such functions have been identified.

1.7 Liberal Construction

As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

1.8 Severability

Should any section, subsection, paragraph, sentence, clause or phrase of this Program or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Camas hereby declares that it would have adopted this ordinance and each section, subsection sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

1.9 Relationship to Other Plans and Regulations

1. Proponents of shoreline use, or development shall comply with all applicable laws prior to commencing any shoreline use, development, or activity.
2. Where this Program ~~makes reference~~refers to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.
3. Uses, developments and activities regulated by this Program may also be subject to the provisions of the following: the City of Camas Comprehensive Plan; the 2007 Parks, Recreation and Open Space Comprehensive Plan (for the city); the Washington State Environmental Policy Act ("SEPA," RCW Chapter 43.21C and WAC Chapter 197-11); other provisions of Camas Municipal Code (CMC), specifically CMC Title 18 Zoning Code; and various other provisions of local, state and federal law, as may be amended.
4. In the event this Program conflicts with other applicable City policies or regulations, they must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous, and unless otherwise stated, the provisions that provide the most protection to shoreline ecological processes and functions shall prevail.
5. Projects in the shoreline jurisdiction that have been previously approved through local and state reviews are vested. Major changes that were not included in the originally approved permit will be subject to the policies and regulations of this Program.

1.10 Effective Date

This Program and all amendments thereto shall take effect fourteen (14) days after written notice of approval from the Department of Ecology (Ecology) and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date.

This program was adopted by city council with Ordinance # 21-003 and went into effect after final approval by Ecology on _____.

CHAPTER 2 **APPLICABILITY, SHORELINE PERMITS AND EXEMPTIONS**

To be authorized, all uses and development activities in shorelines shall be carried out in a manner consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use is required.

2.1 Applicability

1. This Program shall apply to all of the shorelands and waters within the City of Camas that fall under the jurisdiction of RCW 90.58. Such shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM), floodways and contiguous floodplain areas landward two hundred feet from such floodways, associated wetlands, critical areas with associated buffer areas, river deltas associated with the streams, and lakes and tidal waters that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

Within the City of Camas the following waters are considered “shorelines” and are subject to the provisions of this Program: Lacamas Creek; Fallen Leaf Lake; Lacamas Lake; and Round Lake. The Columbia and Washougal Rivers are further identified as shorelines of statewide significance. A copy of the Camas Shoreline Designations Map and its UGA is shown in Appendix A.

The City is pre-designating shorelines within its adopted UGA. Until annexation occurs, all development in these areas will continue to be regulated by the Clark County Shoreline Master Program. The City’s SMP will apply concurrent with annexation and no additional procedures are required by Ecology at the time of annexation (WAC 173-26-150) unless a re-designation is occurring as specified per Table 4-1 of this Program.

2. Maps indicating the extent of shoreline jurisdiction and shoreline designations are for guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this Program.
3. This Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act; and within the external boundaries of federally owned lands (including but not limited to, private in-holdings in national wildlife refuges).

4. Non-federal agency actions undertaken on federal lands must comply with this Program and the Act.
5. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this chapter shall affect any rights established by treaty to which the United States is a party.
6. Hazardous Substance remedial actions pursuant to a consent decree, order, or agreed order issued under RCW Chapter 70.105(D) are exempt from all procedural requirements of this Program.
7. Applicants that are responding to an emergency water withdrawals and facilities shall be provided an expedited permit decision from the Administrator, no longer than 15 days in accordance with RCW 90.58.370.
8. Certain forest practices that are not regulated by the Act and are regulated under RCW Chapter 76.09 are not subject to additional requirements of this Program.
9. The administrative regulations of this Program are superseded in authority by the terms and provisions of an environmental excellence program or agreement, entered into under RCW 43.21(K) Environmental Excellence Program. The environmental excellence agreement must meet the substantive requirements of this Program. An environmental excellence program agreement must achieve more effective or efficient environmental results than the results that would be otherwise achieved.
10. Shoreline development occurring in or over navigable waters may require a shoreline permit in addition to other approvals required from state and federal agencies.
11. This Program shall apply whether the proposed development or activity is exempt from a shoreline permit or not.

2.2 Shoreline Substantial Development Permit Required

1. Substantial development as defined by this program and RCW 90.58.030 requires a substantial development permit approval from the ~~Shoreline Management Review Committee or the [A1] hearings examiner, and subsequently issued by the~~ Shoreline Administrator (herein after referred to as "Administrator"), unless the use or development is specifically identified as exempt from a substantial development permit.
2. The Administrator may issue a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW 90.58; the provisions of WAC 173-27; Appendix B - Administration and Enforcement; and this Program.

3. Within an urban growth area a shoreline substantial development permit is not required on land that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the OHWM.

2.3 Exemptions from a Shoreline Substantial Development Permit

2.3.1 General Exemption Requirements

1. Except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this Program.
2. If the development or use does not require a substantial development permit, it may be listed as a conditional use pursuant to this Program or is an unclassified use or development and for this reason must obtain a shoreline conditional use permit.
3. When a development or use is proposed that does not meet the bulk, dimensional, and/or performance standards of this Program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.
4. If any part of a proposed development is not eligible for an exemption as defined in RCW 90.58.030(3)(e), WAC 173-27-040 and this section, then a substantial development permit is required for the entire proposed development project.
5. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
6. The burden of proof that a development or use is exempt is on the applicant or proponent of the development action.

2.3.2 List of Exemptions

The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit pursuant to WAC173-27-040. Despite being exempt from a substantial development permit, the activity may still require a shoreline conditional use permit or other development permits under CMC or from other agencies.

1. Notwithstanding any of the other exemptions under this section, any development of which the total cost or fair market value does not exceed ~~six-seven~~ thousand, ~~four hundred~~^[A2]^[A3], ~~sixteen-forty-seven~~ dollars (\$~~6,416~~^[A2]^[A3],~~047~~.00) or as adjusted by the State Office of Financial Management ([Washington State Data Book, Table VT11](#)), if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of

- determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment or materials.
2. Normal maintenance or repair of existing legally-established structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "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 repair causes substantial adverse effects to shoreline resource or environment. 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.
 3. Construction of a normal protective bulkhead common to residential lots. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State Department of Fish and Wildlife.
 4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation,

- upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or this Program, shall be obtained. All emergency construction shall be consistent with the policies and requirements of this chapter 90.58 RCW and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.
 6. Construction or modification of navigational aids such as channel markers and anchor buoys.
 7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence or appurtenance for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level, and which meets all requirements of the City, other than requirements imposed pursuant to chapter 90.58 RCW. Construction authorized under this exemption shall be located landward of the ordinary high water mark.
 8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single-family or multiple-family residence. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies when either:
 - a. For [A4] replacement docks: The fair market value does not exceed twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks that are of equal or lesser square footage than the existing dock being replaced; or
 - b. For new docks: The fair market value of the dock does not exceed ~~ten thousand~~ eleven thousand two hundred dollars (\$11,200~~10,000.00~~).
 - c. However, if subsequent construction ~~having a fair market value exceeding two thousand five hundred dollars (\$2,500.00)~~ occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in (a) or (b) above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.
10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system.
12. Any project with a certification from the governor pursuant to RCW 80.50 (certification from the State Energy Facility Site Evaluation Council).
13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - a. The activity does not interfere with the normal public use of surface waters;
 - b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity; and
 - d. A private entity seeking development authorization under this section first post a performance bond or provides other evidence of financial responsibility to the local jurisdiction to assure that the site is restored to pre-existing conditions.
14. The process of removing or controlling aquatic noxious weeds as defined in RCW [A5]17.26.020, through the use of an herbicide or other treatment methods applicable to weed ~~control~~ control that are recommended by a final environmental impact statement published by the Departments of Agriculture or Ecology jointly with other state agencies under RCW 43.21C. ~~Identified noxious weeds are based on an annually updated list adopted by the state's Noxious Weed Control Board.~~
15. Watershed restoration projects as defined in RCW 89.08.460. The Administrator shall determine if the project is substantially consistent with the local shoreline master program and provide this decision by letter to the project proponent.
16. Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181* are determined to be consistent with this Program. Also a public or private project that is designed to improve fish or wildlife habitat or fish passage as reviewed by the Department of Fish and Wildlife (WDFW) when one

of the following apply: (a) The project has been approved by the WDFW; (b) The project has received hydraulic project approval by the WDFW pursuant to chapter 77.55 RCW; or (c) The Administrator has determined that the project is substantially consistent with the local shoreline master program and provide this decision by letter to the project proponent. [*Previously RCW 77.55.290. Recodified as RCW 77.55.181 pursuant to 2005 c 146 § 1001]

16.17. The external or internal [A6] retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

2.3.3 Statements of Exemption

1. Any person claiming exemption from the substantial development permit requirements shall make an application to the Administrator for such an exemption as prescribed in Appendix B, except that no written statement of exemption is required for emergency development pursuant to WAC 173-27-040(2)(d).
2. The Administrator is hereby authorized to grant or deny requests for exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in this section.
3. Exempt activities related to any of the following shall not be conducted until a written statement of exemption has been obtained from the Administrator: dredging; flood control and in-water structures; archaeological or historic site alteration; docks; shore stabilization; or if permits from other state or federal agencies are required for the activity.
4. If a written exemption is issued for activities listed in #3 (above) then [A7] [A8]; it shall be sent to Ecology, the applicant and maintained on file ~~in the offices of the Administrator.~~ Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this Program and Act.
5. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Administrator's decision on a statement of exemption may be reconsidered by submittal of ~~a~~ an appeal to the Shoreline Management Review Committee-hearings examiner.

2.4 Prohibited Uses

The following modifications and uses are prohibited in all shoreline designations and are not eligible for review as a shoreline conditional use or shoreline variance.

1. Uses not otherwise allowed in the underlying zoning district;

2. Discharge of solid wastes, liquid wastes, untreated effluents, other potentially harmful materials;
3. Solid waste or hazardous waste landfills;
4. Speculative fill;
5. Dredging or dredge material disposal in wetlands; and
6. Dredging or dredge material disposal to construct land canals or small basins for boat moorage or launching, water ski landings, swimming holes or other recreational activities.
7. Commercial timber harvest.

2.5 Nonconforming Development

2.5.1 Existing Development

Existing uses, structures and lots legally established prior to the effective date of this Program are allowed to continue. Where lawful uses, structures and lots exist that could not be established under the terms of this Program, such uses, structures and lots are deemed nonconforming and are subject to the provisions of this section, unless specific exceptions are provided for in this chapter.

2.5.2 Nonconforming Development

1. Additional development or expansion of any use or structure on a property where a nonconforming use or structure exists shall conform to this Program and the Act.
2. Change of ownership, tenancy, or management of a nonconforming development shall not affect its nonconforming status, provided that the use or structure does not expand or intensify.
3. If a nonconforming use is converted to a conforming use, a nonconforming use may not be resumed.
4. A nonconforming building or structure may be maintained or repaired, provided such improvements do not extend or expand the nonconformity of such building or structure and are consistent with the provisions of this Program, unless required by other law or ordinance.
5. If a nonconforming 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:

- a. The reconstructed or restored structure will not cause additional adverse effects to adjacent properties or to the shoreline environment;
 - b. The rebuilt structure or portion of structure shall not expand the original footprint or height of the damaged structure;
 - c. 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;
 - d. The submittal of applications for permits necessary to restore the development is initiated within twelve (12) months of the damage and completed within two years.
6. When a nonconforming structure, development, or use is vacated or abandoned for a period of twelve (12) consecutive months, the nonconforming rights shall be deemed extinguished and the future use and development of such property shall be in accordance with the permitted and conditional use regulations of this Program.
 7. Normal maintenance and repair of a structure housing a nonconforming use may be permitted provided all work is consistent with the provisions of this Program.

2.5.3 Nonconforming Lots

Legally established, nonconforming, undeveloped lots located landward of the ordinary high water mark are buildable, provided that all new structures or additions to structures on any nonconforming lot must meet all setback, height and other construction requirements of the Program and the Act.

2.6 Shoreline Variance

1. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant/proponent or thwart the policies set forth in the Act and this Program.
2. When a shoreline variance is requested, ~~the Shoreline Management Review Committee or~~ the hearings examiner shall be the final authority for the City, whose decision is then forwarded to Ecology. Shoreline variances must have final approval from Ecology, which shall have final approval authority. Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA (RCW 90.58.020). In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

3. Shoreline Variances are processed according to the administrative provisions set forth in Appendix B of this Program.
4. The burden of proving that a proposed variance meets the criteria of this Program and WAC 173-27-170 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

2.7 Shoreline Conditional Use Permit

1. The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of this Program in a manner that will be consistent with the policies of the Act and this Program, particularly where denial of the application would thwart the policies of the Act.
2. When a conditional use is requested, ~~the Shoreline Management Review Committee or~~ the hearings examiner shall be the final authority for the City, whose recommendation is then forwarded to Ecology. Shoreline conditional uses must have approval from Ecology, which shall have final approval authority under WAC 173-27-200.
3. A shoreline conditional use permit is processed in accordance with the administrative provisions of Appendix B of this Program.
4. Other uses not specifically identified in this Program are considered shoreline “unclassified uses” and may be authorized through a conditional use permit if the applicant can demonstrate consistency with WAC 173-27-160.
5. Uses specifically prohibited by this Program may not be authorized.
6. The burden of proving that a proposed shoreline conditional use meets the criteria of this Program and WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

CHAPTER 3 SHORELINE MASTER PROGRAM GOALS AND POLICIES

This chapter describes overall Program goals and policies. The general regulations in Chapter 5 and the specific use regulations in Chapter 6 are the means by which these goals and policies are implemented.

3.1 General Shoreline Goals

The general goals of this Program are to:

- Use the full potential of shorelines in accordance with the opportunities presented by their relationship to the surrounding area, their natural resource values, and their unique aesthetic qualities offered by water, topography, and views; and
- Develop a physical environment that is both ordered and diversified, and which integrates water and shoreline uses while achieving a net gain of ecological function.

3.2 Shorelines of Statewide Significance

Within the City of Camas, the Columbia River and the Washougal River are designated shorelines of statewide significance (SSWS). Shorelines of statewide significance are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

1. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:
 - a. Recognize and protect the statewide interest over local interest;
 - b. Preserve the natural character of the shoreline;
 - c. Result in long term over short term benefit;
 - d. Protect the resources and ecological function of the shoreline;
 - e. Increase public access to publicly-owned areas of the shorelines;
 - f. Increase recreational opportunities for the public in the shoreline; and
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
2. Uses that are not consistent with these policies should not be permitted on SSWS.
3. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.
4. Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by 1) restricting or prohibiting development that would irretrievably damage shoreline resources, and 2) evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

3.3 Archaeological, Historic, and Cultural Resources

3.3.1 Goal

The goal for archaeological, historic, and cultural resources is to preserve and prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value. Such sites include those identified by affected Indian tribes, the Department of Archaeology and Historic Preservation, Clark County Historic Preservation Commission, and other appropriate authorities.

3.3.2 Policies

1. Identify, protect, preserve, and restore important archaeological, historic, and cultural sites located in shorelands of the state for educational, scientific, and enjoyment of the general public.
2. Where appropriate, make access to such sites available to parties of interest, provided that access to such sites be designed and managed in a manner that protects the resource.
3. Encourage projects and programs that foster a greater appreciation of shoreline management, local history, maritime activities, environmental conservation, and maritime history.
4. Continue to contribute to the state and local inventory of archaeological sites enhancing knowledge of local history and understanding of human activities.

3.4 Conservation

3.4.1 Goal

The goal of conservation is to protect shoreline resources, vegetation, important shoreline features, shoreline ecological functions and the processes that sustain them to the maximum extent practicable.

3.4.2 Policies

1. Shorelines that support high value habitat or high-quality associated wetlands should be considered for the highest level of protection to remain in an unaltered condition.
2. Impacts to critical areas should first be avoided, and where unavoidable, minimized and mitigated to result in no net loss of watershed processes and shorelines functions.
3. Management practices for natural resources (including agriculture, timber and mining) in shoreline areas should be developed and implemented to ensure the preservation of non-renewable resources, including unique, scenic and ecologically sensitive features, wetlands, and wildlife habitat.

4. Priority should be given to proposals to create, restore or enhance habitat for priority species.
5. Emphasize policies and standards to protect and conserve critical areas as larger blocks, corridors or interconnected areas rather than in isolated parcels.
6. Encourage the retention of existing vegetation along shorelines and where removal is unavoidable for physical or visual access to the shoreline, limit alteration such that habitat connectivity is maintained, degraded areas are restored, and the health of remaining vegetation is not compromised.

3.5 Economic Development

3.5.1 Goal

The goal for economic development is to create and maintain an economic environment that is balanced with the natural and human environment.

3.5.2 Policies

1. Current economic activity that is consistent with the policies of this SMP should continue to be supported.
2. Healthy economic growth is allowed and encouraged through those economic activities that will be an asset to the local economy and which will result in the least possible adverse effect on the quality of the shoreline and downstream environments.
3. New water-oriented industrial, commercial, and resource-based activities that will not harm the quality of the site's environment, adjacent shorelands, or water quality are encouraged along the shoreline. Limit or discourage uses that are nonwater-oriented and are not accessory to a water-oriented use.
4. As an economic asset, the recreation industry should be encouraged along shorelines in a manner that will enhance the public enjoyment of shorelines, consistent with protection of critical areas and cultural resources.
5. Existing non-water-oriented commercial, industrial, and resource-based activities located in the shoreline jurisdiction are encouraged to protect watershed processes and shoreline functions.

3.6 Flood Prevention and Flood Damage Minimization

3.6.1 Goal

The goal for flood hazards is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

3.6.2 Policies

1. All shoreline development should be located, designed, and constructed to prevent flood damage and to the extent possible be located outside of shoreline jurisdiction.
2. Flood management works should be located, designed, constructed and maintained to protect: (a) the physical integrity and other properties of the shoreline and other properties that may be damaged by alterations of the geo-hydraulic system; (b) water quality and natural ground water movement; (c) fish, vegetation, and other life forms and their habitat vital to the aquatic food chain; and (d) recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.
3. Non-structural flood hazard reduction measures are preferred to structural measures. Flood hazard reduction measures should be accomplished in a manner that ensures no net loss of ecological functions and ecosystem-wide processes.
4. Flood protection measures that result in stream channelization or reduction in shoreline function should be discouraged.
5. Proposals for shoreline protection should clearly demonstrate that life, property, and natural resource values within the stream system will not be endangered.
6. When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.
7. To ensure that those who occupy the areas that are flood prone assume responsibility for their actions and that potential buyers are notified of the special flood hazard status.
8. New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

3.7 Public Access and Recreation

3.7.1 Goal

The goal of public access and recreation is to increase the ability of the general public to enjoy the water's edge, travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

3.7.2 Policies

1. Provide, protect, and enhance a public access system that is both physical and visual; utilizes both private and public lands; increases the amount and diversity of public access to the State's shorelines and adjacent areas; and is consistent with the shoreline character and functions, private rights, and public safety.

2. Increase and diversify recreational opportunities by promoting the continued public acquisition of appropriate shoreline areas for public use and develop recreation facilities so that they are distributed throughout the community to foster convenient access.
3. Locate public access and recreational facilities in a manner that encourages variety, accessibility, and connectivity in a manner that will preserve the natural characteristics and functions of the shoreline. Public access includes both active and passive recreational activities (e.g. trails, picnic areas, viewpoints)
4. Coordinate public access provisions consistent with adopted city trail system.
5. Encourage public access as part of each development project by a public entity and for all private development unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
6. Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, public health, and safety, or is necessary to a proposed beneficial use.

3.8 Restoration

3.8.1 Goal

The goal of restoration is to re-establish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with the SMP Restoration Plan and other approved restoration plans.

3.8.2 Policies

1. Shorelines that are biologically degraded should be reclaimed and restored to the greatest extent feasible. Restoration shall not result in the following: creating additional “dry land” or extend waterward more than necessary to achieve the intended results.
2. Restoration strategies should be developed and implemented such that ecosystem processes are sustainable in the long-term.
3. Restoration of shoreline functions should be encouraged during redevelopment.
4. Restoration efforts should include retrofitting existing stormwater control facilities to improve water quality.
5. Restoration projects should have adaptive management techniques including adjusting the project design, correcting problems (barriers to success), and implementing contingency measures.
6. Eradication of invasive species, including noxious weeds and non-native species, should be undertaken as needed.
7. Planting of vegetation that enhances shoreline function should be encouraged.

8. Education programs, namely informational signage should be developed for:
 - a. Property owners about proper vegetation/landscape maintenance;
 - b. Educate boaters about proper waste disposal methods, anchoring techniques, and other best boating practices.
9. Cooperative restoration actions involving local, state, and federal agencies, Native American tribes, non-government organizations, and landowners should be encouraged.

3.9 Shoreline Modification and Stabilization

3.9.1 Goal

The goal for shoreline modification and stabilization is to avoid or minimize the need for shoreline armoring along shorelines of the state, and when it is necessary, achieve it in a way that best protects ecosystem processes, shoreline functions, and downstream properties. Shoreline stabilization activities should also be reviewed in balance with the provisions of Section 3.6 - Flood Prevention and Flood Damage Minimization of this Program.

3.9.2 Policies

1. New developments and uses, to include preferred uses and uses exempt from shoreline permits, should plan, design, locate, construct and maintain the use/development to avoid the need for shoreline stabilization measures.
2. When necessary, natural, non-structural shoreline stabilization measures are preferred over structural stabilization measures. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
 - a. No action;
 - b. Flexible stabilization works constructed of natural materials, including soft shore protection, bioengineering, beach nourishment, protective berms, or vegetative stabilization;
 - c. Rigid works constructed of structural materials such as riprap or concrete.
3. Allow new or expanded structural shore stabilization, including bulkheads, only where it is demonstrated to be necessary to protect an existing primary structure that is in danger of loss or substantial damage, and where such structures and structural stabilization would not cause a net loss of shoreline ecological functions and processes.
4. Shoreline stabilization should be located and designed to accommodate the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.
5. Provisions for multiple use, restoration, and/or public shore access should be incorporated into the location, design and maintenance of shore stabilization for

- public or quasi-public developments whenever safely compatible with the primary purpose. Shoreline stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.
6. Shoreline stabilization projects should be developed in a coordinated manner among affected property owners and public agencies within a reach where feasible, particularly those that cross-jurisdictional boundaries, to address ecological and geo-hydraulic processes and sediment conveyance.
 7. Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed or replaced to restore shoreline ecological functions and processes.
 8. Larger works such as jetties, breakwaters, weirs, or groin systems should be permitted only for water-dependent uses and where mitigated to provide no net loss of shoreline ecological functions and processes.
 9. Lower impact structures, including floating, portable or submerged breakwater structures, or several smaller discontinuous structures, are preferred over higher impact structures.
 10. Materials used for construction of shoreline stabilization should be selected for durability, ease of maintenance, and compatibility with local shoreline features.
 11. Development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of ecological functions with the rivers and streams should be limited.
 12. The City [A9] may grant relief from SMP development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

3.10 Shoreline Use and Development

3.10.1 Goal

The goal for shoreline use and development is to balance the preservation and development of shorelines in a manner that allows for mutually compatible uses. Resulting land use patterns will be compatible with shoreline designations and sensitive to and compatible with ecological systems and other shoreline resources. To help with this balance, shoreline and water areas with unique attributes for specific long term uses such as commercial, residential, industrial, water, wildlife, fisheries, recreational and open space shall be identified and reserved.

3.10.2 Policies

1. Uses in shorelines and water areas in priority order are (1) water-dependent, (2) water-related, and (3) water-enjoyment.

2. Uses, activities, and facilities should be located on shorelines in such a manner as to:
 - a. Retain or improve the quality of shoreline function;
 - b. Respect the property rights of others;
 - c. Ensure that proposed shoreline uses do not create risk or harm to neighboring or downstream properties; and
 - d. Preserve or restore, to the maximum reasonable extent, the shoreline's natural features and functions in conjunction with any redevelopment or revitalization project.
3. The following are encouraged in shoreline areas:
 - a. Uses that enhance their specific areas or employ innovative features for purposes consistent with this program;
 - b. The redevelopment of any area not suitable for preservation of natural features, based on its shoreline designation;
 - c. Shared uses and joint use facilities in shoreline developments; and
 - d. Uses that allow for restoration of shoreline areas that are degraded as a result of past activities or events.
4. The impact of uses proposed on lands adjacent to but outside of immediate shoreline jurisdiction should be considered whether they are consistent with the intent of this SMP.
5. A Medium Intensity shoreline designation is provided in the northeast portion of Lacamas Lake to provide a center for mixed use development that will include water dependent and water oriented uses that increase the public's ability to enjoy public waters and may include residential use in mixed use proposal. To mitigate impacts of development, Leadbetter Road should be relocated further from the shoreline and a continuous buffer of native vegetation provided, if feasible. Public access should be provided throughout the shoreline area.

3.11 Transportation, Utilities, and Essential Public Facilities

3.11.1 Goal

The goal for transportation, utilities, and essential public facilities is to provide for these facilities in shoreline areas without adverse effects on existing shoreline use and development or shoreline ecological functions and/or processes.

3.11.2 Policies

1. Locate essential public facilities, utilities and circulation systems that are not shoreline-dependent outside of the shoreline jurisdiction to the maximum extent possible to reduce interference with either natural shoreline functions or other

- appropriate shoreline uses. Where possible, avoid creating barriers between adjacent uplands and the shoreline.
2. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will have the least possible adverse effect on shoreline function and existing ecological systems, while contributing to the visual enhancement of the shoreline.
 3. Protect, manage, and enhance those characteristics of shoreline transportation corridors that are unique or have historic significance or aesthetic quality for the benefit and enjoyment of the public.
 4. Encourage alternate modes of travel and provide multiple-use transportation corridors where compatible if shoreline transportation development is necessary.
 5. When new utility and transportation facilities are developed in the shoreline jurisdiction, protect, enhance, and encourage development of physical and visual shoreline public access.
 6. Where feasible, relocate existing utility and transportation facilities, such as transmission lines, rail lines, or freeways that limit public shoreline access or other shoreline uses and convert such rights-of-way to new public access routes.
 7. Utilities and transportation facilities should be installed, and facilities designed and located in a coordinated manner that protects the shorelands and water from contamination and degradation.
 8. Discourage the siting of public facilities in the shoreline jurisdiction, which restrict public access and enjoyment of the shoreline unless no practical alternatives exist.

3.12 Views and Aesthetics

3.12.1 Goal

The goal for views and aesthetics is to assure that the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, is protected to the greatest extent feasible.

3.12.3 Policies

1. Identify and encourage the protection of scenic vistas and areas where the shoreline has high aesthetic value.
2. Encourage development within the shoreline area that, provides visual and physical linkage to the shoreline, and enhances the waterfront.
3. Encourage development design that minimizes adverse impacts on views enjoyed by a substantial number of residences.
4. Landowners should not assume that an unobstructed view is guaranteed. Limited and selective pruning for views may be allowed when ecological functions are not

compromised. Maintaining well-vegetated riparian areas is preferred over clearing vegetation to create views.

3.13 Water Quality and Quantity

3.13.1 Goal

The goal for water quality and quantity is to protect and enhance the quality and quantity of the region's water resources to ensure there is safe, clean water for the public's needs and enjoyment; and protect wildlife habitat.

3.13.2 Policies

1. Encourage the location, construction, operation, and maintenance of shoreline uses, developments, and activities to be focused on maintaining or improving the quality and quantity of surface and ground water over the long term.
2. Minimize, through effective education, site planning, and best management practices, the inadvertent release of chemicals, activities that cause erosion, stormwater runoff, and faulty on-site sewage systems that could contaminate or cause adverse effects on water quality.
3. Encourage the maintenance and restoration of appropriate vegetative buffers along surface waters to improve water temperature and reduces the adverse effects of erosion and runoff.

CHAPTER 4 SHORELINE DESIGNATIONS

4.1 Introduction

The intent of assigning shoreline designations to specific geographies is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given a shoreline designation based on existing development patterns, natural capabilities and limitations, and the vision of the City of Camas. The shoreline designations are intended to work in conjunction with the comprehensive plan and zoning.

Management policies are an integral part of the shoreline designations and are used for determining uses and activities that can be permitted in each shoreline designation. Chapters 5 and 6 contain development regulations to specify how and where permitted development can take place within each shoreline designation and govern height and setback.

4.2 Authority

Local governments are required under the State Shoreline Management Act of 1971 (RCW 90.58) and the Shoreline Master Program Guidelines (WAC 173-26) to develop and assign a land use categorization system known as “shoreline environment designations” for shoreline areas as a basis for effective shoreline master programs. For purposes of this Program “shoreline designation” is used in place of the term “shoreline environment designation” referred to in WAC 173-26.

The method for local government to account for different shoreline conditions is to assign a shoreline designation to each distinct shoreline section in its jurisdiction. The shoreline designation assignments provide the framework for implementing shoreline policies and regulatory measures for environmental protection, use provisions, and other regulatory measures specific to each shoreline designation.

4.3 Shoreline Designations

The City classification system consists of shoreline designations that are consistent with and implement the Act (RCW 90.58), the Shoreline Master Program Guidelines (WAC 173-26) and the City of Camas Comprehensive Plan. These designations have been assigned consistent with the corresponding criteria provided for each shoreline designation. In delineating shoreline designations, the City aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. The five shoreline designations are:

- Aquatic;
- Natural;
- Urban Conservancy;
- Medium Intensity; and
- High Intensity.

4.3.1 Aquatic Shoreline Designation

4.3.1.1 Purpose

The purpose of the “Aquatic” shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

4.3.1.2 Designation Criteria

An Aquatic shoreline designation is assigned to lands and waters waterward of the ordinary high water mark.

4.3.1.3 Areas Designated

The Aquatic shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

4.3.1.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

- 1) New over-water structures should be allowed only for water-dependent uses or ecological restoration.
- 2) Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.
- 3) In-water uses should be allowed where impacts can be mitigated to ensure no net loss of ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline functions. Unavoidable impacts must be minimized and mitigated.
- 4) On navigable waters or their beds, all uses, and developments should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
- 5) Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.
- 6) Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- 7) Natural light should be allowed to penetrate to the extent necessary to discourage salmonid predation and to support nearshore habitat unless other illumination is required by state or federal agencies.
- 8) Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it would adversely affect the strength or viability of native stocks or unreasonably interfere with navigation.

- 9) Given that the aquatic designation is waterward of the OHWM, then when the proposed use, development, activity or modification requires use of adjacent upland property, then it must also be allowed within the upland shoreline designation.

4.3.2 Natural Shoreline Designation

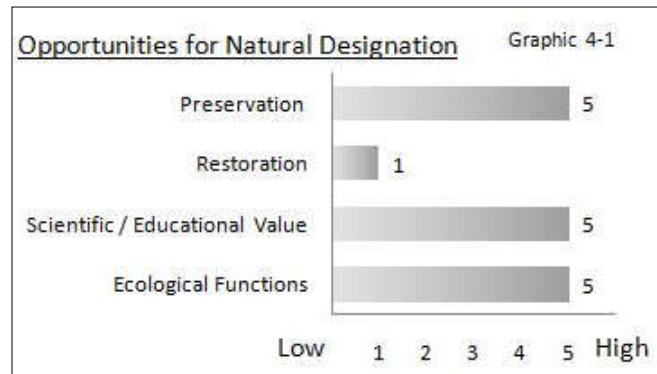
4.3.2.1 Purpose

The purpose of the “Natural” shoreline designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, restoration of degraded shorelines within this environment is appropriate.

4.3.2.2 Designation Criteria

The following criteria should be considered in assigning a Natural shoreline designation:

- 1) The shoreline’s ecological functions are substantially intact and have a high opportunity for preservation and low opportunity for restoration (Graphic 4-1);
- 2) The shoreline is generally in public or conservancy ownership or under covenant, easement, or a conservation tax program.
- 3) The shoreline contains little or no development, or is planned for development that would have minimal adverse impacts to ecological functions or risk to human safety;
- 4) There are low-intensity agricultural uses, and no active forestry or mining uses;
- 5) The shoreline has a high potential for low-impact or passive recreation and is planned for park or open space uses as part of the comprehensive plan; or
- 6) The shoreline is considered to represent ecosystems and geologic types that have high scientific and educational value.



4.3.2.3 Areas Designated

The Natural shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

4.3.2.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

- 1) Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.

- 2) Scientific, historical, cultural, educational research uses, and low-impact, passive recreational uses may be allowed provided that ecological functions remain intact.
- 3) Vegetation should remain undisturbed except for removal of noxious vegetation and invasive species. Proposed subdivision or lot line adjustments, new development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
- 4) Uses that would deplete physical or biological resources or impair views to or from the shoreline over time should be prohibited.
- 5) Only physical alterations that serve to protect a significant or unique physical, biological or visual shoreline feature that might otherwise be degraded or destroyed; or those alterations that are the minimum necessary to support a permitted use should be allowed.
- 6) Only the following types of signs should be considered for location in the shorelines: interpretive, directional, navigational, regulatory, and public safety.
- 7) Residential development did not exist within the natural shoreline designation at the adoption of this Program. Further, the city will not designate shorelines with potential or existing residential development as natural.

4.3.3 Urban Conservancy Shoreline Designation

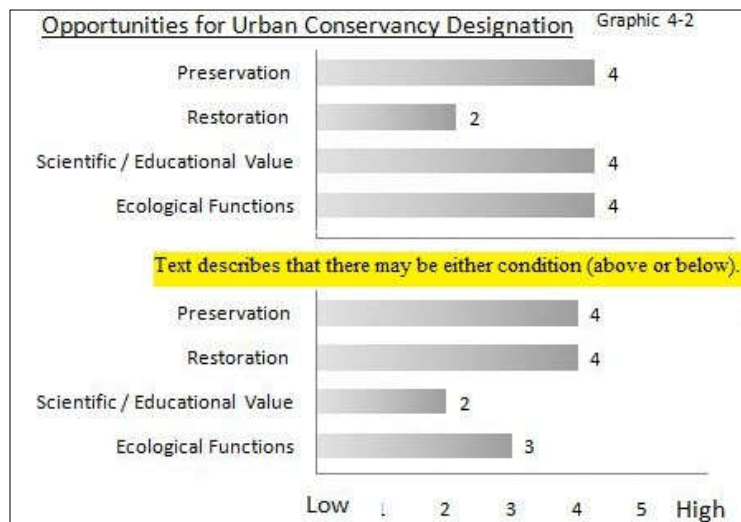
4.3.3.1 Purpose

The purpose of the “Urban Conservancy” shoreline designation is to protect and restore ecological functions of open space, floodplains, and other sensitive lands, where they exist in urban and developed settings, while allowing a variety of compatible uses.

4.3.3.2 Designation Criteria

The following criteria are used to consider an Urban Conservancy shoreline designation:

- 1) The shoreline has moderate to high ecological function with moderate to high opportunity for preservation and low to moderate opportunity for restoration. Or the shoreline has low to moderate ecological function with moderate to high opportunity for restoration (Graphic 4-2);
- 2) The shoreline has open space or critical areas that should not be more intensively developed (e.g. steep slopes or flood-prone);



- 3) The shoreline is not highly developed and is likely in recreational use. The shoreline has the potential for development that is compatible with ecological restoration. The shoreline is planned for a park, or as open space; and
- 4) The shoreline has a potential for water-oriented recreational use where ecological functions can be maintained or restored.

4.3.3.3 Areas Designated

The Urban Conservancy shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

4.3.3.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

- 1) Uses that preserve the natural character of the area or promote preservation of open space or critical areas either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the Urban Conservancy shoreline designation and the setting.
- 2) Single family residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.
- 3) Low-intensity public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated (e.g. trails).
- 4) Thinning or removal of vegetation should be limited to that necessary to (1) remove noxious vegetation and invasive species; (2) provide physical or visual access to the shoreline; or (3) maintain or enhance an existing use consistent with critical areas protection and maintenance or enhancement of shoreline ecological functions.
- 5) Low intensity water-oriented commercial uses may be permitted if compatible with surrounding uses.

4.3.4 Medium Intensity Shoreline Designation

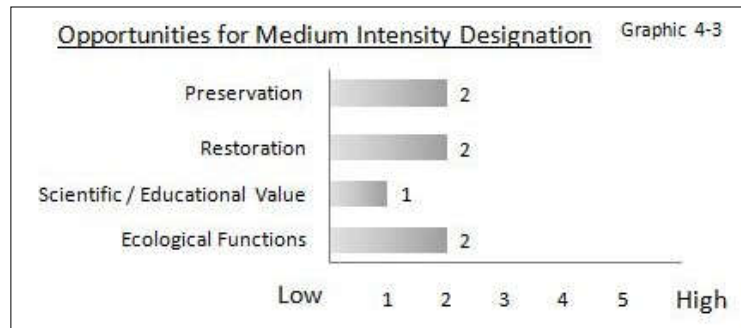
4.3.4.1 Purpose

The purpose of the “Medium Intensity” shoreline designation is to accommodate primarily residential development and appurtenant structures, but to also allow other types of development that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

4.3.4.2 Designation Criteria

The following criteria are used to consider a Medium Intensity shoreline:

- 1) The shoreline has low to moderate ecological function with low to moderate opportunity for restoration or preservation (Graphic 4-3);
- 2) The shoreline contains mostly residential development at urban densities and does not contain resource industries (agriculture, forestry, mining);
- 3) The shoreline is zoned for residential, commercial or industrial uses in the comprehensive plan; or
- 4) The shoreline has limited potential for recreational uses while protecting ecological functions.



4.3.4.3 Areas Designated

- 1) The Medium Intensity shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.
- 2) The Medium Intensity shoreline designation in the northeast portion of Lacamas Lake is intended to provide a center for mixed use development including:
 - a) Water dependent uses that increase the public's ability to enjoy public waters.
 - b) Water oriented uses as part of mixed-use development that increase opportunities for commercial and higher intensity residential use in a design that improves the public's ability to enjoy the physical and aesthetic qualities of the shoreline.
 - c) To mitigate adverse impacts of higher intensity use on the shoreline, and the cumulative impacts of anticipated development of the contiguous upland parcel, no development approval shall be granted until substantial development permits are approved that include:
 - i) Designation of the general mix of uses and facilities that improve the public's ability to enjoy the qualities of the shoreline
 - ii) Relocation of the existing Leadbetter Road landward of its existing location to provide a minimum 100-foot shoreline buffer outside of the MI area together with removal of the road subgrade and provision of soil substrate and planting a community of native vegetation equivalent to a native climax forest.
 - iii) Provision of a public trail parallel to the shoreline located to minimize impacts on ecological functions within the restored buffer area and including connections perpendicular to the water to provide direct access to the water's edge for ~~low-impact~~ uses such as fishing or viewing.

4.3.4.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

- 1) The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.
- 2) Public access and joint use (rather than individual) of recreational facilities should be promoted.
- 3) Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible and be the minimum necessary to adequately serve existing needs and planned future development.
- 4) Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.
- 5) Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed as part of mixed-use developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access or restoring degraded shorelines.

4.3.5 High Intensity Shoreline Designation

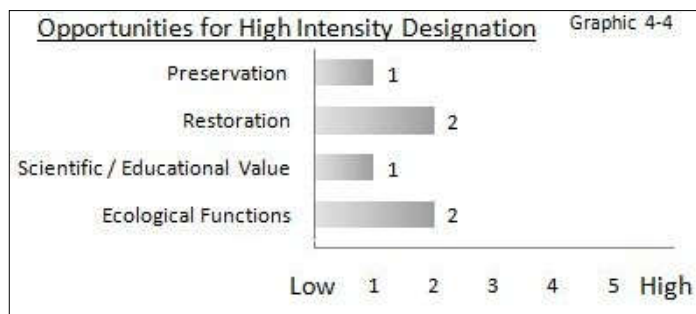
4.3.5.1 Purpose

The purpose of the “High Intensity” shoreline designation is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

4.3.5.2 Designation Criteria

The following criteria are used to consider a High Intensity shoreline designation:

- 1) The shoreline is located within city limits.
- 2) The shoreline has low to moderate ecological function with low to moderate opportunity for restoration (Graphic 4-4);
- 3) The shoreline contains mostly industrial, commercial, port facility, mixed-use, or multi-family residential development at high urban densities;



- 4) The shoreline may be or have been identified as part of a state or federal environmental remediation program;
- 5) The shoreline is planned or zoned for commercial or industrial uses in the comprehensive plan; or
- 6) The shoreline may support public passive or active water-oriented recreation where appropriate.

4.3.5.3 Areas Designated

The High Intensity shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

4.3.5.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

- 1) Promote infill and redevelopment in developed shoreline areas with the goal of achieving full utilization of the shoreline, while encouraging environmental remediation and restoration of the shoreline, where applicable.
- 2) Encourage the transition of uses from non-water-oriented to water-oriented uses.
- 3) Water-oriented uses are encouraged, however new non-water-oriented uses may be allowed.
- 4) Visual or physical public access should be a priority. Where possible, industrial and commercial facilities should be designed to permit pedestrian waterfront activities.

4.4 Official Shoreline Map

4.4.1 Map Established

- 1) The location and extent of areas under the jurisdiction of this Program, and the boundaries of various shoreline designations affecting the lands and water of the City shall be as shown on the map entitled, "Camas Shoreline Designations Map." The official shoreline map and all the notations, references, amendments, and other information shown on the map are hereby made a part of this Program, as if such information set forth on the map were fully described herein.
- 2) In the event that new shoreline areas are discovered (including but not limited to, associated wetlands) that are not mapped and/or designated on the official shoreline map, these areas are automatically assigned an Urban Conservancy designation for lands within incorporated areas and urban growth areas, or Rural Conservancy – Residential if on lands within unincorporated areas until the shoreline can be re-designated through a master program amendment.
- 3) In the event of a mapping error, the city will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

4.4.2 File Copies

The Camas Shoreline Designations Map shall be kept on file in the office of the City of Camas Community Development Department and the Washington State Department of Ecology. ~~Unofficial copies of the map may be prepared for administrative purposes To facilitate use of this Program an “unofficial copy”~~ A copy is also ~~has been~~ attached as Appendix A.

4.4.3 Map Amendments

The Camas Shoreline Designations Map is an integral part of this Program and may be amended pursuant to a master program amendment, with approval by the City and Ecology, as provided under the Act.

4.4.4 Boundary Interpretation

If disagreement develops as to the exact location of a shoreline designation boundary line shown on the official shoreline map, the following rules shall apply:

- 1) Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
- 2) Boundaries indicated near a road or railway shall be respectively construed to encompass the width of the right of way in order to avoid parallel designations for the same span of roadway. The following boundaries are defined as follows:
 - a) SR-14 at north bank of Camas Slough is designated HI fully within right of way;
 - b) SE 6th at the western side of the Washougal River is designated Medium Intensity fully within road right-of-way;
 - c) SE 6th with parallel BNSF¹ railway at the eastern side of the Washougal River is designated Urban Conservancy to the northern boundary of the railway right-of-way;
 - d) NE 3rd Avenue at both banks that cross the Washougal River are designated Medium Intensity to the full extent of the right-of-way; and
 - e) Lands adjacent to the existing Upper and Lower Lacamas Lake dams are designated Urban Conservancy.
 - f) At the north east end of Lacamas Lake: Parcel #175720-000 and #177885-000, along with a triangular corner of parcel 177884-000 (200 feet of shoreline) are designated Medium Intensity (as described in Section 7 and Exhibit “E” Limited Shoreline Area, in the Development Agreement between the City and Lacamas Northshore Properties, signed August 2010).

¹ BNSF was created on Sept. 22, 1995, from the merger of Burlington Northern Inc. (parent company of Burlington Northern Railroad) and Santa Fe Pacific Corporation (parent company of the Atchison, Topeka and Santa Fe Railway). On Feb. 12, 2010, BNSF became a subsidiary of Berkshire Hathaway, Inc.

- g) North of Leadbetter Road parcels 177858-000 and 001 are designated Medium Intensity. South of Leadbetter Road parcel 177896-000 is designated Urban Conservancy.
- g)h) Mill Pond at 4.74 acres, which is located south of Lacamas Lake and west of Round Lake is not a body of water regulated by the Program pursuant to Shorelines Hearings Board Final Order #11-020.
- 3) Boundaries indicated as approximately parallel to or extensions of features indicated in (1) or (2) above shall be so construed.
- 4) Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Shoreline Administrator shall interpret the boundaries with deference to actual conditions. Appeals of such interpretation may be filed according to the applicable appeal procedures described in Appendix B, Administration and Enforcement.

4.4.5 Shoreline Designation Changes and Urban Growth Boundary Revisions

When a portion of shoreline jurisdiction is brought into or removed from an urban growth area, a new shoreline designation may need to be assigned. Shoreline designations shall be assigned in accordance with Table 4-1, Shoreline Designations for Urban/Rural Boundary Revisions. Where more than one designation could be appropriate according to Table 4-1, the shoreline designation criteria in this chapter shall be applied and the best-fitting shoreline designation assigned. Shoreline designation assignments shall occur concurrently with the annexation or other legislative action to remove a portion of shoreline jurisdiction from a city or urban area and to amend the shoreline map and shall be effective upon approval by Ecology (see Section 4.4.3).

Table 4-1. Shoreline Designations for Urban¹/Rural² Boundary Revisions

SENDING Jurisdiction Shoreline Designation	Transfer From/To	RECEIVING Jurisdiction Shoreline Designation(s)
Aquatic	Rural/Urban	Aquatic
Natural	Rural/Urban	Natural
Rural Conservancy – Residential	Rural/Urban	Urban Conservancy Medium Intensity
Rural Conservancy – Resource Lands	Rural/Urban	Urban Conservancy Medium Intensity High Intensity
Urban Conservancy	Rural/Urban Urban/Rural	Urban Conservancy Rural Conservancy – Residential Rural Conservancy – Resource Lands
Medium Intensity	Urban/Rural	Rural Conservancy – Residential
High Intensity	Urban/Rural	Rural Conservancy – Resource Lands

¹Urban = City or Urban Growth Area

²Rural = Unincorporated Clark County outside Urban Growth Areas

CHAPTER 5 GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS

All uses and development activities in shorelines shall be subject to the following general regulations in addition to the applicable use-specific regulations in Chapter 6.

5.1 General Shoreline Use and Development Regulations

1. Shoreline uses and developments that are water-dependent shall be given priority.
2. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline functions on other properties.
3. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative to protecting public safety and existing primary structures.
4. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.
5. Single family residential development shall be allowed on all shorelines except the Aquatic and Natural shoreline designation, and shall be located, designed and used in accordance with applicable policies and regulations of this Program.
6. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with CMC Title 17 Land Development and CMC Title 18 Zoning.
7. On navigable waters or their beds, all uses and developments should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
8. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.
9. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
10. The applicant shall demonstrate all reasonable efforts have been taken to avoid, and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline function is achieved. Applicants must comply with the provisions of Appendix C with a focus on mitigation sequencing per Appendix C, Section 16.51.160 *Mitigation Sequencing*. Mitigation Plans must comply with the

- requirements of Appendix C, Section 16.51.170 *Mitigation Plan Requirements*, to achieve no net loss of ecological functions.
11. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.
 12. Within urban growth areas, Ecology may grant relief from use and development regulations in accordance with RCW 90.58.580, and requested with a shoreline permit application.

5.2 Archaeological, Cultural and Historic Resources

When a shoreline use or development is in an area known or likely to contain archaeological artifacts as indicated on the *City of Camas Archaeological Probability* map, or as recorded at the state or county historical offices, then the applicant shall provide for a site inspection and evaluation by a professional archaeologist. Development permits may not be issued until the inspection and evaluation have been completed and the city has issued approval.

If an item of possible archeological interest is discovered on site, all work shall immediately cease and notification of such a find will be sent to the City, the Office of Archaeology and Historic Preservation and affected Native American tribes. Activities on site may resume only upon receipt of the City's approval.

5.3 Critical Areas Protection

Critical Areas Regulations are found in Appendix C of this program and are specifically at Chapters 16.51 through 16.61. Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act, RCW Chapter 90.58, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction. These regulations are integral and applicable to this Program, except that:

1. Non-conforming uses and development within the shoreline jurisdiction shall be subject to both this Program and Appendix C, and where there is a conflict, the most protective of environmental functions shall apply;
2. The Fish and Wildlife Habitat Conservation Area buffers for Stream Type S in Appendix C, Section 16.61.040 are modified as follows for the following areas:
 - a. Columbia River, SR-14 to SE Third Avenue² at twenty-feet (20').
 - b. Washougal River, lots fronting on First Avenue between SE Garfield Street and NE Third Street, twenty-feet (20') from the top of slopes exceeding forty- percent (40%).
 - c. Lacamas Lake buffers from OHWM shall not extend landward of NE Leadbetter Road.
 - d. Columbia River, lots fronting on SE 12th Avenue and SE 11th Avenue between SE Polk Street and SE Front Street, shall be twenty-percent (20%) of lot depth as measured from the OHWM.

² This describes land that is zoned Heavy Industrial (HI) and at the adoption of this Program was occupied by the Georgia Pacific Mill.

5.3.1 Applicable Critical Areas

For purposes of this Program, the following critical areas, as defined in Appendix C will be protected under this Program: Wetlands; Critical Aquifer Recharge Areas; Frequently Flooded Areas; Geologically Hazardous Areas; and Fish and Wildlife Habitat Conservation Areas.

5.3.2 General Provisions

1. Shoreline uses, activities, developments and their associated structures and equipment shall be located, designed and operated to protect the ecological processes and functions of critical areas.
2. Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction.
3. Where appropriate, new or redevelopment proposals shall integrate protection of wetlands, fish and wildlife habitat, and flood hazard reduction with other stream management provisions, such as retention of channel migration zones, to the extent they are within the shoreline jurisdictional area to ensure no net loss of ecological functions.
4. Critical areas within the shoreline jurisdiction shall be regulated for any use, development or activity, as provided in accordance with this Program, and Appendix C, whether a permit or written statement of exemption is required.
5. If provisions of Appendix C and other parts of this Program conflict, the provisions most protective of ecological and historic resources shall apply.
6. Unless otherwise stated, critical area buffers shall be protected and/or enhanced in accordance with this Program and Appendix C. These provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 2.1 Applicability.
7. In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through restoration efforts.

5.4 Flood Prevention and Flood Damage Minimization

1. Development in floodplains shall not significantly or cumulatively increase flood hazard or be inconsistent with an adopted comprehensive flood hazard management plan.
2. New development or uses in the shoreline jurisdiction, including subdivision of land, shall not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.
3. Allow new structural flood hazard reduction measures in the shoreline jurisdiction only when it can be demonstrated by scientific and engineering analysis that they are necessary to protect existing development, that non-structural measures are

- not feasible, and that impacts ecological function and priority species and habitats can be successfully mitigated so as to assure no net loss of shoreline ecological function.
4. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clark County, Washington, and incorporated areas" dated September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM). The study is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood. The study and FIRM are on file at the City of Camas. The best available information for flood hazard area identification as outlined in Appendix C, Section 16.57.050(C) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized. In addition, Map 27 Potential Channel Migration Zone (CMZ) Areas (Inventory and Characterization Report Volume 1, Lewis and Salmon-Washougal is hereby incorporated by reference.
 5. When necessary, in-stream structures shall be located, designed, and maintained in such a manner that minimizes flood potential and the damage affected by flooding.
 6. Fills shall be avoided in the shoreline and in critical areas or buffers except where the applicant clearly demonstrates that the geohydraulic characteristics will not be altered in a way that increases flood velocity or risk of damage. See Section 5.7.2 of this Program for additional and specific requirements for fills placement. Pile or pier supports or other support methods shall be utilized instead of fills whenever feasible.
 7. Dikes and levees shall not be placed in the floodway except for current deflectors necessary for protection of bridges and roads.
 8. Removal of gravel for flood management purposes shall be consistent with the adopted flood hazard reduction plan, the provisions of this Program, and only allowed after a biological and geomorphological study determines that extraction has a long-term flood hazard reduction benefit and does not result in net loss of ecological functions.
 9. Removal of beaver dams to control or limit flooding shall be avoided where feasible and allowed only in coordination with WDFW and receipt of all applicable state permits.

5.5 Public Access

1. Provisions for adequate public access shall be incorporated into all shoreline development proposals that involve public funding unless the proponent demonstrates public access is not feasible due to one or more of the provisions of Section 5.5 Regulation 2.a-e.

2. Provisions for adequate public access shall be incorporated into all land divisions and other shoreline development proposals, unless this requirement is clearly inappropriate to the total proposal. The nexus, proportionality, need and support for such a connection shall be based on the policies of this Program. Public access will not be required where the proponent demonstrates one or more of the following:
 - a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total proposed development;
 - d. Significant environmental impacts that cannot be mitigated will result from the public access; or
 - e. Significant undue and unavoidable conflict between public access requirements and the proposed use and/or adjacent uses would occur, provided that the applicant has first demonstrated and the City determines that all reasonable alternatives have been evaluated and found infeasible, including but not limited to: Regulating access by such means as maintaining a gate and/or limiting hours of use; Designing separation of uses and activities (including but not limited to, fences, terracing, landscaping); and Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
3. Public access sites shall be connected to a barrier free route of travel and shall include facilities based on criteria within the Americans with Disabilities Act Accessibility Guidelines.
4. Public access shall include provisions for protecting adjacent properties from trespass and other possible adverse impacts to neighboring properties.
5. A sign indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations.
6. Required public access shall be developed at the time of occupancy of the use or activity.
7. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
8. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, as a minimum. Said recording with the County Auditor's Office shall occur at the time of permit approval.

9. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
10. Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement approved by the Shoreline Administrator and recorded with the County Auditor's Office.

5.6 Restoration

1. Restoration of ecological functions and processes shall be encouraged and allowed on all shorelines and shall be located, designed and implemented in accordance with applicable policies and regulations of this Program and consistent with other City programs.
2. Impacts to shoreline functions shall be fully mitigated. Such mitigation may include elements from the Restoration Plan, where appropriate.
3. Elements of the Clark Coalition Shoreline Restoration Plan may also be implemented in any shoreline designation to improve shoreline function.
4. Restoration efforts shall be developed by a qualified professional, shall be based on federal, state, and local guidance and shall consider the following:
 - a. Riparian soil conditions;
 - b. In-stream fish habitats; and
 - c. Healthy aquatic and terrestrial food webs.

5.7 Site Planning and Development

5.7.1 General

1. Land disturbing activities such as grading and cut/fill shall be conducted in such a way as to minimize impacts to soils and native vegetation.
2. Impervious surfaces shall be minimized to the extent feasible so as not to jeopardize public safety.
3. When feasible, existing transportation corridors shall be utilized.
4. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, alteration of topography and natural features, and designed to accommodate wildlife movement.
5. Parking, storage, and non-water dependent accessory structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principle use.
6. Trails and uses near the shoreline shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas, without blocking visual access to the water.

7. Elevated walkways shall be utilized, as appropriate, to cross sensitive areas such as wetlands.
8. Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.
9. Exterior lighting shall be designed, shielded and operated to: a) avoid illuminating nearby properties or public areas; b) prevent glare on adjacent properties, public areas or roadways; c) prevent land and water traffic hazards; and d) reduce night sky effects to avoid impacts to fish and wildlife.
10. Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.
11. A use locating near a legally established aquaculture enterprise, including an authorized experimental project, shall demonstrate that such use would not result in damage to or destruction of the aquaculture enterprise, or compromise its monitoring or data collection.

5.7.2 Clearing, Grading, Fill and Excavation

1. Clearing and grading shall be scheduled to minimize adverse impacts, including but not limited to, damage to water quality and aquatic life.
2. Clearing and grading shall not result in substantial changes to surface water drainage patterns off the project site and onto adjacent properties.
3. Developments shall include provisions to control erosion during construction and to ensure preservation of native vegetation for bank stability.
4. Grading and grubbed areas shall be planted with a cover crop of native grasses until construction activities are completed.
5. Clearing, filling, or excavation shall not be conducted where shoreline stabilization will be necessary to protect materials placed or removed. Disturbed areas shall be stabilized immediately and revegetated with native vegetation.
6. Fills shall be permitted only in conjunction with a permitted use and shall be of the minimum size necessary to support that use. Speculative fills are prohibited.
7. Soil, gravel or another substrate transported to the site for fill shall be screened and documented that it is uncontaminated. Use of polluted dredge material or materials normally disposed of at a solid waste facility is prohibited.
8. Fills shall be designed and placed to allow surface water penetration into groundwater supplies where such conditions existed prior to filling.
9. Fills must protect shoreline ecological functions, including channel migration processes.

10. Fill waterward of OHWM shall only be allowed as a conditional use (except for beach nourishment or enhancement projects) and then only when necessary for the following activities: to support a water-dependent or public access use; cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; expansion or alteration of transportation facilities of statewide significance under specific circumstances; mitigation action; and environmental restoration.
11. Fills for beach nourishment or enhancement projects are subject to a substantial development permit. In the Columbia River, fills shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created as mitigation.
12. Excavation below the OHWM is considered dredging and subject to provisions under that section in Chapter 6.
13. Upon completion of construction, remaining cleared areas shall be replanted with native species as approved by the city. Replanted areas shall be maintained such that within three (3) years' time the vegetation is fully re-established.
14. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, and shall be limited to the minimum necessary to accommodate an approved use.

5.7.3 Building Design

1. Structures shall be designed to conform to natural contours and minimize disturbance to soils and native vegetation
2. Non-single family structures shall incorporate architectural features that provide compatibility with adjacent properties, enhance views of the landscape from the water, and reduce scale to the extent possible.
3. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.
4. Façade treatments, mechanical equipment and windows in structures taller than two (2) stories, shall be designed and arranged to prevent bird collisions using the best available technology. Single-family residential structures shall be exempt from this provision.

5.8 Vegetation Conservation

1. Removal of native vegetation shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized to protect ecological functions.

2. If native vegetation removal cannot be avoided it shall be minimized and mitigated as recommended by a qualified biologist within a Critical Area Report and shall result in no net loss of shoreline functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan per Appendix C.
3. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly re-established in the disturbed area.
4. If non-native vegetation is to be removed, then it shall be replaced with native vegetation within the shoreline jurisdiction.
5. Pruning of trees is allowed in compliance with the National Arborist Association pruning standards. Pruning must meet the following criteria:
 - a. Removal of no more than twenty (20) percent of the limbs of any single tree may be removed; and
 - b. No more than twenty (20) percent of canopy in a single stand of trees may be removed in a given five (5) year period without a shoreline permit.
6. Topping trees is prohibited.
7. If the city determines that a tree is hazardous as verified by an arborist report, then only the hazardous portion shall be removed. Complete removal should be avoided to the extent possible. The remainder of the tree shall remain to provide habitat functions and slope stability. Mitigation may be required to compensate for reduced tree surface area coverage.
8. Natural features such as snags, stumps, logs or uprooted trees, which do not intrude on the navigational channel or threaten or public safety, and existing structures and facilities, shall be left undisturbed.
9. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
10. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a qualified professional.

5.9 Visual Access

Visual access shall be maintained, enhanced, and preserved as appropriate on shoreline street-ends, public utility rights-of-way above and below the ordinary high water mark. Any new or expanded building or structure over thirty-five (35) feet in height above average grade level that obstructs the shoreline view of a substantial number of

residences that are adjoining shorelines shall not be allowed in accordance with RCW 90.58.320.

5.10 Water Quality and Quantity

1. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site.
2. All shoreline development shall comply with the applicable requirements of CMC Chapter 14.02 Stormwater Control.
3. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development in substantial compliance with CMC Chapter 14.06 Erosion and Sediment Control.
4. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land except in accordance with CMC Chapter 14.04 Illicit Discharges, dumping and Illicit Connections. Potentially harmful materials shall be maintained in a safe and leak-proof condition
5. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five (25) feet of a waterbody, except by a qualified professional in accordance with state and federal laws. Further, pesticides subject to the [final ruling](#) in *Washington Toxics Coalition, et al., v. EPA* shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.
6. Any structure or feature in the Aquatic shoreline designation shall be constructed and/or maintained with materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants.
7. Conveyance of any substance not composed entirely of surface and stormwater directly to water resources shall be in accordance with CMC Chapter 14.02.
8. Septic systems should be located as far landward of the shoreline and floodway as possible. Where permitted, new on-site septic systems shall be located, designed, operated, and maintained to meet all applicable water quality, utility, and health standards.

CHAPTER 6 SPECIFIC SHORELINE USE REGULATIONS

6.1 General Provisions

1. This chapter contains the regulations that apply to specific uses, developments, and activities in the shoreline jurisdiction.
2. These regulations are intended to work in concert with all sections of this Program and in particular the Goals and Policies (Chapter 3) and General Use and Development Regulations (Chapter 5).

6.2 Shoreline Use, Modification, and Standards Tables

1. Each shoreline designation shall be managed in accordance with its designated purpose as described in this Program (see Chapter 4). Table 6-1 identifies those uses that are prohibited, may be permitted or permitted with a conditional use approval in each shoreline designation. In the event conflicts exist between the Table 6-1 and the text in this chapter, the text shall apply.
2. Table 6-1 also summarizes general setbacks and building heights for uses within each shoreline designation. These setbacks apply in conjunction with the requirements of the critical areas' requirements established in Chapter 5 and provided in Appendix C. Where heights of structures are allowed over thirty-five feet (35'), then a visual impact study may be required in accordance with Section 5.9 *Visual Access* of this Program. In the event a conflict exists between Table 6-1 and the requirements of Chapter 5, the most protective of shoreline functions shall apply.
3. In Table 6-1, setbacks are measured landward from the ordinary high water mark (OHWM) in the NT, UC, MI and HI Shoreline Designations. For transportation facilities and utilities, the setback from OHWM pertains to the right of way and not just the structure or pipeline. In the AQ Shoreline Designation, the setback is waterward of the OHWM.

Table 6-1 Shoreline Use, Modification and Development Standards

Abbreviations: X = Prohibited P = Permitted C = Conditional Use N/A = Not Applicable		AQ	NT	UC	MI	HI
Shoreline Designation		Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity
Shoreline Uses						
Agriculture						
Agriculture		X	X	X	X	X
• <i>Building Setback</i>		N/A	N/A	N/A	N/A	N/A
• <i>Building Height</i>		N/A	N/A	N/A	N/A	N/A
Aquaculture						
Aquaculture, General		P	X	C	C	C
• <i>Building setback</i>		0' ¹	N/A	50' ¹	0' ¹	0' ¹
Boating Uses						
Motorized Boat Launches		P	X	C	C	P
Non-motorized Boat Launches		P	C	P	P	P
Marinas		P	X	X	C	C
• <i>Structure Setback</i>		0'	N/A	N/A	0' ¹	0' ¹
• <i>Structure Height</i>						
- 0-100' from OHWM		N/A	N/A	N/A	25'	35'
- >100 from OHWM		N/A	N/A	N/A	35'	45'
Docks, Piers, Mooring Buoys ³		P ³	X	P ³	P ³	P
Houseboat or Live-aboard Vessel [A10]		X	X	X	X	X
Commercial Uses						
Water-dependent		P	X	XC	P	P
• <i>Building Setback</i>		0' ¹	N/A	N/A 50' ² [A11]	0' ¹	0' ¹
• <i>Building Height</i>		15'	N/A	15'	45'	60'
Water-related, Water-enjoyment		X	X	C	P	P
• <i>Building Setback</i>		N/A	N/A	100'-50' ²	100'-50' ²	25' ²
• <i>Building Height</i>				15'	45'	60'
Non-water-oriented		X	X	X	C	C
• <i>Building Setback</i>		N/A	N/A	N/A	100' ²	100' ²
• <i>Building Height</i>		N/A	N/A	N/A	45'	60'
Forestry						
Log Storage		C	X	X	X	X
Timber Harvest		X	X	X	X	X
Industrial Uses						
Water-dependent		P	X	X	C	P
• <i>Building Setback</i>		0' ¹	N/A	N/A	0' ¹	0' ¹
• <i>Building Height</i>						
- 0-100' from OHWM		45'	N/A	N/A	45'	60'
- >100 from OHWM		45'	N/A	N/A	45'	60'
Water-related		X	X	X	C	P
• <i>Building Setback</i>		N/A	N/A	N/A	100' ²	50' ²
• <i>Building Height</i>		N/A	N/A	N/A	45'	45'
Non-water-oriented		X	X	X	X	P
• <i>Building Setback</i>		N/A	N/A	N/A	N/A	50' ²
• <i>Building Height</i>		N/A	N/A	N/A	N/A	45'
Institutional Uses						
Water-dependent		P	X	X	P	P
• <i>Building Setback</i>		0' ¹	N/A	N/A	0' ¹	0' ¹
• <i>Building Height</i>						
- 0-100' from OHWM		15'	N/A	N/A	25'	35'
- >100 from OHWM		15'	N/A	N/A	35'	45'
Water-related		X	X	X	C	P

Abbreviations:						
X = Prohibited P = Permitted C = Conditional Use						
N/A = Not Applicable						
AQ	NT	UC	MI	HI		
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	
• Building Setback	N/A	N/A	N/A	100' ²	25' ²	
• Building Height	N/A	N/A	N/A	35'	45'	
Non-water-oriented	X	X	X	C	C	
• Building Setback	N/A	N/A	N/A	100' ²	100' ²	
• Building Height	N/A	N/A	N/A	35'	35'	
Mining						
Gravel Mining	C ⁵	X	X	X	C	
• Activity Setback	N/A	N/A	N/A	N/A	200'	
Hard Rock Mining	X	X	X	X	X	
Parking						
Primary Use	X	X	X	X	C	
• Setback	N/A	N/A	N/A	N/A	100' ²	
Accessory Use	X	X	C	P	P	
• Setback	N/A	N/A	150'	50' ²	50' ²	
Recreational Uses						
Water-dependent	P	C ⁴	P	P	P	
• Setback	0'	0' (buildings 100')	100'-0' ^{1, 2} [A12]	0' ¹	0' ¹	
• Building Height	15'	15'	15'	35'	45'	
Water-related/enjoyment (trails, accessory buildings)	C	P ⁴	P	P	P	
• Setback	0'	20' (Buildings 100' ²)	20' (Buildings [A13] 100' ²)	50' ²	50' ²	
• Building Height	15'	15'	15'	45'	60'	
Non-water-oriented (golf courses, sports fields)	X	X	X	C	C	
• Setback	N/A	N/A	N/A	100' ²	100' ²	
• Building Height	N/A	N/A	N/A	45'	60'	
Residential Uses						
Primary structure/house	X	X	P	P	C	
• Building Setback	N/A	N/A	100' ²	35' ²	35' ²	
• Building Height	N/A	N/A	35'	35'	45'	
• Density	In accordance with the underlying zoning.					
Accessory Structures	X	N/A	P	P	P	
• Building Setback	N/A	N/A	100' ²	35' ²	35' ²	
• Building Height	N/A	N/A	15'	25'	25'	
• Density	In accordance with the underlying zoning.					
Signs						
Interpretive/Educational or similar	P	P	P	P	P	
Commercial/industrial-related	C	X	X	C	P	
Transportation Uses						
Highways, Arterials, Railroads	C	X	C	P	P	
• Right-of-Way Setback	0'	N/A	200'	100'	100'	
Secondary/Public Access Roads	X	X	C	P	P	
• Right-of-Way Setback	NA	N/A	100'	50'	50'	
Bridges (perpendicular to shoreline)	C	X	C	P	P	
Utility Uses						
Above-ground Utilities (parallel to shoreline)	X	X	C	C	P	
• Right-of-Way Setback	N/A	N/A	200'	50'	50'	
• Structure Height	N/A	N/A	15'	35'	60'	
• Distribution Pole Height	N/A	N/A	45'	45'	45'	

Abbreviations: X = Prohibited P = Permitted C = Conditional Use	AQ	NT	UC	MI	HI
	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity
Shoreline Designation					
Electrical Transmission Lines	C	C	C	C	C
Underground Utilities (parallel to shoreline)	C	X	C	C	C
• <i>Right-of-Way Setback</i>	0'	N/A	100'	50'	50'
Underground <u>and Above-ground</u> Utilities (perpendicular to shoreline)	C	C	C	C	C
• <i>Right-of-Way Setback</i>	0'	0'	0'	0'	0'
Unclassified Uses					
Unclassified Uses	C	C	C	C	C
• <i>Setback for water-oriented use</i>	0'	150'	75' ²	50' ²	50' ²
• <i>Structure or Activity Setback for non-water-oriented use</i>	0'	150'	100'	100'	100'
• <i>Structure Height</i>	15'	15'	35'	35'	35'
Dredging and Dredge Material Disposal					
Non-maintenance Dredging	C	N/A	N/A	N/A	N/A
Maintenance Dredging	P	N/A	N/A	N/A	N/A
Dredge Material Disposal	C⁵	X	X	C⁵	C⁵
Dredging & Disposal as part of Ecological Restoration/ Enhancement	P	C	P	P	P
Flood Control Works and In-stream Structures					
Dams, Dikes, & Levees	C	X	C	C	P
Instream structures	C	N/A	N/A	N/A	N/A
Shoreline Restoration					
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P
Shoreline Stabilization					
Bioengineered/Non-Structural	C	C	C	P	P
Structural	C	X	C	C	C

Notes for Table:

- ¹ Only water dependent facilities may be located waterward of Critical Area buffers and building setbacks and shall minimize disturbance at the water's edge. All other facilities not requiring a location at the water's edge shall meet buffer and setback requirements.
- ² Uses may be set back less than the Critical Areas Type S buffer of 150-feet only as provided within Section 5.3 (2) for specific reaches or as provided in Appendix C Section 16.61.040(D)(2) Stream Buffer Area Reduction and Averaging.
- ³ Docks are prohibited on the Washougal River. New docks must be shared/joint-use only on Lacamas Lake.
- ⁴ Low intensity recreational development or uses only. Appropriately designed trails are allowed when developed consistent with the design and development standards of the *Camas Park, Recreation and Open Space Comprehensive Plan*, which include (among others) that the setback between the OHWM and the use is fully vegetated. For additional design and regulation standards refer to Section 6.3.11 Recreational Development of this Program.
- ⁵ Permitted outside of channel migration zones.

6.3 Use-specific Development Regulations

6.3.1 Agriculture

1. Agricultural practices shall prevent erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.
2. Agricultural activities are non-conforming uses in the city, and any new or expansion to such use is prohibited. The conversion of agricultural land to permitted land uses within the underlying zone shall be consistent with the shoreline environment designation and the general and specific use regulations applicable to the proposed use and shall not result in a net loss of ecological functions associated with the shoreline.
3. The disposal of farm wastes, chemicals, fertilizers and associated containers and equipment within shoreline jurisdiction is prohibited. However, composted organic wastes may be used for fertilization or soil improvement.

6.3.2 Aquaculture

1. No aquatic species shall be introduced into City waters without prior written approval of the appropriate state or federal regulatory agency for the species proposed for introduction. Such approval(s) shall be submitted in writing to the City as part of the shoreline permit application.
2. Aquaculture facilities shall only be permitted where impacts to existing water-dependent uses can be fully mitigated.
3. Fish net-pens shall not occupy more than one (1) surface acre of water, excluding booming and anchoring equipment and shall be located greater than one (1) nautical mile from all other aquaculture facilities.
4. No processing of any aquaculture product, except for the sorting or culling of the cultured species and the washing or removal of surface materials or species after harvest, shall occur in or over the water. All other processing activities and facilities shall be located on land.
5. Periodic operational monitoring by a City-approved consultant (unless otherwise provided for) may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures on an annual basis and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.

6. Aquaculture uses and facilities not involving substantial substrate modification shall be located at least six hundred (600) feet from any wildlife refuge lands; those involving substantial substrate modification shall be located at least fifteen hundred (1,500) feet from such areas. Greater distances may be required if recommended by the reviewing resource agencies. Lesser distances may be authorized without a variance if the following are provided by the applicant: (1) it is demonstrated by the applicant that the fish and wildlife habitat resources will be protected; and (2) if the change is supported by the reviewing resource agencies.
7. Aquaculture structures and activities that are not water-dependent (including but not limited to, warehouses for storage of products, parking and loading facilities) shall be located landward of the OHWM and landward of water dependent portions of the project and shall minimize detrimental impacts to the shoreline.
8. For aquaculture projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock. Materials, which are not necessary for the immediate and regular operation of the facility, shall not be stored waterward of the OHWM.
9. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation. All wastes shall be disposed of in a manner that will ensure strict compliance with all applicable waste disposal standards.
10. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and application.
11. Prior to use of any agents such as antibiotics, vaccines, growth stimulants, or anti-fouling agents, approval must be obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, Ecology, WDFW, and the Department of Agriculture, as required, and proof thereof is submitted to the City.
12. Only non-lethal, non-abusive predator control methods shall be used. Double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters are approved methods of predator control. The use of other nonlethal, non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

6.3.3 Boating Uses

6.3.3.1 General Requirements

1. All boating uses, development and facilities shall protect the rights of navigation.

2. Shared moorage with more than 10 berths and boat launching facilities are regulated under this section as marinas, Section 6.3.3.3 Joint-use/shared moorage facilities with 10 or less berths are regulated under this section as moorage, Section 6.3.3.4
3. Boating facilities shall locate on stable shorelines in areas where the following are available: adequate water mixing and flushing; such facilities will not adversely affect flood channel capacity or create a flood hazard; and water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities.
4. Boating facilities shall not be located in the following areas: along braided or meandering river channels where the channel is subject to change in alignment; on point bars or other accretion beaches; or where channel dredging will be required.
5. Boating facilities should not be located in areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.
6. Boating facilities located in or over aquatic lands shall meet DNR requirements as well as other state guidance to ensure no net loss of ecological functions.
7. Boating facilities shall locate and shall be designed so that lawfully existing or planned public shoreline access is not obstructed nor made dangerous.
8. Boating uses and facilities shall be located a minimum of 50-feet from public beaches commonly used for swimming, fishing, and aquaculture harvest areas, or waterways used for commercial navigation to alleviate any adverse impacts, safety concerns and potential use conflicts.
9. Accessory uses at boating facilities shall be limited to water-oriented uses, including uses that provide physical or visual shoreline access to the general public.
10. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.
11. All marinas and public launch facilities shall provide restrooms/hand-sanitizing facilities for boaters' use that are designed, constructed and maintained to be clean, well-lighted, safe and convenient for public use. One restroom and hand washing facility shall be provided for every seventy-five (75) marina moorage sites or twenty (20) boat launch parking spaces.
12. Installation of boat waste disposal facilities such as pump-outs and portable dump stations shall be required at all marinas and shall be provided at boat launches to the extent possible. The locations of such facilities shall be considered on an

- individual basis in consultation with the Washington Departments of Health, Ecology, Natural Resources, Parks, and Fish and Wildlife, as necessary.
13. All utilities shall be placed at or below dock levels, or below ground, as appropriate.
 14. All signage shall adhere to the standards for signs in this chapter and the City sign code CMC Chapter 18.15, except that a marina or boat launch may have one advertising sign oriented towards the water that does not exceed twenty-four (24) square feet in area and fifteen (15) feet in height above the OHWM.
 15. Marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal
 16. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions, decking and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited for use in moorage facilities.
 17. Vessels shall be restricted from extended mooring on waters of the state except as allowed by state regulations and a lease or permission is obtained from the state and impacts to navigation and public access are mitigated.

6.3.3.2 Boat Launch Facilities

1. Launch facilities, haul-out facilities and minor accessory buildings, shall be designed and constructed in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.
2. When permitted, boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.
3. Rail and track systems shall be preferred over concrete ramps or similar facilities.
4. Private boat launches shall be allowed only when public boat launches are unavailable within one-half (1/2) mile.
5. No more than one (1) private boat launch facility or structure shall be permitted on a single residential parcel or lot (e.g.: one dock or one boat ramp, not both).

6.3.3.3 Marinas

1. Proposals for new marinas must provide sufficient evidence that existing marinas cannot be expanded and are inadequate to meet regional demand.
2. Backshore dry-moorage marinas shall be preferred over foreshore marinas.
3. Where foreshore marinas are permitted, open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.
4. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.
5. Marinas shall be designed to include the following: (1) provide thorough flushing of all enclosed water areas; (2) allow the free movement of aquatic life in shallow water areas; and (3) avoid and minimize any interference with geo-hydraulic processes and disruption of existing shore forms.
6. To the maximum extent practicable, marinas and accessory uses shall share parking facilities.
7. New marina development shall provide public access amenities as described in Chapter 5 of this Program, under Public Access.
8. Marinas shall have adequate facilities and procedures for the following: (1) fuel handling and storage, and (2) the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.
9. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control.
10. Live-aboards watercraft ^[A14] are restricted to marinas that provide potable water, waste handling and other sanitary services. ~~Live-aboard vessels may occupy up to twenty (20) percent of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Live-aboard watercraft are prohibited in Camas.~~
11. The marina operator shall be responsible for the collection and dumping of sewage, solid waste, and petroleum waste.
12. No commercial or sport fish-processing discharge or discarding of unused bait, scrap fish, or viscera shall be permitted within any marina.

13. Marinas shall be subject to the development standards as provided at Section 6.3.3.4, regulations 6 through 10, 13 through 17, 20, and 23-28.

6.3.3.4 Moorage Facilities: Docks, Piers, and Mooring Buoys

1. Moorage facilities shall be located so as to minimize interference with the use of navigable waters.
2. Mooring buoys shall be used instead of docks and piers whenever feasible.
3. Mooring buoys shall be placed as specified by WDFW, DNR, and the U.S. Coast Guard to balance the goals of protecting nearshore habitat and minimizing obstruction to navigation. Anchors and other design features shall meet WDFW standards.
4. Mooring buoys shall be discernible from a distance of at least one hundred (100) yards and shall be equipped with reflectors for nighttime visibility. Only one mooring buoy for each waterfront lot shall be permitted unless greater need is demonstrated by the applicant, for example: if there is a community park with recreational users or a residential development with lot owners both on and away from the shoreline needing moorage.
5. Mooring buoys for residential use on a river shall be securely anchored to pilings to allow for changes in river level and shall be designed to withstand the one-hundred (100) year flood or be seasonably removable.
6. Moorage facilities should not be located in areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates.
7. Piles or other in-water portions of the moorage structure shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds. If ACZA piling are proposed, the applicant will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers. Any paint, stain, or preservative applied to the overwater structure shall be completely dried or cured prior to installation.
8. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
9. Covered moorage shall be prohibited.
10. Moorage facilities in waters providing a public drinking water supply shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.

11. Existing residential moorage facilities shall be allowed as follows:
 - a. Existing, legally-established, private recreational docks and floats for individual lots in existing subdivisions and for existing individual single-family developments are considered conforming uses and structures.
 - b. If an existing dock or float is abandoned, becomes hazardous, or is removed for any reason, then a new dock or float must meet the requirements of this section, which may include provisions for use of mooring buoys or to share the new dock (e.g. Locate along property lines for future expansion), and are consistent with other policies and regulations of this Program.
12. ~~New~~ One new private recreational moorage facility, non-commercial dock, or mooring buoy ~~are is~~ allowed as follows (e.g.: one facility not a combination of options):
 - a. For individual residential lots, the applicant shall demonstrate that existing facilities such as marinas and shared moorage are not adequate or not available for use. ~~within one-quarter (1/4) mile (shoreline)~~ [A15][A16]distance); or.
 - b. ~~No more than one private, non-commercial dock or mooring buoy or boat launch facility is permitted for~~ For each shoreline lot, or parcel, or contiguous group of lots or parcels in a single ownership that existed on the effective date of this Program (regardless of zoning), if shared moorage is unavailable within one-quarter (1/4) mile of proposed facility (shoreline distance) ~~(e.g.: one facility or the other, not a combination.~~
13. Only^[A17] a single, joint-use moorage facility may be permitted in association with hotels, motels, land divisions, and multi-family residences. The application shall demonstrate a need and public benefit for moorage.
14. Provisions for waste discharge shall be made in all proposals for public moorage facilities and shall include oil containment barriers when required by the U.S. Coast Guard under provisions of the Federal Water Pollution Control Act.
15. All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the moorage owner or lessee.
16. Overwater structures shall be located in water sufficiently deep to prevent the structure from grounding out at the lowest low water or stoppers should be installed to prevent grounding out on state-owned aquatic lands.
17. Docks and piers are prohibited along braided or meandering river channels, or where the river channel is subject to change in direction or alignment (e.g. Washougal River).

18. Docks and piers shall be located to avoid fish spawning locations to the extent practicable.
19. Fixed-piers shall not be permitted for residential use on rivers. Floating docks shall be required in rivers and streams unless it can be demonstrated that fixed docks will result in substantially less impact on geo-hydraulic processes and flood hazards can be minimized or mitigated.
20. Docks for residential use on a river shall be securely anchored to pilings to allow for changes in river level, and shall be designed to withstand the one-hundred (100) year flood or be seasonably removable
21. All docks shall include stops that serve to keep the floats off the lake or river beds at low water levels. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the OHWM or protective berms. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
22. New subdivisions (more than two lots) with shoreline frontage shall provide joint-use moorage facilities if any are proposed. Proposed moorage facility shall include no more than one mooring space for each lot with shoreline frontage. Moorage to serve upland lots without water frontage shall be regulated as a marina.
23. Applicants for joint-use docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties.
24. The maximum dimensions of a dock or pier shall be no greater than necessary but may be adjusted only to protect sensitive shoreline resources.
 - a. ~~A dock [A18][A19] or pier (gangway and floating structure combined) shall be long enough to obtain a depth as required by WDFW at its landward edge. Maximum length is sixty (60) feet unless a depth of eight (8) feet cannot be obtained. In such circumstances the A dock may be extended until the water depth reaches a point of a minimum of eight (8) feet in depth at ordinary low water, (OLWM) or as otherwise required by WDFW, or to a maximum of one three-hundred (100300) feet, whichever is reached first.~~
 - b. To prevent damage to shallow water habitat, piers and/or ramps shall extend at least twenty (20) feet perpendicular from the OHWM.
 - c. Piers and ramps shall be no more than four feet (4) in width. Wider width is allowed for public piers and ramps per WAC 220-660-140.
 - d. The bottom of the fascia boards on the pier or bottom of the landward edge of the ramp shall be elevated at least two (2) feet above the horizontal plane of the OHWM

- e. Grating or clear translucent material shall cover the entire surface area of the pier and ramp. The open area of grating shall have a minimum of sixty percent (60%) open. Clear translucent material shall have greater than ninety percent (90%) light transmittance as rated by the manufacturer.
 - f. Docks and piers shall be set back a minimum of ten (10) feet from side property lines, except that joint-use facilities may be located closer to or upon a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the County Auditor and a copy filed with the shoreline permit application.
 - g. The Administrator may adjust the dimension in this section by equal to or less than ten (10) percent on a case-by-case basis if there are factors such as safety, ADA accessibility, or potential environmental damage. If the proposal requires more than a ten (10) percent deviation, than a Shoreline Variance permit will be required.
25. Docks used for motor boats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.
26. Recreational floats shall be allowed only when located as close to the shore as possible, and no farther waterward than any existing floats and established swimming areas. Floats are not to be used for mooring motor boats. Floats shall be unattached to other structures and be constructed as follows:
- a. That the deck surface is not higher than one (1) foot above the water surface. Reflectors for nighttime visibility shall be incorporated into their design.
 - b. Floats shall not exceed dimensions of one-hundred-sixty (160) square feet. For private-use structures a maximum of one float shall be installed. A maximum of two floats shall be installed for joint-use structures.
 - c. Freeboard height on floats shall be at least ten (10) inches.
 - d. Grating or clear translucent material shall cover at least fifty-percent (50%) of the surface area of floats.
27. Pilings shall be constructed as follows:
- a. Piling diameter shall be minimized to meet the structural requirements of expected loads. Generally, In lakes, the piling shall not exceed four (4) inches in diameter. If a piling is encased in a sleeve, the piling plus sleeve diameter shall not exceed five (5) inches. In rivers^{A20}, the piling shall not exceed twelve (12) inches in diameter with sleeve.
 - b. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment. Minimum pile spacing is eighteen (18) feet on the same side of any component of the overwater structure.

28. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.

29. Overhead wiring or plumbing shall not be permitted on docks or piers

6.3.4 Commercial Uses

1. New commercial development that is water-dependent or water-related shall be permitted outright within the shoreline designations of Medium Intensity and High Intensity.
2. New commercial uses and development shall demonstrate that there will not be a net loss of ecological function or have significant adverse impacts to other shoreline resources or another shoreline uses.
3. For mixed use proposals, a nonwater-oriented commercial use may be permitted, if the majority of the use or building is devoted to a water-related or water-enjoyment use. Allowed water-enjoyment commercial uses shall be evaluated in terms of whether the use facilitates a state-wide interest, including ecological restoration and public access and may include specific provisions for restoration and public access.
4. Non-water-oriented commercial uses are allowed as a conditional use where:
 - a. Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way, or steep slopes such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program.
 - b. Proposed on a site where navigability is severely limited.
 - c. All non-water-oriented commercial uses are prohibited in shoreline jurisdiction on parcels that abut the water's edge unless the use provides significant public benefit with respect to the objectives of the Act by:
 - i. Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers and in accordance with the Restoration Element of this plan.
 - ii. The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in accordance with Section 5.5.
5. Loading and service areas shall be screened from view using native plants combined with fencing or masonry walls.
6. Where water-related and water-enjoyment commercial uses are allowed as a conditional use in the Urban Conservancy shoreline environment, then the use must increase the public use, enjoyment, or access to the shoreline.

6.3.5 Forest Practices

1. Commercial timber harvesting shall not be permitted.
2. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to Conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent conversion proposals for a period of six years from date of Forest Practices application approval per RCW 76.09.060(3)(d), (e) and (f), RCW 76.09.460, and RCW 76.09.470.
3. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses or developments shall not be considered forest practices and shall be reviewed in accordance with the provisions for the proposed non-forestry use, and the general provisions of this Program, including vegetation conservation.

6.3.6 Industrial Uses

1. Water-dependent industrial uses and development are preferred.
2. Water-related uses and nonwater-oriented uses shall not displace existing water-dependent uses or occupy space designated for water-dependent uses identified in a substantial development permit or other approval.
3. Non-water-oriented industrial uses may be permitted where:
 - a. Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way, or steep slopes such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program.
 - b. Proposed on a site where navigability is severely limited.
 - c. All non-water-oriented industrial uses are prohibited in shoreline jurisdiction on parcels that abut the water's edge unless the use provides significant public benefit with respect to the objectives of the Act by:
 - i. Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA Salmon Restoration Plans.
 - ii. The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in conformance with Section 5.5.

4. Waterward expansion of existing non-water-oriented industry is prohibited unless all critical area buffer and building setback requirements are met.
5. Proposed developments shall maximize the use of legally-established existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial and port developments shall demonstrate the need for expansion into an undeveloped area.
6. Proposed large-scale industrial developments or major expansions shall be consistent with Camas' Comprehensive Plan and other related development plans that are adopted by the city.
7. New facilities for shallow-draft shipping shall not be allowed to preempt deep-draft industrial sites.
8. Ship, boat-building, and repair yards shall employ best management practices (BMPs) with regard to the various services and activities they perform and their impacts on surrounding water quality.
9. Industrial water treatment and water reclamation facilities may be permitted only as conditional uses and only upon demonstrating that they cannot be located outside of shoreline jurisdiction. They shall be designed and located to be compatible with recreational, residential, or other public uses of the water and shorelands.

6.3.7 Log Storage

1. Log booming, rafting and storage in the Aquatic shoreline designation shall comply with WAC 332-30-145 or its successor.
2. Log storage shall be permitted in public waters only where (1) water quality standards can be met at all times; (2) grounding will not occur; (3) associated activities will not hinder other beneficial uses of the water, such as small craft navigation; and (4) fish and wildlife habitat conservation areas can be avoided.
3. No log raft shall remain in the Aquatic shoreline designation for more than one year, unless specifically authorized in writing.
4. Log storage facilities shall be sited to avoid and minimize the need for dredging in order to accommodate new barging and shall be located in existing developed areas to the greatest extent feasible. If a new log storage facility is proposed along an undeveloped shoreline, an alternatives analysis shall be required.
5. Log booming shall only be allowed offshore in sub-tidal waters in order to maintain unimpeded nearshore migration corridors for juvenile salmonids and to minimize shading of nearshore habitat from log rafts.

6. A Debris Management Plan describing the removal and disposal of wood waste must be developed and submitted to the City. Debris monitoring reports shall be provided, where stipulated. Positive control, collection, treatment, and disposal methods for keeping leachate, bark, and wood debris (both floating and sinking particles) out of surface water and groundwater shall be employed at log storage areas, log dumps, raft building areas, and mill-side handling zones. In the event that bark or wood debris accidentally enters the water, it shall be immediately removed. Surface runoff from log storage areas shall be collected and discharged at only one point, if possible.
7. Existing in-water log storage and log booming facilities in critical habitats utilized by threatened or endangered species classified under ESA shall be re-evaluated if use is discontinued for one (1) year, or if more than fifty (50) percent of the facility needs repair or reconstruction is required. The evaluation shall include an alternatives analysis in order to determine if logs can be stored upland and out of the water, or, if the site should be used for other purposes that would have lesser impacts on ESA-listed species. The alternatives analysis shall include evaluation of the potential for moving all, or portions of, log storage and booming to uplands.

6.3.8 Institutional Uses

1. Water-oriented institutional uses and developments are preferred.
2. Where allowed, nonwater-oriented institutional uses may be permitted provided that a significant public benefit such as public access or ecological restoration are provided.
3. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible. Loading and service areas shall be screened from view with native plants in combination with fencing or walls.
4. Where institutional uses are allowed as a conditional use then the use must provide substantial public benefit by increasing the public use, enjoyment or access to the shoreline.

6.3.9 Mining

1. Mining and associated activities may be permitted as a shoreline conditional use within the High Intensity designation, if the applicant demonstrates that it is dependent on a shoreline location consistent with this Program and WAC 173-26-201(2)(a).

2. Mining activities, other than mining of river point bar material, shall be set back pursuant to Table 6-1 and maintain a vegetated buffer between the mining site and the adjacent water body.
3. Mining and associated activities shall be designed and conducted to result in no net loss of shoreline ecological functions and processes, and will only be allowed if they will not cause:
 - a. Damage to or potential weakening of the structural integrity of the shoreline zone that would change existing aquatic habitat or aquatic flow characteristics;
 - b. Changes in the water or exchange of water to or from adjacent water bodies that would damage aquatic or shoreline habitat; and
 - c. Changes in groundwater or surface water flow that would be detrimental to aquatic habitat, shoreline habitat, or ground water.
4. Mining within the active channel(s) or channel migration zone of a stream shall not be permitted unless:
 - a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect instream habitat or the natural processes of gravel transport for the stream system as a whole.
 - b. The mining and any associated permitted activities, such as flood hazard reduction (Section 5.4), will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline.
5. All applicable permits and approvals, including but not limited to, Hydraulic Project Approvals (HPA) from WDFW, shall be obtained and all applicable provisions attached thereto shall be adhered to.
6. A reclamation plan that complies with the format and detailed minimum standards of RCW 78.44 and WAC 332-18 and that meets the provisions of this Program shall be included with any shoreline permit application for mining. The proposed subsequent use of mined property must be consistent with the provisions of the shoreline designation in which the property is located. Reclamation of disturbed shoreline areas shall provide appropriate ecological functions consistent with the setting.
7. Aggregate washing and ponding of waste water are prohibited in floodways.
8. Disposal of overburden or other mining spoil or non-organic solid wastes shall comply with fill policies and regulations of this Program.

9. In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the City shall require compliance with this Program.
10. The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231.

6.3.10 Parking

1. Parking as a primary use is prohibited.
2. Parking as an accessory use may serve uses that are not physically within shoreline jurisdiction but are located on the same parcel.
3. Parking facilities shall be designed and landscaped to minimize adverse environmental and aesthetic impacts. Parking shall be located landward of the use it is serving, only if it is not located along the primary street frontage. The city prefers buildings entrances (not a parking lot) to benefit from the city's extensive sidewalk and trail network.
4. Parking areas shall be landscaped along the perimeter. Landscaping shall consist of native vegetation, which is planted prior to final inspection of project, and will provide effective screening within three years of planting.
5. Parking facilities shall be designed to prevent surface water runoff from contaminating water bodies. Permit shall include evidence of financial surety for ongoing maintenance program that will assure proper functioning of facilities over time.

6.3.11 Recreational Development

1. Water-oriented recreational uses and developments are preferred.
2. Trails shall be designed and constructed in substantial compliance with the standards of the *Camas Park, Recreation and Open Space Comprehensive Plan, Design & Development Guidelines* (2007, Appendix A), with the constructed width varying by trail type and critical area protection.
3. Recreation areas or facilities on the shoreline shall provide physical or visual public access in accordance with Section 5.5.
4. Parking areas that are accessory to recreational uses shall be located upland a minimum of one hundred and fifty (150) feet away from the immediate shoreline, with pedestrian trails or walkways providing access to the water.
5. All permanent, substantial, recreational structures and facilities shall be located outside officially mapped floodways. The Administrator may grant exceptions for

- non-intensive minor accessory uses (including but not limited to, picnic tables or playground equipment).
6. Parks and trailheads shall be provided with restrooms with hand washing facilities in accordance with public health standards and without adversely altering the natural features attractive for recreational uses.
 7. Recreational facilities shall make adequate provisions, such as densely vegetated buffer strips, screening, fences, and signs, to protect the value and enjoyment of adjacent or nearby private properties and natural areas from trespass, overflow and other possible adverse impacts.
 8. Provisions shall be made for the protection of water areas from drainage and surface runoff in all recreational developments requiring the use of fertilizers and pesticides in areas adjacent to shorelines, such as in play fields and golf courses.
 9. Golf course structures (clubhouses and maintenance buildings) that are non-water-oriented shall be located no closer than one hundred (100) feet from the OHWM.
 10. Tees, greens, fairways, golf cart routes, and other site development features shall be located no closer than two hundred (200) feet from the OHWM to the extent practicable. If golf cart routing is combined with public access trails, it may be located one hundred (100) feet from OHWM.
 11. Golf course water hazards and stormwater drainage basins shall be managed for wildlife through appropriate plantings and measures to maintain or enhance water quality.

6.3.12 Residential Development

1. Residential developments shall include provisions to ensure preservation of native vegetation and control erosion during construction.
2. New residential construction shall be located so as not to require shoreline stabilization measures.
3. New residential development shall be prohibited in, over, or floating on the water.
4. New residential development shall be located and designed that the bulk and density of structures minimizes view obstructions to and from the shoreline.
5. Clustering of residential units shall be allowed where appropriate to minimize physical and visual impacts on shorelines.
6. In those areas where only onsite sewage systems are available, density shall be limited to that which can demonstrably accommodate protection of surface and groundwater quality.

7. New residential development, including sewage disposal systems, shall be prohibited in floodways and channel migration zones.
8. Appurtenances, accessory uses, and facilities serving a residential structure shall be located outside setbacks and critical areas and buffers unless otherwise allowed under this Program to promote community access and recreational opportunities.
9. New residential units or lots created through land division in the shoreline shall be sized and configured in accordance with the city's zoning ordinance and shall only be permitted when the following standards are met:
 - a. Flood hazard reduction measures are not required and will not be necessary during the life of the development or use in accordance with Appendix C, Chapter 16.55 Frequently Flooded Areas.
 - b. Shoreline stabilization measures are not required.

6.3.13 Signs

1. Free-standing signs shall be for informational purposes such as directional, navigational, educational/interpretive, and safety purposes, unless otherwise allowed under this Program and as specified in Table 6-1.
2. Signs for commercial purposes shall be limited to fascia or wall signs and as regulated by CMC Chapter 18.15 Signs, unless otherwise provided for in this chapter for specific uses.
3. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access corridors to the shoreline.
4. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use.
5. Illuminated signs shall be limited to informational, directional, navigational or safety purposes and shielded so as to eliminate glare when viewed from surrounding properties or watercourses.

6.3.14 Transportation Uses

1. All transportation facilities shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.
2. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside the shoreline jurisdiction or set back from the ordinary high water mark far enough to make shoreline stabilization, such as rip rap, bulkheads or jetties, unnecessary.

3. Transportation facilities shall not adversely impact existing or planned water-dependent uses by impairing access to the shoreline.
4. All new roads shall be set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetative buffer to allow open views of the water.
5. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open pile or pier structures whenever feasible to reduce shade impacts. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.
6. Fills for transportation facility development shall not be permitted in water bodies or associated wetlands except when all structural or upland alternatives have proven infeasible and the transportation facilities are necessary to support uses consistent with this program.
7. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies where feasible.
8. Special procedures for Washington State Department of Transportation (WSDOT) projects.
 - a. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
 - b. Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, WSDOT projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.

6.3.15 Utilities Uses

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

1. Whenever feasible, all utility facilities shall be located outside shoreline jurisdiction. Where distribution and transmission lines (except electrical transmission lines) must be located in the shoreline jurisdiction they shall be located underground or within the footprint of an existing, built roadway.

2. Where overhead electrical transmission lines must parallel the shoreline, they shall be no closer than one hundred (100) feet from OHWM unless topography or safety factors would make it unfeasible, then a shoreline conditional use permit shall be required.
3. Utilities shall be designed, located and installed in such a way as to preserve the natural landscape, minimize impacts to scenic views, and minimize conflicts with present and planned land and shoreline uses.
4. Transmission, distribution, and conveyance facilities shall be located in existing rights of way and corridors or shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
5. Utility production and processing facilities, such as power plants and wastewater treatment facilities, or parts of those facilities that are nonwater-oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated that no other feasible option is available and will be subject to a shoreline conditional use permit.
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 following provisions are met:
 - a. The stormwater facility is designed to mimic and resemble natural wetlands and meets the standards of CMC 14.02 Stormwater and the discharge water meets state water quality standards;
 - b. Low impact development approaches have been considered and implemented to the maximum extent feasible.
7. New and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. Diffusers or discharge points must be located offshore at a distance beyond the nearshore area to avoid impacts to those habitats.
8. Water reclamation discharge facilities (e.g. injection wells) are prohibited in the shoreline jurisdiction, unless the discharge water meets State Department of Ecology Class A reclaimed water standards. Proponents for discharge of Class A reclaimed water in the shoreline jurisdiction shall demonstrate habitat benefits of such discharge.
9. Where allowed under this program, construction of underwater utilities or those within the wetland perimeter shall be scheduled to avoid major fish migratory runs or use construction methods that do not cause disturbance to the habitat or migration.

10. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall provide automatic shut off valves.
11. Upon completion of utility installation/maintenance projects on shorelines, banks shall, at a minimum, be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is fully established. Plantings at installation shall be at least 2" minimum caliper at breast height if trees, five-gallon size if shrubs, and ground cover shall be planted from flats at 12" spacing, unless other mitigation planting is recommended by a qualified biologist and approved by the Administrator.

6.4 Shoreline Modification Regulations

6.4.1 General Requirements

1. Structural shoreline modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect allowed legally existing shoreline use or primary structure that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline or bed lands for an allowed water-dependent use or for shoreline mitigation or enhancement purposes.
2. Modifications shall only be allowed when impacts are avoided, minimized, and mitigated to assure no net loss of shoreline ecological functions.
3. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

6.4.2 Dredging and Dredge Material Disposal

6.4.2.1 Dredging

1. New dredging shall be permitted only where it is demonstrated by a qualified professional that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.
2. Maintenance dredging of established navigation channels and basins shall be restricted to management of previously dredged or existing authorized location, depth and width.
3. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places, the Washington

Heritage Register, or the Clark County Historic Register until such time that they have been reviewed and approved by the city and the Department of Archaeology and Historic Preservation (DAHP).

4. Dredging shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless shallow water habitat will be created to mitigate for the dredging project.
5. New dredging activity is prohibited in the following locations:
 - a. Along net positive drift sectors and where geohydraulic-hydraulic processes are active and accretion shore forms would be damaged, altered, or irretrievably lost;
 - b. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity which result in the need for continual maintenance dredging;
 - c. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife;
6. Dredging and dredge disposal shall be scheduled to protect biological productivity (including but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (including but not limited to, drift netting and crabbing) during a fishing season unless specifically addressed and mitigated for in the permit.
7. Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.
8. Dredging waterward of the OHWM shall be permitted only:
 - a. For navigation or navigational access;
 - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
 - c. As part of an approved habitat improvement project;
 - d. To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water;
 - e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist.

6.4.2.2 Dredge Material Disposal

1. Dredge material disposal shall be avoided. Dredge disposal shall be permitted only where it is demonstrated by a qualified professional that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of functions.
2. Near shore or landside disposal of dredge materials shall not be located upon, adversely affect, or diminish:
 - a. Stream mouths, wetlands, or significant plant communities (approved mitigation plans may justify exceptions);
 - b. Prime agricultural land except as enhancement;
 - c. Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and waters except for enhancement purposes;
 - d. Designated or officially recognized wildlife habitat and concentration areas;
 - e. Water quality, quantity, and drainage characteristics; and
 - f. Public access to shorelines and water bodies.
3. Dredged material shall be disposed of on land only at sites reviewed and approved by the USACOE and the Shoreline Administrator. Applicants shall demonstrate that the proposed site will ultimately be suitable for a use permitted by this Program. Disposal shall be undertaken such that:
 - a. The smallest possible land area is affected, unless dispersed disposal is authorized as a condition of permit approval for soil enhancement or other purposes;
 - b. Shoreline ecological functions and processes will be preserved, including protection of surface and ground water;
 - c. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property; and
 - d. Sites will be adequately screened from view of local residents or passersby on public rights-of-way to the maximum extent practicable (e.g. combination of fencing and vegetation).
4. The following conditions shall apply to land disposal sites:
 - a. Underground springs and aquifers shall be identified and protected.

- b. Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage proper settling.
 - c. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainage ways.
 - d. There shall be a single point of ingress and egress for removal of the de-watered material.
 - e. Runoff shall be directed through grassy swales or other treatment features that assures protection of water quality and a location that maximizes circulation and fishing.
 - f. Sites shall be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions;
 - g. Vegetation shall be maintained to ensure continued existence by the property owner; and
 - h. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute fill, and when deposited within the jurisdiction of this Program, shall comply with the fill regulations.
5. Dredged material shall be disposed of in water only at sites approved by the USACOE and the Administrator. Disposal techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only if:
- a. Land disposal is infeasible, less consistent with this Program, or prohibited by law;
 - b. Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible;
 - c. Offshore habitat will be protected, restored, or enhanced;
 - d. Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
 - e. Shifting and dispersal of spoil will be minimal; and
 - f. Water quality will not be adversely affected.
6. The deposition of dredged materials in water or wetlands shall be permitted only:
- a. To improve wildlife habitat;
 - b. To correct material distribution problems adversely affecting fish habitat;
 - c. To create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit;

- d. When land deposition is demonstrated to be more detrimental to shoreline resources than water deposition; or
- e. In approved, open-water disposal sites.

6.4.3 Flood Control Works and In-stream Structures

6.4.3.1 Flood Control Works

1. Dikes and levees shall be authorized by conditional use permit only when it can be demonstrated by a scientific and engineering analysis that:
 - a. They are necessary to protect existing development;
 - b. Nonstructural measures are not feasible;
 - c. Impacts on ecological functions and critical areas can be successfully mitigated so as to assure no net loss; and
 - d. Appropriate vegetation conservation actions are undertaken.
2. Dikes and levees shall protect the natural processes and resource values associated with stream including but not limited to wildlife habitat.
3. Underground springs and aquifers shall be identified and protected.
4. Public access shall be provided in accordance with public access policies and regulations of the property owner and this master program. If the project is publicly funded, then where feasible the design must not restrict appropriate public access to the shoreline, improve public access to the shoreline, and provide ecological restoration.
5. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan or as required by FEMA for dike recertification.
6. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or stream area unless part of a comprehensive flood and habitat enhancement plan, and then only by conditional use.

6.4.3.2 Flood Control Works – Design

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Hydraulic Project Approval, and in consideration of resource agency requirements and recommendations.
2. Structural flood hazard reduction measures shall be placed landward of associated wetlands and vegetation conservation areas unless there is no other feasible alternative to reduce flood hazard to existing development.
3. Dikes and levees shall be setback at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion.

Where bank dikes have already cut off point bars from the edge of the floodway, consideration should be given to their relocation in order to lower flood stages and current velocities.

4. Where dikes are necessary in intermediate gradient floodways to protect fringe areas, tangent diking is preferred over bank levees. Dikes and levees shall be located near the tangent to outside meander bends so that the stream can maintain normal meander progression and utilize most of its natural flood water storage capacity.
5. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.
6. The outside face of dikes shall be sloped at 1.5:1 (horizontal to vertical) or flatter and seeded with native grasses.

6.4.3.3 In-stream Structures

1. In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The city may condition the permit to achieve this objective such as setbacks, buffers, or storage basins.
2. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
3. In-stream structures shall provide for adequate upstream or downstream migration of anadromous fish, where applicable.
4. In-stream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.

6.4.3.4 In-stream Structures – Design & Placement

1. In-stream structures and their support facilities shall be located and designed to avoid the necessity for shoreline defense structures. Shoreline defense structures shall be minimized and any impacts mitigated. All diversion structures shall be designed to permit natural transport of bedload materials.
2. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body, including a wetland, by erosion, from drainage, high water, or other vectoring mechanisms.
3. All heavy construction equipment, and fuel storage, repair, and construction material staging areas shall be located as far landward as necessary to avoid and minimize impacts to shoreline functions. Powerhouses, but not raceways, shall be located farther than two hundred (200) feet from the OHWM unless there is no

feasible alternative and any unavoidable impacts are minimized and mitigated. Penstocks shall be located, designed, and constructed so as to present as low a profile as possible. Powerhouses and penstocks shall be located and designed to return flow to the stream in as short a distance as possible.

4. Mitigation plans that details the objectives of the mitigation activities shall be prepared by the applicant and be subject to approval by the Administrator and WDFW.

6.4.4 Shoreline Restoration and Enhancement

1. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes as well as shoreline features should be targeted toward meeting the needs of sensitive or regionally important plant, fish, and wildlife species shall be given priority.
2. Shoreline restoration, enhancement, and mitigation activities designed to create dynamic and sustainable ecosystems to assist the City achieve no net loss of shoreline ecological functions are preferred.
3. Restoration activities shall be carried out in accordance with an approved shoreline restoration plan, and in accordance with the provisions of this Program.
4. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts, such as those identified in the Clark County Coalition Shoreline Restoration Plan.
5. Habitat and beach creation, expansion, restoration, and enhancement projects may be permitted or exempt from permits subject to required state or federal permits when the applicant has demonstrated that:
 - a. The project will not be carried out within spawning, nesting, or breeding fish and wildlife habitat conservation areas;
 - b. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected.
 - c. Water quality will not be degraded;
 - d. Flood storage capacity will not be degraded;
 - e. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and
 - f. The project will not interfere with the normal public use of the navigable waters of the state.

6.4.5 Shoreline Stabilization – General

1. New shoreline stabilization for new development is prohibited unless it can be demonstrated that the proposed use cannot be developed without shore protection or is necessary to restore ecological functions or hazardous substance remediation.
2. Pursuant to WAC 173-26-231(3) (a) (B), new or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves not, for example, from upland conditions such as poorly managed stormwater or vegetation removal. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The erosion control structure will not result in a net loss of shoreline ecological functions.
3. Proposed designs for new or expanded shore stabilization shall be designed in accordance with applicable Ecology and WDFW guidelines using best available science. The applicant shall provide the following information in a report by a qualified professional: (a) evidence that alternative solutions (non-structural) are not feasible or do not provide sufficient protection; and (b) demonstrate that future stabilization measures would not be required on the project site.
4. Land subdivisions or lot line adjustments shall be designed to assure that future development of the newly-created lots will not require structural stabilization for subsequent development to occur.
5. New or expanded structural shoreline stabilization for existing structures (e.g. roads, railroads, public facilities) is prohibited unless there is conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion caused by stream processor waves, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions or processes.
6. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities (e.g. roads, bridges, railways, and utility systems) from erosion caused by stream undercutting or wave action; provided that the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity. Proposed designs for new or expanded shore stabilization shall be designed in accordance with applicable Ecology and WDFW guidelines and certified by a qualified professional.
7. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to

- January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
8. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.
 9. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 may be exempt and regulated under the state process. Stabilization projects that are not part of such a fish enhancement project will be regulated by this Program.
 10. Small-scale or uncomplicated shoreline stabilization projects (e.g. tree planting projects) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.
 11. Large-scale or more complex shoreline stabilization projects (e.g. Projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science. The city may require that a qualified professional monitor construction or to construct the project.
 12. If the project is publicly funded then it must include appropriate provisions for public access to the shoreline, not create barriers to public access if in existence, and incorporate ecological restoration measures if feasible.
 13. Standards for new stabilization structures when found to be necessary include limiting the size to minimum, using measures to assure no net loss of shoreline ecological functions, using soft approaches, and mitigating for impacts.

6.4.6 Bioengineered Stabilization

1. All bioengineered projects shall be designed in accordance with best available science and use a diverse variety of native plant materials including but not limited to trees, shrubs, forbs, and grasses, unless demonstrated infeasible for the particular site.
2. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that within three years all vegetation is fully re-established. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.
3. Bank protection in the form of a buffer zone of at least 25-feet from OHWM shall be provided for a minimum of three (3) years. The buffer zone shall exclude livestock, vehicles, and/or other activities that could disturb the site.

4. All bioengineered projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.
5. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

6.4.7 Structural Stabilization

Naturally regenerating systems for the prevention and control of shoreline erosion shall be used instead of structural solutions where (1) the length and configuration of shoreline will accommodate such systems; (2) such protection is a reasonable solution to the needs of the specific site; and (3) the project will:

- a. Recreate or enhance natural shoreline conditions;
- b. Create or enhance natural habitat;
- c. Reverse otherwise erosional conditions; or
- d. Enhance access to the shoreline, especially to public shorelines.

6.4.7.1 Bulkheads

A. Bulkheads - General

1. All bulkheads must be in support of an allowable shoreline use that is in conformance with the provisions of this Program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
2. Bulkheads shall be allowed only when evidence is presented that conclusively demonstrates that one of the following conditions exists:
 - a. Serious wave erosion threatens an established primary use or primary building(s) on upland property;
 - b. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this Program, provided that all alternatives have proven infeasible (i.e., use relocation, use design, nonstructural shore stabilization options), and that such bulkheads meet other policies and regulations of this chapter; or
 - c. Proposals for bulkheads have first demonstrated that use of natural materials and processes and nonstructural solutions to bank stabilization are unworkable in protecting existing development.
3. Use of a bulkhead to protect a platted lot where no structure presently exists is prohibited.

4. Natural materials and processes such as protective berms, drift logs, brush, beach feeding, or vegetative stabilization shall be utilized to the maximum extent possible.
5. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit shall be prohibited.
6. Bulkheads are prohibited for any purpose if they will cause significant erosion or beach starvation.

B. Bulkhead Location

1. Bulkheads shall not be located on shores where valuable geohydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, marches, wetlands, or accretion shore forms such as spits, hooks, bars, or barrier beaches.
2. Bulkheads are to be permitted only where local physical conditions such as foundation bearing material, surface, and subsurface drainage are suitable.
3. On all shorelines, bulkheads shall be located landward of the OHWM, landward of protective berms (artificial or natural), and generally parallel to the natural shoreline. In addition:
 - a. On bluff or bank shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the bank as possible, and in no case shall it be more than three (3) feet waterward from the toe of the natural bank.
 - b. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that (1) the adjoining bulkheads were built at or near the OHWM, and (2) the new bulkhead does not extend more than three feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with the adjacent bulkhead at or landward of the OHWM and shall be contoured to minimize the land area waterward of the required setback, that shall be met on the side not abutting an existing bulkhead.
4. Replacement bulkheads may be located immediately in front of and abutting (sharing a common surface) an existing bulkhead, provided that replacement bulkheads shall not be authorized abutting an abandoned or neglected bulkhead, or a bulkhead in serious disrepair that is located more than three feet waterward of OHWM. Replacement of such bulkheads shall be located at OHWM.

C. Bulkhead Design

1. Bulkhead design and development shall conform to all other applicable state agency policies and regulations, including the WDFW criteria governing the design of bulkheads.
2. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.
3. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.
4. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.
5. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.
6. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of it.
7. Materials used in bulkhead construction shall meet the following standards:
 - ~~b.a.~~ Bulkheads shall utilize stable, non-erosional, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials that will accomplish the desired end with the maximum preservation of natural shoreline characteristics.
 - ~~e.b.~~ Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit, and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline resources.
8. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this Program are feasible, because of their limited durability and the potential hazard to shore users and the shoreline environment.
9. Fill behind bulkheads shall be considered landfill, and shall be subject to the provisions for landfill, and the requirement for obtaining a shoreline substantial development permit.

6.4.7.2 Revetments

A. Revetments - General

1. Revetments (e.g. rip rap) must be in support of an allowable shoreline use that is in conformance with the provisions of this Program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.

2. Design of revetments shall include and provide improved access to public shorelines whenever possible and appropriate. All forms of revetments shall be constructed and maintained in a manner that does not reduce water quality and/or fisheries habitat.
3. Design of the proposed revetment shall incorporate proper consideration of a) data on local geophysical conditions; b) data on stream flow, velocity, and/or flood capacity; and c) effects on adjacent properties
4. Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline.
5. Revetments shall only be used when habitat-friendly alternatives are not feasible.

B. Revetment - Design

1. When permitted, the siting and design of revetments shall be performed using appropriate engineering principles, including guidelines of the Natural Resources Conservation Service and the U. S. Army Corps of Engineers.
2. Revetment shall be constructed using techniques and materials that will enhance natural shoreline values and functions, including fish and wildlife habitat, water quality, vegetation, and aesthetics. The following techniques and materials shall be used:
 - a. Riprap material shall consist of clean quarried rock, free of loose dirt and any pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action. Tires, automobile bodies, scrap metal paper products, and other inappropriate solid waste materials shall not be used for riprap.
 - b. Use of downed logs, snags, or rock-work to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where appropriate.
 - c. Where on-site environmental conditions allow, vegetation shall be integrated into the riprap design to reduce erosion, provide cover, shade and habitat, and improve the natural appearance of the shoreline, consistent with the applicable vegetation management provisions of this Program.
3. If an armored revetment is employed, the following design criteria shall be met.
 - a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
 - b. Filter cloth must be used to aid drainage and help prevent settling; and

- c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action for the anticipated life of the project.
4. The area shall be restored as nearly as possible to pre-project condition, including replanting with native species and maintenance care until the newly planted vegetation is established.

6.4.7.3 Breakwaters, Jetties, Rock Weirs, and Groins

A. Breakwaters, Jetties, Rock Weirs, and Groins- General

1. All breakwaters, jetties, rock weirs, and groins are allowed only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
2. Breakwaters, jetties, rock weirs, and groins shall only be permitted by conditional use for navigational purposes, industrial activities, and marinas, harbor, marina, or port where water-dependent uses are located waterward of the OHWM, and where protection from strong wave action is essential.
3. Applicants proposing groins, jetties, and solid breakwaters shall notify all shoreline landowners within one mile of the project proposal or within the same drift sector, whichever is greater.
4. The effect of proposed breakwaters, jetties, rock weirs, and groins on sand movement shall be evaluated during permit review. The beneficiaries and owners of large-scale defense works that substantially alter, reduce, or block littoral drift, and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long term beach feeding program either by artificially transporting sand to the downdrift side of an inlet with jetties or by artificial beach feeding in the case of groins, breakwaters, and rock weirs.
5. The effect of proposed breakwaters, jetties, rock weirs, and groins on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

B. Breakwaters, Jetties, Rock Weirs, and Groins - Location

1. Breakwaters shall be prohibited in lakes.
2. Jetty, rock weir, or groin development that would result in a net adverse impact on adjacent and nearby properties and shorelines is prohibited.

C. Breakwaters, Jetties, Rock Weirs, and Groins– Design

1. Proposed designs for new or expanded breakwaters, jetties, rock weirs, and groins shall be designed and certified by a civil engineer, registered in the State of Washington.

2. The design of breakwaters, jetties, rock weirs, and groins shall conform to all applicable requirements established by the Washington Departments of Fish and Wildlife, and the U.S. Army Corps of Engineers. Breakwaters, jetties, rock weirs, and groins shall be designed and constructed in a manner that will prevent detrimental impacts on water circulation, sand movement, and aquatic life. The design shall also minimize impediments to navigation and to visual access from the shoreline.
3. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access such as sightseeing and public fishing if it is determined such access is feasible and desirable. Open-pile or floating breakwaters shall be the only type allowed unless it can be shown that solid breakwaters will have no significant adverse effect on the aquatic biology and shore processes, or that such adverse effects can be adequately mitigated.
4. Materials used for the construction of breakwaters, jetties, rock weirs, and groins shall exhibit the qualities of long-term durability, ease of maintenance, and compatibility with local shore features, processes, and aesthetics. The use of solid waste, junk, or abandoned automobiles, asphalt, or any building demolition debris is prohibited.
5. Floating breakwaters shall be used in place of solid, rubble mound types wherever they can withstand anticipated wave action in order to maintain sand movement and protect fish and aquatic habitat.

CHAPTER 7 DEFINITIONS

A

1. **Accessory Structure** – a subordinate building incidental to the use of the main building.
2. **Accessory Use** – any use or activity incidental and subordinate to a primary use or development.
3. **Accretion** – the growth of a beach by the addition of material transported by wind and/or water. Included are such shore forms as barrier beaches, points, spits, hooks, and tombolos.
4. **Act** - Washington State Shoreline Management Act of 1971, as amended, RCW 90.58.
5. **Adjacent Lands** – lands adjacent to the shorelines of the state (not within shoreline jurisdiction) (*RCW 90.58.340*).
6. **Agricultural Activities** - agricultural uses and practices including, but not limited to: producing, breeding or increasing agricultural products; rotating and changing agricultural crops; agricultural crops; allowing land used for agricultural activities to lie fallow in that it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation (*WAC 173-26-020(3)(a)*).
7. **Agricultural Land** – those specific land areas on which agricultural activities are conducted as of the date of adoption of a local master program pursuant to the state guidelines adopted December 17, 2003, as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.
8. **Amendment** - means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.
9. **Anadromous fish** -means fish that migrate downstream in their juvenile life stages; live their adult lives in the ocean; then migrates upstream from the ocean to breed in fresh water.
10. **Appurtenance** - A structure or development incidental to a primary use. *See also, "Normal appurtenance"*
11. **Aquaculture** - means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck

associated with the state managed wild stock geoduck fishery. (WAC 173-26-020(6)).

12. **Associated Wetlands** - means those wetlands that are in proximity to and either influence or are influenced by tidal waters or a lake, river or stream subject to the Shoreline Management Act.
13. **Average Grade Level** - the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that will be directly under the proposed building or structure: For structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure (*WAC 173-27-030(3)*).

B

14. **Beach Enhancement or Restoration**— means the process of restoring a beach to a state more closely resembling a natural beach, using as non-intrusive means as applicable.
15. **Beds of Navigable Waters** - or “**Bedlands**” - mean those submerged lands, including tidelands where appropriate, underlying navigable waters.
16. **Berm** – a linear mound or series of mounds of earth, sand or gravel generally paralleling the water at or landward of the OHWM. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.
17. **Best Available Science** – means the most reliable and available scientific information, most often used in the context of local government compliance with the State Growth Management Act (RCW 36.70A.172) for developing policies and development regulations regarding critical areas (WAC 365-195).
18. **Best Available Technology (BAT)** – means the most effective method, technique, or product available that is generally accepted in the field, and which is demonstrated to be reliable, effective, and preferably low maintenance.
19. **Best Management Practices (BMP)** - means the schedules of activities, prohibitions of practices, maintenance procedures, and structural or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of the State.
20. **Bioengineering** - means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation (*WAC 220-110-020(12)*).
21. **Boat** - See "Vessel."

22. **Boat Launch Facility**- a facility or structure providing access in and out of the water for vessels, by means of ramps, rails, or lift stations.
23. **Boat House** - means a structure designed for storage of vessels located over water that is not a residence.
24. **Breakwater** - a structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.
25. **Buffer Area** – A strip of land that is designed and designated to permanently remain vegetated to protect an adjacent aquatic or wetland resource from landward impacts, improve water quality, and to provide habitat for fish and wildlife.
26. **Bulkhead** - a solid, open-pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ordinary high water mark to provide a protective vertical wall resistant to water and wave action.
27. **Buoy** - See “Mooring Buoy.”

C

28. **Channel** – an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stock watering channels (*WAC 173-27-030(8b)*).
29. **Channel Migration Zone (CMZ)** - the area along a river within that the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
30. **Clean Water Act** – the primary federal law providing water pollution prevention and control previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.
31. **Clearing** - the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, which does not impair the health or survival of the trees or native vegetation.
32. **Commercial** - a business use or activity at a scale greater than a home occupancy business involving retail or wholesale marketing of goods and services. Commercial uses are further defined in CMC Title 18 Zoning.
33. **Commercial dredging** - applies to establishments engaged in the dredging of sand, gravel or rocks for resale or wholesale marketing.
34. **Commercial Fishing** - is the activity of capturing fish and other seafood under a commercial license.
35. **Conditional Use** – a use, development, or substantial development that is classified as a conditional use, or is not classified within this Program, and requires a shoreline conditional use permit pursuant to WAC 173-27-160.

36. **Covered Moorage** – means a boat moorage, with or without walls, that has a roof to protect a vessel.
37. **Critical Aquifer Recharge Area** - Areas with a critical recharging effect on aquifers used for potable water as defined by the Washington State Growth Management Act and as designated in Appendix C, CMC Chapter 16.55 of this Program.
38. **Critical Areas** - include fish and wildlife habitat conservation areas, wetlands, frequently flooded areas, critical aquifer recharge areas, and geologic hazard areas as regulated in Appendix C of this Program.
39. **Critical Habitat**- Specific geographical areas that possess physical or biological features that are essential to the conservation of federally listed species. These designated areas may require special management considerations or protection.

D

40. **Date of Filing** - means the date upon actual receipt by Ecology of the city's decision except as provided for below:
 - (a) With regard to a permit for a variance or a conditional use, "date of filing" means the date the decision of Ecology is transmitted by Ecology to the city.
 - (b) When the city simultaneously transmits to Ecology its decision on a shoreline substantial development with its approval of either a shoreline conditional use permit or variance, or both, "date of filing" has the same meaning as defined in (a).
41. **Development** ^[A21]- an activity consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that may interfere with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level (*RCW 90.58.030(3d)*). Development does not include dismantling or removing structures if there is no other associated development or re-development^[A22] per WAC 173-27-030(6).
42. **Development Regulations** - the controls placed on development or uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto (*WAC 173-26-020(8)*).
43. **Dike** - is an artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.

44. **Dock** – means a landing or moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.
- Residential dock** means a dock that is for the non-commercial use and enjoyment of a residential lot.
- Recreational dock** means a dock that is designed for pleasure or leisure craft only that may be privately or publicly owned and operated for joint-use to support adjacent recreational land uses.
45. **Dolphin** – A cluster of piles bound together.
46. **Dredge Material** – the material removed by dredging.
47. **Dredging** - is the removal or displacement of earth or sediments such as gravel, sand, mud, silt, or debris from below the OHWM of any stream, river, lake, or water body or wetland.

E

48. **Ecological Functions or Shoreline Functions** - the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments which constitute the shoreline's natural ecosystem (*WAC 173-26-200 (2)(c)*).
49. **Ecosystem-wide Processes** - the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions (*WAC 173-26-020(14)*).
50. **Effective Date of Permit** – means for Shoreline Substantial Development, Conditional Use and Variance Permits is the date of filing as provided in RCW 90.58.143 that includes completion of all appeals or legal actions.
51. **Emergency/Emergency Construction** - is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this Program and WAC 173-27. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but are not imminent, are not an emergency (*RCW 90.58.030(3)(e)(iii) and WAC 173-27-040(2)(d)*).
52. **Enhancement** - Alterations performed to improve the condition of an existing environmentally degraded area so that the functions provided are of a higher quality. Enhancements are to be distinguished from resource creation or restoration projects.
53. **Erosion** – The general process or the group of processes whereby the material of the earth's crust are loosened, dissolved, or worn away, and simultaneously moved from one place to another, by natural forces, that include weathering, solution, corrosion, and transportation, but usually exclude mass wasting (American Geological Institute, 1998).

54. **Essential Public Facilities** – are broadly defined as being those types of facilities that are typically difficult to site. This definition includes but is not limited to, airports, state education facilities, state and regional transportation facilities, state and local correctional facilities, solid waste handling facilities, medical care facilities, mental health facilities, and group homes (*RCW 36.70A.200(1)*).
55. **Exempt/Exemption** - developments that are set forth in Chapter 2 (Exemptions from Substantial Development Permit) of this Program that are not required to obtain a Shoreline Substantial Development Permit, but which must otherwise comply with applicable provisions of the act and this Program.

F

56. **Fair Market Value** - the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials (*WAC 173-27-030(8)*).
57. **Feasible** –means, for the purpose of this Program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - (b) The action provides a reasonable likelihood of achieving its intended purpose; and
 - (c) The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining infeasibility, the city may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

58. **Feeder Bluff** - any bluff (or cliff) experiencing periodic erosion from waves, sliding, slumping, whose eroded earth, sand, or gravel material is naturally transported (littoral drift) via a drift way to an accretion shore form. Feeder bluff exceptional segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.
59. **Fill** - means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land (*WAC 173-26-020(14)*).
60. **Fish and Wildlife Habitat Conservation Areas** – means habitat for Endangered, Threatened and Sensitive species as defined and protected under the provisions of CMC Chapter 16.61 and Appendix C of this Program.

61. **Fish Habitat Enhancement Project** – a fish habitat enhancement project specifically meeting the criteria established in RCW 77.55.181.
62. **Float** - a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft.
63. **Floating Home** - a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed. (Also see “houseboat”)
64. **Flood Hazard Reduction** - measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.
65. **Floodplain** - synonymous with the one hundred-year floodplain and refers to the land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Act (*WAC 173-26-020(17)*) and (*WAC 173-22-030(2)*).
66. **Floodway** - means the area, as identified in a master program that has been established in federal emergency management agency flood insurance rate maps or floodway maps. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.
67. **Forb** - an herbaceous, non-woody plant other than grass.
68. **Foreshore** – in general terms, the beach between mean higher high water and mean lower low water.
69. **Forest Practices** – any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control (*WAC 222-16-010(21)*).
70. **Frequently Flooded Areas** - the areas of special flood hazard which are commonly identified as critical areas in local government development regulations.

G

71. **Gabions** – structures composed of masses of rocks, rubble, or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action, to reduce mass wasting, or as foundations for breakwaters or jetties.

72. **Geologic Hazard Areas** - include areas of landslide, liquefaction and dynamic settlement, ground shaking amplification, fault rupture, soil erosion, and bank erosion hazard areas as identified in Appendix C, Chapter 16.59 Geologically Hazardous Areas.
73. **Geotechnical Report** - or "geotechnical analysis" means a scientific study or evaluation of geological, hydrological, geochemical, and/or geomorphological aspect(s) of a site conducted by a licensed Geotechnical Engineer.
74. **Grading** - means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land (*WAC 173-26-020(17)*).
75. **Grassy Swale** – a vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.
76. **Groin** or “spur dike” or “rock weir” - a barrier-type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of material.
77. **Groundwater** - That part of the subsurface water that is in the saturated zone, including underground streams, from which wells, springs, and ground water runoff are supplied.

H

78. **Harbor Area** - the area of navigable waters between the inner and outer harbor lines identified by the Board of Natural Resources acting as the State Harbor Lines Commission and as established by Section 1 of Article XV of the Washington State Constitution.
79. **Hazardous Material** - any product, substance, commodity, or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all “dangerous wastes” and “hazardous substances” that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).
80. **Height** - the distance measured from the average grade level to the highest point of a structure: Provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines (or the master program provides otherwise): Provided further that temporary construction equipment is excluded in this calculation (*WAC 173-27-030(9)*).
81. **Hook** – a spit or narrow cape of sand or gravel that turns landward at its outer end.

82. **Houseboat or Live-aboard Vessel** ^[A23]- a vessel, principally used as an over-water residence, which are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring, and the presence of adequate self-propulsion and steering equipment to operate as a vessel. Houseboats are not allowed. Houseboats are not boathouses.

I

83. **Inner Harbor Line** - the line established by the State in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the “bulkhead line”).
84. **Institutional Use** – means that a structure(s) and related grounds are used for the provision of educational, medical, cultural, social and/or recreational services to the community, including but not limited to such uses as schools, colleges, museums, community centers.
85. **In-stream Structure** - a structure placed by humans within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structure does not apply to stormwater outfalls.
86. **Interested Party** – means all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-27-030 (*WAC 173-27-030(12)*).
87. **Invasive** – means a nonnative plant or animal species that either:
- a. causes or may cause significant displacement in range, a reduction in abundance, or otherwise threatens, native species in their natural communities;
 - b. Threatens or may threaten natural resources or their use in the state;
 - c. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or
 - d. Threatens or harms human health (*RCW 77.08.010(28)*).

J

88. **Jetty**- a structure usually projecting out into the water for the purpose of protecting a navigation channel, a harbor, or to influence water currents.

L

89. **Lake** – a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of elevation of the lake’s ordinary high water mark within the stream (*WAC 173-22-030(4)2) (f)(iv)) ;*).

90. **Levee** – a large dike or embankment, often having an access road along the top that is designed as part of a system to protect land from floods.
91. **Limited Utility Extension** – the extension of a utility service that is categorically exempt under RCW 43.21C for natural gas, electricity, telephone, water or sewer to service an existing use and does not extend more than twenty-five hundred (2500) linear feet within the shorelines of the state.
92. **Littoral** – The area of the shore from the OHWM waterward to a depth of two meters below ordinary low water or to the maximum extent of non-persistent emergent plants.
93. **Littoral Drift** – The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and current.
94. **Live-aboard Vessel** – See “Houseboat.”
95. **Log Booming** – includes the placement or removal of logs and log bundles into and from the water, and the assembly and disassembly of rafts for waterborne transportation.

M

96. **Maintenance Dredging** - refers to dredging for the purpose of maintaining a previously authorized width and depth of a channel, boat basin or berthing area. Authorization is from a federal, state, or local permit as part of a specific waterway project.
97. **Marina** - a water-dependent commercial use (public or private) that consists of a system of piers, buoys, or floats which provides moorage for more than ten boats. Boat launch facilities and supplies and services for small commercial or pleasure craft are often associated with marinas. Uses accessory to marinas may include fuel docks and storage, boating equipment sales and rental, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.

 “Foreshore marinas” are marinas located waterward of the ordinary high water mark.
 “Backshore marinas” are marinas located landward of the ordinary high water mark. There are two common types of backshore marinas: (1) a wet-moorage marina that is dredged out of the land artificially creating a basin; and (2) a dry-moorage marina that has upland storage with a hoist, marine travel lift, or ramp for water access.
98. **Marine Travel Lift** – a mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.
99. **Marine Railway** – a set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.
100. **Mining** - the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses (*WAC 173-26-241*).

- 101. **Merchantable Trees** - live trees, 6 inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability.
- 102. **Mitigation** – to avoid, minimize or compensate for adverse impacts to shoreline ecological functions and processes.
- 103. **Moorage** - a pier, dock, buoy or float, either fixed or floating, to which boats may be secured. (*see related terms: shared moorage, docks, and marinas*)
- 104. **Mooring Buoy** – means a floating object anchored to the bottom of a water body that provides tie-up capabilities for boats or watercraft.
- 105. **Must** - means a mandate; the action is required.

N

- 106. **Natural Riparian Habitat Corridor** – The streamside environment that is maintained primarily for fisheries and wildlife habitat, water quality improvements, and secondarily for flood control works. Public access (where allowed) will be controlled to avoid damage to the resource.
- 107. **Natural Topography** (or “**existing topography**”) means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling (*WAC 173-27-030*).
- 108. **Navigational Channels** - are those routes on the waters of state beyond the outer harbor line, commonly used by ships for useful commerce.
- 109. **Navigable Waters** - a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court (*WAC 332-30-106*).
- 110. **Non-conforming development** – a structure or use that was lawfully constructed or established prior to the effective date of the applicable Act or Program provision, and which no longer conforms to the applicable shoreline provisions (*WAC 173-27-080(1)*).
- 111. **Non-maintenance dredging** – dredging to expand or deepen (or both) berthing areas and channels beyond their previously approved dimensions as authorized by local, state and/or federal permits.
- 112. **Non-Water-Oriented Use or Activity** – describes those uses which have little or no relationship to the shoreline. Examples include, but are not limited to: professional offices, mini-storage facilities, residential development, department stores and gas stations. A use or activity that is not water-dependent, water-related, or water-enjoyment.
- 113. **Normal Appurtenance** – means development that is incidental to a residential development for the use and enjoyment of that residence, which may include the following: garage; deck; driveway; utilities; fences; septic tank or drain field; and grading or fill that does not exceed 250 cubic yards. No additional interpretations of

normal appurtenances shall apply in this jurisdiction. None of the foregoing appurtenances may impact an associated wetland or be located waterward of the OHWM.

- 114. **Normal Maintenance** - includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (*WAC 173-27-040(2)(b)*). See also “normal repair”.
- 115. **Normal Repair** - 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 repair causes substantial adverse effects to shoreline resource or environment. 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”.
- 116. **Noxious Weeds** - Non-native plants that are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

O

- 117. **Operation(s)** - Industrial, commercial, institutional, or residential activity that may be publicly or privately-owned and operated, and may involve the use of stationary facilities, equipment, transport vehicles, or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state, or local government entities.
- 118. **Ordinary High Water Mark (OHWM)** - that mark found by examining the bed and banks of a body of water and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or Ecology: Provided that in any area where the ordinary high water mark cannot be found, the OHWM adjoining fresh water shall be the line of mean high water (*RCW 90.58.030(2)(b)* and *WAC 173-22-030(6)*).
- 119. **Outer Harbor Line** - the line located and established by the State Department of Natural Resources in navigable waters that delineates the extent of water area that may be leased to private interests.
- 120. **Over-water Structure** - a structure or other construction located waterward of the Ordinary High Water Mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.

P

- 121. Parking, Accessory** - is the use of land for the purpose of accommodating motor vehicles, motorized equipment, or accessory units, such as trailers, and directly serves a permitted use.
- 122. Parking, Principal or primary** - means an area of land where the principal use is the parking of motorized vehicles and is not accessory to another use.
- 123. Party of Record** - includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.
- 124. Permit** - any Substantial Development, Variance, Conditional Use Permit, or revision authorized under the Act (RCW Chapter 90.58).
- 125. Permitted Use** – a use that is allowed under the rules and regulations of this Program.
- 126. Person** - an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or city however designated.
- 127. Pier** - a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.
- 128. Pierhead Line** - the waterward limit to which open pile work may be constructed as designated by the Federal government.
- 129. Point** – a low profile shoreline promontory of more or less triangular shape, the top of which extends seaward. A point may be the wave cut shelf remnant of a headland bluff or a purely accretional deposit that began as a hooked spit and becomes a point by subsequently closing the lagoon gap between the headland and the tip of the hook. Points are characterized by converging berms that normally enclose a lagoon, marsh, or meadow, depending on the point's stage of development.
- 130. Port** – a municipal corporation that is a special purpose district of local government authorized by the Washington State Constitution and regulated by RCW Chapter 53.
- 131. Potentially Harmful Materials** – Hazardous materials as well as other materials such as the following which, if discharged or improperly disposed, may present a risk to water resources:
- 1) Petroleum products including but not limited to petroleum fuel and petroleum based coating and preserving materials; 2) oils containing PCB's; 3) antifreeze and other liquid automotive products; 4) metals, either in particulate or dissolved form, in concentrations above established regulatory standards; 5) flammable or explosive materials; 6) radioactive material; 7) used batteries; 8) corrosives, acids, alkalis, or bases; 9) paints, stains, resins, lacquers or varnishes; 10) degreasers; 11) solvents; 12) construction materials; 13) drain cleaners and other toxic liquid household products; 14) pesticides, herbicides, fungicides or fertilizers unless applied in

accordance with local, state and federal standards; 15) steam cleaning and carpet cleaning wastes; 16) car wash water; 17) laundry wastewater; 18) soaps, detergents, ammonia; 19) swimming pool backwash; 20) chlorine, bromine, and other disinfectants; 21) heated water; 22) domestic animal wastes; 23) sewage; 24) recreational vehicle waste; 25) animal carcasses, excluding salmonids; 26) food wastes; 27) collected lawn clippings, leaves or branches; 28) trash or debris; 29) silt, sediment, or gravel; 30) dyes; and 31) untreated or unapproved wastewater from industrial processes.

- 132. Practicable alternative** - An alternative that is available and capable of being carried out after taking into consideration short-term and long-term cost, options of project scale and phasing, existing technology and logistics in overall project purposes
- 133. Priority Habitat** – a habitat type with unique or significant value to one or more species as defined by the Washington State Department of Fish and Wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife (WAC 173-26-020(24)).
- 134. Priority Species** - species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the following criteria:
- a. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.
 - b. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.
 - c. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.
 - d. Species listed under the federal Endangered Species Act as proposed, threatened, or endangered (WAC 173-26-020(25)).
- 135. Provisions** - policies, regulations, standards, guideline criteria or environment designations.
- 136. Public Access** - is the physical ability of the general public to reach, touch and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations (WAC 173-26-221).
- 137. Public Facility** – means any facility for public purposes financed in whole or in part by any port district, county, city, town, or special utility district of the state of Washington, including, but not limited to, sewer or other waste disposal facilities,

arterials, bridges, access roads, port facilities, or water distribution and purification facilities (*WAC 133.40.020(2)*).

- 138. Public Interest** - the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development (*WAC 173-27-030(14)*).

Q

- 139. Qualified^[A24]^[A25] Professional** - a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

R

- 140. Recreational Development** - includes commercial, private and public facilities designed and used to provide recreational opportunities.
- 141. Recreational Use –**
- a. High intensity uses** are those which involve indoor or outdoor activities and athletics which often require a moderate to high level of infrastructure development for structures and equipment as well as high levels of maintenance to support recreational pursuits. Facilities and uses generally support a large number of participants or teams for recreational activities. Sports fields, golf courses, skate parks, and motorized boating are examples of active recreational facilities or use.
 - b. Passive and Low Intensity uses** are those that generally require a low or moderate level of infrastructure development, maintenance and support. These uses and/or associated facilities are compatible with open space and natural resource protection such as wildlife viewing, non-vehicular trails, fishing, canoeing and picnicking.
- 142. Recreational Vehicle** – a vehicle licensed, designed and operated for recreational purposes as temporary living quarters, that has a means of self-propulsion or is readily towable by a car or pickup truck, and is not used as a residence in any one location for extended periods of time (i.e., more than three months).
- 143. Residential Development/Residence** - means a dwelling structure (or structures) that is designed and intended for single-family (or multi-family) occupancy, which has its own housekeeping and kitchen facilities. Hotel, motel, and bed & breakfast businesses are primarily for transient tenancy and are not considered to be

residential development for the purposes of this Program. Residential development includes their normal appurtenances, and the creation of new residential lots through land division.

- 144. Restore, Restoration, Ecological Restoration**— means the activities to reestablish or upgrade impaired ecological processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials.
- 145. Revetment** - a sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead that is a vertical structure.
- 146. Rip-Rap** - is a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.

S

- 147. Setback (Activity, Building, Structure)** – means the distance an activity, building, or structure must be located from the Ordinary High Water Mark, landward or waterward depending on if the use is allowed in the water or on land.
- 148. Shall** - a mandate; the action must be done.
- 149. Shared or Joint-Use Moorage** – are interchangeable terms in this Program. These terms mean moorage constructed and utilized by more than one waterfront property owner or by a homeowner's association that owns waterfront property. Shared moorage includes moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft.

If a shared moorage provides moorage for more than ten slips then it is a marina. If proposed shared moorage includes a swinging boom or davit style hoist, then it shall be reviewed under the provisions as a marina.
- 150. Shorelands or Shoreland Areas** - those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.
- 151. Shoreline Administrator or Administrator** - is the local government official or designee, responsible for administering this Program.
- 152. Shoreline Designations** - the categories of shorelines established by this Program in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.
- 153. Shoreline Functions** – see **Ecological Functions**

- 154. Shorelines Hearings Board (SHB)** – a quasi-judicial body established by the Act to hear appeals by any aggrieved party on the issuance of a substantial development permit, conditional uses, variance or, enforcement penalties. See RCW 90.58.170 and RCW 90.58.190
- 155. Shoreline Jurisdiction** - all "shorelines of the state" and "shorelands" as defined in this Program at Section 2.1 and per RCW 90.58.030.
- 156. Shoreline Master Program or "Program"** - means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020.

As provided in RCW 36.70A.480, the goals and policies of a shoreline master program approved under chapter 90.58 RCW shall be considered an element of the City of Camas' Comprehensive Plan. All other portions of this Program adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the City of Camas' development regulations.

- 157. Shoreline Modifications** – those actions that modify the physical configuration or qualities of the shoreline area, and as defined per WAC 173-26-231 Shoreline Modifications.
- 158. Shoreline Substantial Development Permit** - is the permit required by this Program for uses that are substantial developments in shoreline jurisdiction.
- 159. Shorelines** - means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes. See RCW 90.58.030(2)(d) and WAC 173-18, 173-26 and 173-22.
- 160. Shorelines of Statewide Significance** –a select category of shorelines of the state, defined in RCW 90.58.030(2)(f), where special policies apply.
- 161. Shorelines of the State** – are the total of all “shorelines” and “shorelines of statewide significance” within the state.
- 162. Should** – means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action. (WAC 173-26-020(40)).
- 163. Solid Waste Facility or “Transfer Facility”** - refers to any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

- 164. Speculative fill** – The placement of fill material when there is no development proposed or development permits, which may lead to piecemeal development that is contrary to the policies of this Program, the Act, and CMC.
- 165. Stormwater** - runoff during and following precipitation and snowmelt event, including surface runoff, drainage, and interflow.
- 166. Stream** - a naturally occurring body of periodic or continuously flowing water where the water is contained within a channel (*WAC 173-22-030(8)*).
- 167. Structure**- a permanent or temporary edifice or building or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, *except for vessels* (*WAC 173-27-030(18)*).
- 168. Substantial Development** - "Substantial development" shall mean any development of that the total cost or fair market value exceeds ~~five thousand seven hundred and eighteen dollars (\$5,718)~~seven thousand, forty-seven dollars \$7,047, or as adjusted by the State Office of Financial Management ([Washington State Data Book, Table VT11](#)), or any development that materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3e) and WAC 173-27-040. See also definition of "development" and "exemption".
- 169. Substantially Degrade** - to cause significant ecological impact (*WAC 173-26-020(35)*).
- 170. Subtidal** – any substratum that is constantly submerged.
- 171. Surface Water** - water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

T

- 172. Terrestrial** – of or relating to land as distinct from air and water.
- 173. Transmit** - to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination (*WAC 173-27-030(16)*).
- 174. Transportation Facility** - includes roads, railways, bridges and related structures such as culverts, fills, embankments, causeways, for the purpose of moving people using motorized or non-motorized means of transport.

U

175. **Upland** – generally described as the dry land area above and landward of the OHWM.
176. **Utilities** - services and facilities that produce, convey, store, or process power, water, wastewater, stormwater, gas, communications, oil, and the like. On-site utility features serving a primary use, such as water, sewer, or gas line to a residence, are "accessory utilities" and shall be considered a part of the primary use.

V

177. **Variance** - is a means to grant relief from the specific bulk, dimensional or performance standards set forth in Program and not a means to vary a use of a shoreline. Variance permits must be approved, approved with conditions, or denied by Ecology. See RCW 90.58.160. (*WAC 173-27-030(17)*).
178. **Vegetation Conservation** - includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species (*WAC 173-26-221*).
179. **Vessel** – See “boat”. Includes ships, boats, barges, or any other floating watercraft that are designed and used for navigation and do not interfere with the normal public use of the water (*WAC 173-27*).
180. **View Corridor** - portion of a viewshed, often between structures or along thoroughfares. View corridors may or may not be specifically identified and reserved through development regulations for the purpose of retaining the ability of the public to see a particular object (such as a mountain or body of water) or a landscape within a context that fosters appreciation of its aesthetic value.

W

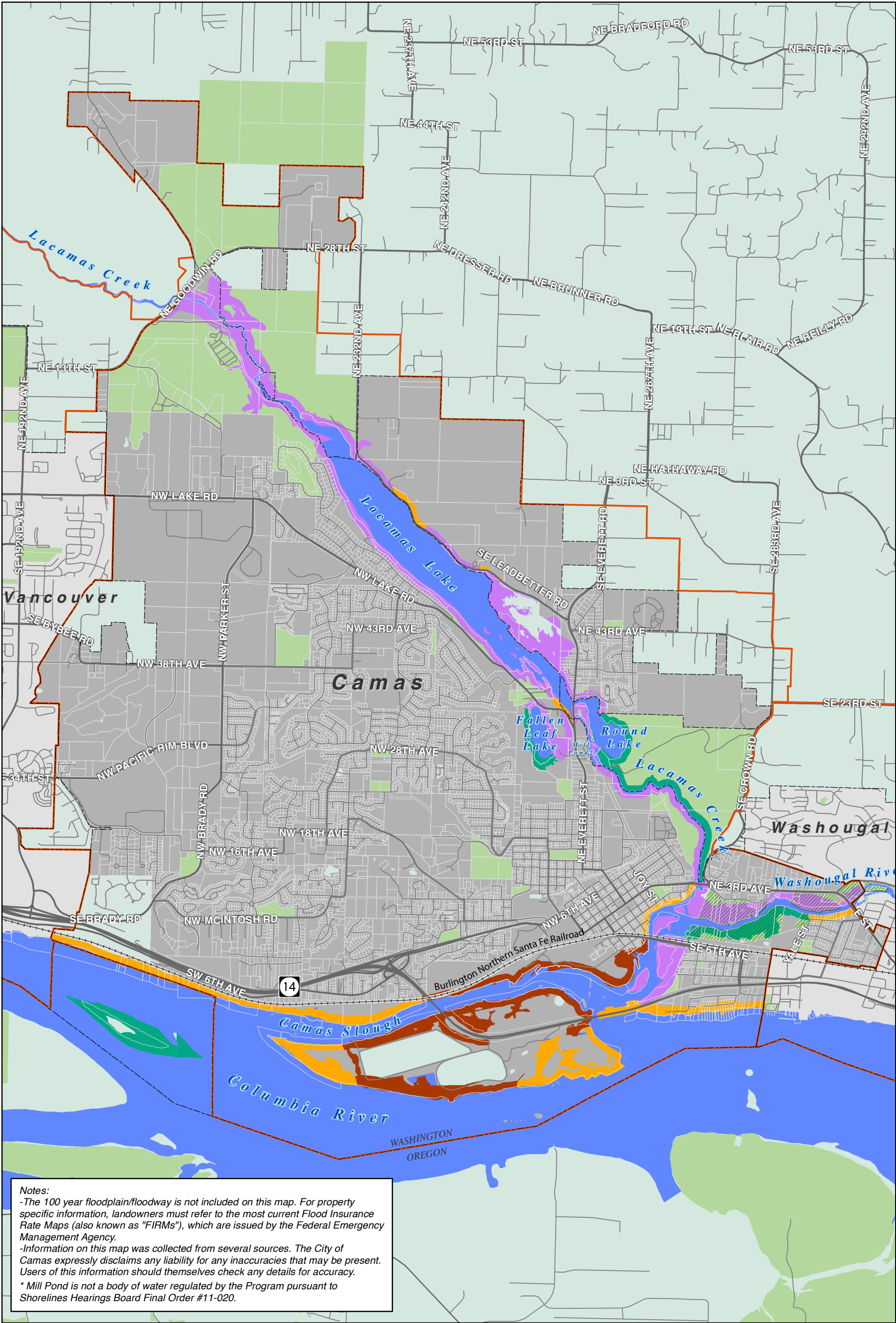
181. **Water-dependent use** - a use or portion of a use that cannot exist in a location which is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Examples include but are not limited to: aquaculture, marinas, or float plane facilities.
182. **Water enjoyment use**- a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and that through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Examples include but are not limited to: aquariums, scientific reserves, parks, and piers.

- 183. Water-oriented use** - a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.
- 184. Water Quality** - the characteristics of water within shoreline jurisdiction, including water quantity, hydrological, chemical, aesthetic, recreation-related, and biological characteristics.
- 185. Water Quantity** - where used in this program, the term refers only to development and uses regulated and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340 (WAC 173-26-020(42)).
- 186. Water-related use-** means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
 - (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods.
- 187. Watershed Restoration Plan** - a plan, developed or sponsored by WDFW, Ecology, DNR, the Washington Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, a special purpose agency such as the Lower Columbia Fish Recovery Board, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.
- 188. Watershed Restoration Project** - a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities (RCW 89.08.460):
- a. A project that involves less than ten miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
 - b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two

hundred square feet in floor area and is located above the ordinary high water mark of the stream.

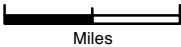
- 189. Weir** - a structure in a stream or river for measuring or regulating stream flow.
- 190. Wetlands** - areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetland created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands WAC 173-22-030(10). See also Appendix C, Chapter 16.53 Wetlands.

Appendix A



Shoreline Designations

- | | | | |
|--|-------------------|--|---------------------------|
| | Natural | | Park / Open Space Area |
| | Urban Conservancy | | City Limits |
| | Medium Intensity | | Urban Growth Areas (2010) |
| | High Intensity | | Washougal River Greenway |
| | Aquatic | | Taxlot Boundary |



**Camas Shoreline
Master Program**
Ord. No. 21-003

Appendix B

APPENDIX B –ADMINISTRATION AND ENFORCEMENT

I. Applicability

- A. All uses and developments within the jurisdiction of the Shoreline Management Act shall be planned and carried out in a manner that is consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required. The reviewing official shall assure compliance with the provisions of this Program for all permits and approvals processed by the city. All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted.
- B. Exemptions to the requirement for substantial development permits are listed in Chapter 2 of this Program and shall be construed narrowly. Only those developments that meet the precise provisions of the listed exemptions may be granted an exemption from the substantial development permit process. An exemption from the substantial development permit process is not an exemption from compliance with this Program or the Act, or from any other regulatory requirements.
- C. The burden of proving that the proposed development is consistent with these criteria in all cases shall be on the applicant.
- D. The city shall not issue any permit for development within shoreline jurisdiction until approval has been granted pursuant to this Program.
- E. A development or use that does not comply with the bulk, dimensional or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.
- F. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

II. Administrative Authority and Responsibility

- A. Shoreline Administrator. The community development director is appointed the city's shoreline administrator (herein after shall be called the "Administrator") of the provisions of this Program and shall have the authority to act upon the following matters:
 - 1. Interpretation, enforcement, and administration of this Program;
 - 2. Issuance of shoreline substantial development permits when not consolidated with conditional use or variance requests;
 - ~~2.3.~~ Modifications or revisions to approved shoreline permits as provided in this Program; and

~~3.4.~~ Requests for statements of exemption.

- B. The Administrator shall document all project review actions in shoreline areas in order to periodically evaluate the cumulative effects of authorized development on shoreline conditions per WAC 173-26-191(2)(a)(iii)-Documentation.
- C. The Administrator shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of Chapter 90.58 RCW and the applicable guidelines.

~~III. Shoreline management review committee--created~~

~~IV. There is created a shoreline management review committee (SMRC), which shall consist of the community development director, who shall be an ex-officio member, the chair of the planning commission, the chair of the parks and recreation commission, and a council person to be appointed by the mayor and confirmed by the council. A chair shall be elected by the committee annually, or as needed. The SMRC shall convene as often as necessary on the call of the Administrator.~~

~~V.III. Committee—Review and decision process~~

- A. ~~At a public meeting, the SMRC~~ The Administrator, or designee shall consider the governing principles of this Program (SMP Section 1.6[A26]), supporting data submitted by the applicant, and written public comments submitted in response to the notice, ~~and the staff report~~. Based upon this and other relevant information, the ~~SMRC~~ Administrator shall evaluate the nature and scope of the project in its relationship with the overall public interest, shall determine the significance of the proposed action and bonding requirements for improvements. ~~The SMRC shall, by majority vote, and,~~ take one of the following actions:
 - a. ~~If the proposal is determined to be of minor significance, it t~~The Administrator may approve or deny issuance of a Shoreline Substantial Development permit. ~~prior to conclusion of the meeting. A written decision (if substantial development) or recommendation (if shoreline variance or conditional use) The final decision~~ is forwarded to Ecology and the Attorney General for filing consistent with the provisions in XI below.
 - a.b. ~~If the proposal requires approval of a Shoreline Variance or Shoreline Conditional Use permit then it will be subject to a public hearing before the hearings examiner. A decision on the recommendation is then forwarded to Ecology and the Attorney General for final permit approval.~~
 - b. ~~If the significance of the project is such that it is likely to involve public concern over the proposed use of the shoreline, it shall refer the application in a written decision to the Hearings Examiner for a public hearing.~~

~~VI.IV. Hearings examiner decision process~~

- A. Report. ~~For all applications referred to the hearings examiner, t~~The Administrator or designee shall prepare a report on all ~~relevant~~ aspects of the proposed development to include relevant SMP regulations, ~~a recommendation from the~~

- ~~SMRC as to whether the permit should be issued~~ and what conditions, if any, should be imposed.
- B. Public Hearing. ~~In the case of developments requiring a public hearing for other permit actions staff will make all reasonable attempts to schedule the public hearings concurrently. If appropriate, the report and recommendation may be incorporated as part of the staff report on other such action, so that the public hearings may be conducted simultaneously.~~ At the public hearing, the hearings examiner shall receive testimony from staff, from the applicant, and from the public.
- C. Local Decision. The hearings examiner may decide either: (1) to approve the application; (2) to deny the application; or (3) to approve the application only if certain specific conditions are met. For conditional use and variance permits, the hearings examiner decision is the local decision, which is final recommendation ~~recommendation on an application, which being is then~~ forwarded to Ecology and the Attorney General for a final decision. The ~~city's~~ hearings examiner issues the final decision ~~for of appeals to~~ substantial development permits when issued by the Administrator.

VII.V. Conditions imposition

In granting a permit, the decision maker may attach thereto such conditions regarding the location, character, and ~~for~~ other features of the proposed structure or use, or regarding their effect upon the shorelines, as it deems necessary to carry out the spirit and purposes of this Program, and the Act, and to be in the public interest. The decision maker, as a condition to granting any permit, may require that the applicant post with the city, as a prerequisite to permit approval, a bond or other security approved as to form by the Administrator.

VIII.VI. Application

- A. Applications for shoreline substantial development permits, conditional use permits or variance permits shall be made to the community development department. The application shall be made by the property owner; lessee, contract purchaser, or other person entitled to possession of the property, or by an authorized agent, and shall be accompanied by a filing fee in such amount as may be set from time to time by resolution of the city council.
- B. The following items are required, in quantities specified by the Administrator, for a complete shoreline substantial development, conditional use, or variance permit application. Items may be waived if, in the judgment of the Administrator, they are not applicable to the proposal.
1. Completed general application form with the applicable application fee.
 2. A current (within thirty days prior to application) mailing list and mailing labels of owners of real property within three hundred (300) feet of the subject parcel, certified ~~as based on and created~~ theby the records of Clark County assessor.
 3. A completed copy of the Joint Aquatics Resource Application (JARPA), if other state and federal permits are required.
 4. A completed State Environmental Policy Act (SEPA) checklist.

5. A complete and detailed narrative that describes the proposed development, existing site conditions, existing buildings, public facilities and services, and other natural features. The narrative shall respond to the applicable Program policies that will be affected by the proposed development or action and how the proposal complies with the regulations of the Program.
6. Vicinity map showing location of the site and water bodies within 300-feet.
7. Site and development plans which provide the following information:
 - a. The location of the ordinary high water mark (OHWM);
 - b. The names of owners of adjacent land and the names of any adjacent subdivisions;
 - c. Names, locations, widths and dimensions of existing and proposed public street rights-of-way, public and private access easements, parks and other open spaces, reservations, and utilities;
 - d. Location, footprint and setbacks of all existing structures on the site with a lineal distance from OHWM;
 - e. Location of sidewalks, street lighting, and street trees;
 - f. Location of proposed building envelopes and accessory structures and the lineal distance from OHWM;
 - g. Location, dimensions and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements;
 - h. Location of any proposed dedications;
 - i. Existing and proposed topography at two-foot contour intervals, extending to five feet beyond the project boundaries;
 - j. Location of any critical areas and critical area buffers, to indicate compliance with all applicable provisions of the critical areas legislation, as required ~~under CMC Title 16~~^[A27] SMP Appendix C;
 - k. Preliminary stormwater plan and report;
 - l. Description, location and size of existing and proposed utilities, storm drainage facilities, and roads; and
 - m. A survey of existing significant trees.
 - n. For properties with slopes of ten percent or greater a preliminary grading plan will be required with the development application that shows:
 - i. Two-foot contours;
 - ii. The proposed development and existing topography;
 - iii. The proposed development with proposed topography; and
 - iv. Total quantities of cut and fill.

~~IX.VII.~~ Notice of application

Generally, within fourteen (14) days of the Administrator finding that the application is complete, the city shall notify the public of the proposal.

- A. Content. Mailed notices and posted signage shall include the following information:
1. The date of application and the date of completeness.
 2. A description of the proposed project action, a list of project permits included in the application, and, if applicable, a list of any studies requested;

3. The identification of other permits not included in the application, to the extent known by the city;
 4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 5. A statement of the limits of the public comment period, which shall be thirty (30) days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in meetings, request a copy of the decision once made, and any appeal rights;
 6. The date, time, and place of the public meeting, if applicable and known;
 7. Any other information determined appropriate by the city.
- B. Sign. For a technically complete application, the applicant shall install a sign on the subject parcel within view of the public-right-of-way. The content of the sign must match that of the required notices.
1. The sign must measure four-foot by eight-foot and attached to the ground with a minimum of two four-inch by four-inch posts or better.
 2. The sign shall be installed remain posted and in reasonable condition until expiration of the public comment period.
 3. The applicant shall provide to the city an affidavit of posting on site.
- C. Mailed. The city will mail a notice of application to all owners of record of the subject property, all owners of real property located within three hundred (300) feet of the subject property based on Clark County GIS records, and to all agencies with jurisdiction per RCW 43.21. The city shall affirm by affidavit that the notices were mailed at least thirty days prior to the public hearing (when applicable) or issuance of the decision if no public hearing is required.~~public meeting.~~
- D. Publishing in local paper. If the application requires a public hearing, notice of the hearing will be published in the local newspaper generally, two weeks prior to the hearing date.
- E. Response/Comment/Parties of Interest. All persons who submit their views or notify the Administrator of interest in the project shall be entitled to receive a copy of the action taken upon the application.

X.VIII. Variances

~~The SMRC or the hearings examiner may to Ecology for final approval regarding~~The purpose of the shoreline variance substantial development permits is strictly limited to granting relief from -which are at variance with-specific bulk, dimensional or performance criteria where, owing to special-extraordinary conditions pertaining to a specific piece of property, the literal interpretation and strict application of the criteria would cause undue and unnecessary hardship or thwart the policies set forth in the Act. Variances shall not be granted from the use regulations of this Program.

- A. A request for a shoreline variance to a development may be authorized when the applicant can demonstrate all of the following:
1. That ~~the~~^{[A28][A29]} strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly

- ~~interferes with, reasonable use of the property; if the applicant complies with the provisions of the Program then they cannot make any reasonable use of the property.~~ The fact that there is the possibility that the property might make a greater profit by using the property in a manner contrary to the intent of the Program is not a sufficient reason for a variance;
2. That the hardship is specifically related to unique conditions of the property (e.g. irregular lot shape, size or natural features) and not, for example, from deed restrictions or the applicant's own actions;
 3. That the design of the project is compatible with the other authorized uses in the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the environment;
 4. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
 - ~~3.5.~~ That the variance requested is the minimum necessary to afford relief;
 - ~~4.1.~~ That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
 - ~~5. That the design of the project will be in harmony with the other authorized uses in the area, and the intent of the Program; and~~
 6. That the public welfare and interest will suffer no substantial detrimental effect. be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied. [A30]
 7. If proposed development is waterward of the OHWM, or within any wetland as defined by RCW 90.58.030(2)(h), it may be authorized provided the applicant can demonstrate all of the criteria of this subsection (1-7) can be met and that then the public rights of navigation and use will not be adversely affected.
- B. If the proposed variance is ~~found to be reasonable~~granted, then ~~SMRC or the~~ hearings examiner shall also include findings in regard to the cumulative impact of additional requests for like actions in the vicinity of the proposed use.
- C. Final approval of variances is the authority of Ecology. The city shall send its decision to Ecology and shall forward that decision pursuant to Appendix B, XII (B and C) of this Program, for Ecology to render Final Approval.

XLIX. Conditional use

- A. For any use activity which may not be compatible with the shoreline environment in which it is proposed, as defined in the Program, a conditional use permit shall be required. The ~~SMRC or the~~ hearings examiner may recommend performance standards to make the use more compatible with other desirable uses within that area. ~~These provisions shall apply only when it can be shown that extraordinary circumstances exist and that the public interest would suffer no substantial detrimental effect.~~ Conditional use [A31] approval may be approved only if the applicant can demonstrate all of the following:
1. The proposed use is consistent with the general intent of the Program, and the policies of the Act (RCW 90.58.020).
 2. The proposed use will not interfere with normal public use of public shorelines;

3. The proposed use of the site and the design of the development will be compatible with the surrounding authorized uses, the Program, and the comprehensive plan;
 - 1.4. The proposed use will cause no significant adverse effects on the shoreline environment or other uses; and
 - ~~1. The use will not interfere with normal public use of public shorelines;~~
 - 2.5. That [A32] the public interest would suffer no substantial detrimental effect;
 3. ~~Design of the use or development will be compatible with the surrounding authorized uses, the Program, and the comprehensive plan; and~~
 - ~~4.1. The proposed use is consistent with the general intent of the Program, and the Act.~~
- B. If the proposed use is found to be compatible, then ~~the SMRC or~~ the hearings examiner shall also include findings in regard to the cumulative impact of additional requests for like actions in the vicinity of the proposed use.
 - C. Uses that are specifically prohibited by this Program may not be authorized as a conditional use. However, if other uses which are not classified or set forth in this Program can demonstrate consistency with the requirements of this Program and this section, then they may be ultimately approved by Ecology.
 - D. Final approval of conditional use permits is the authority of Ecology. The city shall send its decision to Ecology pursuant to Appendix B, XII (B and C) of this Program, for Ecology to render Final Approval.

XII.X. Exemptions

An exemption from a substantial development permit is not an exemption from compliance with this Program, nor any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Program. The burden of proof that the proposed shoreline development is exempt is on the applicant, owner, or lessee of the subject parcel.

- A. If exempt from a substantial development permit, the Administrator shall issue a letter to this effect only if the project requires state or federal permits, or if proposal requires critical area review and approval. In accordance with WAC173-27-050 the letter of exemption will be addressed to the applicant and to the Department of Ecology (Ecology).
- B. No written statement of exemption is required for emergency development.
- C. For any other project within shoreline jurisdiction that does not require other state or federal permits a letter of exemption from the Administrator will not be issued, however the development will be tracked with all other development activities to allow the Administrator to evaluate the cumulative effects of authorized development (See Section II).

XIII.XI. Substantial development [A33] Filing permits with the Department of Ecology-issuance

- A. Notification of final action.
After final local action ~~by the SMRC or the hearings examiner~~, the Administrator shall notify the applicant and ~~to~~ all persons of record. Construction shall not begin and no

building permits shall be issued until conclusion of ~~the Ecology's~~ review period ~~with the Department of Ecology~~ as provided for in this Program. A local decision or recommendation can be appealed within 14 days (a.k.a. "local appeal period"). of the final action.

B. Notification to the Department of Ecology ~~(Ecology)~~.

Any action on an application under authority of this Program, whether it is an approval or denial, shall be mailed by the Administrator ~~soon generally within fourteen (14) days of such action~~ after the conclusion of the local appeal period to Ecology and the attorney general, as required by WAC 173-27-130 and RCW 90.58.140(6). When a Substantial Development Permit and either a Conditional Use or Variance Permit are required for a development, the issuance of the permits shall be made concurrently.

C. The Administrator shall send the following by certified US Post with return receipt to Ecology and the Attorney General:

1. The final decision of the City;
2. The permit data sheet per WAC 173-27-190(Appendix A);
3. A copy of the complete application per WAC 173-27-180;
4. Findings and conclusions as provided in the staff report; and
5. If applicable, the State Environmental Policy Act (SEPA) checklist.

XIV.XII. Permit validity and expiration

A. For a substantial development permit, construction permits (e.g.: building, grading, preliminary site work, or other construction permits) may be issued by the city and authorized to begin after twenty-one (21) days from the date the decision was "filed" with Ecology, and after all review proceedings are terminated. "Date of filing" means the date of actual receipt by the Ecology by evidence of the date on the return receipt, pursuant to ~~Substitute Senate Bill 5192~~ RCW 90.58.140(6).

B. For a conditional use permit or variance, development may commence ~~21 days after upon~~ the date that the decision of Ecology is transmitted to the city or the applicant, pursuant to ~~Substitute Senate Bill 5192~~ RCW 90.58.140(6). The timeframe- for commencing construction accommodates the appeals period to Ecology's decision.

C. Construction may be commenced no sooner than thirty (30) days after the date of the appeal of the State Shorelines Hearings Board (SHB).

D. Expiration.

1. For approved substantial development permits, construction activities must be commenced, or where no construction activities are involved, the use or activity must be commenced within two years of the effective date of the permit.
2. Authorization to conduct construction activities shall terminate five years after the effective date of a substantial development permit.
3. The Administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date. Notice of the proposed extension shall be mailed to Ecology and parties of record.

XV.XIII. Permit revision^[A34]

- A. Where an applicant seeks to revise a substantial development, conditional use or variance permit previously granted, they shall submit to the Administrator detailed plans and a narrative describing the proposed changes, in accordance with the application procedures of this Program. ~~Generally within fourteen (14) days of a complete application, copies of the proposed revisions will be provided to the SMRC, along with any pertinent information including whether~~ The Administrator will ~~considers that a new substantial development permit shall be required, and a request for request~~ comments within twenty-one (21) days of mailing to parties of record of the original permit. Copies of the proposed revisions will also be sent to Ecology, the attorney general, and the latest recorded real property owners within three hundred (300) feet of the boundary of the subject property. Generally, within thirty (30) days after mailing of the application materials, the ~~SMRC shall convene~~ Administrator shall to consider the proposed revisions and written comments ~~thereon and determine if a new substantial development permit, conditional use or variance permit is warranted.~~
- B. If the ~~SMRC-Administrator~~ determines that the proposed changes are within the scope and intent of the original permit, then the ~~SMRC-Administrator~~ may approve the application for a revision. In accordance with WAC173-27-100, the revised substantial development permit is effective immediately upon the issuance of the decision of the SMRC, or if a conditional use permit or variance permit then upon the decision of Ecology.
- C. If the ~~SMRC-Administrator~~ determines that the proposed changes are not within the scope and intent of the original permit, the Administrator ~~SMRC~~ shall deny the revision ~~application, and the applicant must apply for a new permit.~~
- D. "Within the scope and intent of the original permit" means all of the following:
- (1) no additional over-water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less; (2) ground area coverage and height of each structure may be increased a maximum of ten percent from the provisions of the original permit; (3) the revised permit does not authorize development to exceed height, lot coverage, setback or any other applicable requirements of the Program or CMC except as authorized under a variance granted as the original permit or part thereof; (4) additional landscaping is consistent with conditions (if any) attached to the original permit and currently adopted Program; (5) the use authorized pursuant to the original permit is not changed; and (6) no adverse environmental impact will be caused by the project revision.
- E. The revised permit shall be issued generally within fourteen (14) days of the date of the ~~SMRC~~ decision, and the Administrator shall follow the permit issuance procedures of this Program, which includes notification to Ecology, the attorney general consistent with Appendix B, XI, and property owners within three-hundred (300) feet of subject development.

XVI.XIV. Permit rescission

Any substantial development permit may be rescinded by the hearings examiner at a public hearing with adequate notice to the permit holder. The hearings examiner must issue findings, based upon a ~~Staff report from the SMRC~~, that a permittee has not complied with conditions of the permit, and no further development shall be allowed after such rescission, and/or action may be taken against the financial surety if posted as a condition of the permit.

XVII.XV. Permit appeal

- A. Any person aggrieved by a decision of the ~~SMRC Administrator~~ may have such decision reviewed by the hearings examiner by filing an appeal within fourteen (14) working days of the date of the ~~public meeting decision~~. ~~All reviews by the hearings examiner shall be de novo.~~
- B. Any person aggrieved by a decision of the hearings examiner under this Program may seek review from the State Shorelines Hearings Board (SHB) by filing a request for the same with Ecology and the attorney general within twenty-one (21) days of the date of filing of the hearings examiner's decision, as provided for in RCW 90.58.180(1). Copies of the appeal shall likewise be filed with the city attorney and with the Administrator, ~~who will forward copies of the same to members of the SMRC and hearings examiner.~~
- C. The burden of proof shall in all cases be upon the person seeking such review.
- D. Form of Appeal. An appeal shall take the form of a written statement of the alleged reason(s) the decision was in error or specifying the grounds for appeal. The failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal. The following information, accompanied by an appeal fee, shall be submitted to the City Clerk's Office:
 1. An indication of facts that establish the appellant's right to appeal.
 2. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion.
 3. The requested relief from the decision being appealed.
 4. Any other information reasonably necessary to ~~make a decision~~ decide on the appeal.

XVIII.XVI. Civil enforcement

- A. Cease and Desist Order. The city shall have the authority to serve upon any person a cease and desist order if an activity is being undertaken on the shorelines of the city in violation of this Program. The cease and desist order shall set forth and contain:
 1. A description of the specific nature, location, extent and time of violation and the damage or potential damage; and
 2. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this section may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.
 3. The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.

4. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

B. Injunctive Relief. The city attorney shall bring such injunctive, declaratory, or other actions as are necessary ~~to insure that~~ to ensure that no uses are made of the shorelines of the state in conflict with the provisions of the act and this Program, and to otherwise enforce the provisions of the act and the Program.

C. Civil Penalty.

1. Violation. Any person who fails to conform to the terms of a permit issued under this Program, or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the Program, or who fails to comply with a cease and desist order issued under regulations shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.
2. Aiding and Abetting. Any person who, through an act of commission or omission proceeds, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
3. Notice of Penalty. The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service, to the person incurring the same from the city. The notice shall include the content of order specified in subsection A of this section.
4. Remission and Joint Order. Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the city for remission or mitigation of such penalty. Upon receipt of the application, the city may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section by the city shall be subject to review by the city council. In accordance with RCW 90.58.050 and 90.58.210(4), any penalty jointly imposed by the city and the department of ecology shall be appealed to the shorelines hearings board. When a penalty is imposed jointly by the city and the department of ecology, it may be remitted or mitigated only upon such terms as both the city and the department agrees.

D. Property Lien. Any person who fails to pay the prescribed penalty as authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The city attorney shall file such lien against the affected property in the office of the county auditor. In addition to filing the lien with the auditor of the county, a copy of the lien shall be served upon the person indebted by certified mail, return receipt requested. Any such lien may be foreclosed in the manner provided for the foreclosure of mortgages.

E. Mandatory Civil Penalties. Issuance of civil penalties is mandatory in the following instances:

1. The violator has ignored the issuance of an order or notice of violation;
2. The violation causes or contributes to significant environmental damage to shorelines of the state as determined by the city;

3. A person causes, aids or abets in a violation within two years after issuance of a similar regulatory order, notice of violation, or penalty by the city or the department against such person.

F. Minimum Penalties.

1. Regarding all violations that are mandatory penalties, the minimum penalty is two hundred fifty dollars.
2. For all other penalties, the minimum penalty is one hundred dollars.
3. Permits obtained following, rather than prior to, the establishment of a development or use shall be three (3) times the normal amount. This provision is in addition to the enforcement measures contained in this Program.

~~XIX.~~XVII. General criminal penalty

In addition to any civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the act or the Program shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not more than ninety days for each separate offense, or by both such fine and imprisonment; provided, that the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred dollars nor more than ten thousand dollars.

~~XX.~~XVIII. Prohibition on issuance of permits

No building permit, septic tank permit, or other development permit shall be issued for any parcel of land developed or divided in violation of the Program. All purchasers or transferees of property shall comply with provisions of the act and the Program, and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the act or the Program, including any amount reasonably spent as a result of inability to obtain any development permit, and spent to conform to the requirements of the act or the Program, as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to modifying the subject property to these requirements, rescind the sale, transfer, or lease and recover cost of investigation and reasonable attorney's fees occasioned thereby from the violator.

~~XXI.~~XIX. Severability

If any provision of this Program or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Program.

APPENDIX C

CAMAS CRITICAL AREA REGULATIONS³ AND MAPS

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³ The City of Camas critical areas regulations within shoreline jurisdiction are contained within this Appendix. These regulations may only be modified as an amendment to the shoreline master program, in compliance with the Shoreline Management Act (RCW 90.58)(WAC 173-26).

All uses and development activities located within shoreline jurisdiction shall be subject to the following critical areas regulations. These are in addition to the applicable regulations in Chapters 5 and 6 of the Camas Shoreline Master Program (hereinafter referred to as the "Program").

APPENDIX C - CRITICAL AREAS

CHAPTER 16.51 - GENERAL PROVISIONS OF CRITICAL AREAS

16.51.010 - Purpose

- A. The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas, and to protect these areas, their functions and values, while allowing for some reasonable use of property.
- B. The City finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the City of Camas and its residents, and/or may pose a threat to human safety, or to public and private property.
- C. Goals. By managing development and alteration of critical areas, this chapter seeks to:
 - 1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;
 - 2. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters;
 - 3. Direct activities not dependent on critical area resources to less ecologically sensitive sites, and mitigate necessary impacts to critical areas by regulating alterations in and adjacent to critical areas; and
 - 4. Prevent cumulative adverse environmental impacts to critical aquifer recharge and frequently flooded areas.
- D. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act, and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.
- E. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property.
- F. The City's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

16.51.020 - Authority

As provided herein, the director shall mean the community development director or designee. The director is given the authority to interpret and apply, and the responsibility to enforce this chapter to accomplish the stated purpose.

16.51.030 - Relationship to other regulations

A. The regulations in this Appendix shall apply to all of the shorelands and waters within the City of Camas that fall under the jurisdiction of RCW 90.58. Such shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM), floodways and contiguous floodplain areas landward two hundred feet from such floodways, associated wetlands, critical areas with associated buffer areas, river deltas associated with the streams, and lakes and tidal waters that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

B. These critical area regulations shall apply as an overlay and in addition to zoning and other regulations, including the City of Camas Design Standards Manual, adopted by the City.

~~BC.~~ These critical area regulations ~~may be~~ shall be applied concurrently with shoreline permit review conducted under the State Environmental Policy Act (SEPA), ~~or and~~ other development review as adopted.

~~CD.~~ In the event of a conflict with any other provisions of this chapter, that which provides more protection to the critical areas shall apply.

~~DE.~~ Compliance with the provisions of this chapter does not constitute compliance with other federal, state and local regulations and permit requirements that may be required (~~e.g.: for example, shoreline substantial development permits,~~ HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with all requirements, apart from the process established in this chapter.

16.51.040 - Severability

If any clause, sentence, paragraph, section, or part of this chapter, or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof, and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are declared to be severable.

16.51.070 - Critical areas—Regulated

A. Critical areas regulated by this Appendix include wetlands (Appendix C - Chapter 16.53), frequently flooded areas (Appendix C - Chapter 16.57), geologically hazardous areas (Appendix C - Chapter 16.59), and fish and wildlife habitat conservation areas (Appendix C - Chapter 16.61).

B. All areas within the City meeting the definition of one or more critical area, platted natural open space area, and conservation covenant areas, regardless of any formal identification, are designated critical areas and are subject to these provisions.

16.51.080 - Best available science

A. Best Available Science to be Used Must be Consistent with Criteria. The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

B. Absence of Valid Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area, leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the director shall:

1. Limit development and land use activities until the uncertainty is sufficiently resolved; and
2. Require an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:
 - a. Address funding for the research component of the adaptive management program,
 - b. Change course based on the results and interpretation of new information that resolves uncertainties, and
 - c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries.

16.51.090 - Applicability

Land proposals below are subject to the criteria, guidelines, report requirements, conditions, and performance standards in Appendix C - Chapters 16.51 through 16.61:

- A. Binding site plan;
- B. Blasting permits;
- C. Commercial development;
- D. Conditional use permit;
- E. Light industrial or industrial development;
- F. Planned residential development;
- G. Short plat;
- H. Subdivision;
- I. Shoreline substantial development permit, shoreline conditional use permit, and shoreline variance permit;
- J. Unclassified use;
- K. Any grading, filling, or clearing of land, or logging or removal of timber on land characterized in a critical area described in Appendix C - Section 16.51.070(A); and
- L. Other activities as specified within Appendix C - Chapters 16.51 through 16.61

16.51.100 - Exemptions

A. Exempt Activities. The following developments, activities, and associated uses shall be exempt from the provisions of this title; provided, that they are otherwise consistent with the provisions of other local, state and federal laws and requirements:

1. Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of these provisions.

An emergency response shall utilize reasonable methods to address the emergency considering the applicable critical area(s); in addition, they must have the least possible impact to the critical area or its management zone. The person or agency undertaking such action shall notify the City within four days following commencement of the emergency activity. If the director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement will commence;

2. After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and management zones resulting from the emergency action in accordance with an approved critical area report and mitigation plan. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner;

3. Operation, Maintenance or Repair. Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems that do not further alter or increase the impact to, or encroach further within, the critical area or management;

4. Passive Outdoor Activities: education activities; scientific research that does not degrade the critical area; and low-impact recreation including fishing, hiking, and bird watching. Trails must be constructed pursuant to Appendix C - Section 16.51.110(C)(4); and

5. Forest Practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, and those that are exempt from City of Camas' jurisdiction, provided that forest practice conversions are not exempt.

B. Exempt Activities Shall Avoid Impacts to Critical Areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from these provisions does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

16.51.110 - Allowed activities

A. Critical Area Report not Required. Activities which have been reviewed and permitted or approved by the City, or other agency with jurisdiction, for impacts to

critical or sensitive areas, do not require submittal of a new critical area report or application under this chapter, unless such submittal was required previously for the underlying permit.

B. Required Use of Best Management Practices. All allowed activities shall be conducted using the best management practices, adopted pursuant to other provisions contained in this code, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The City shall monitor the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

C. Allowed Activities. The following activities are allowed:

1. Permit Requests Subsequent to Previous Critical Area Review.

Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits) and construction approvals (such as building permits) if all of the following conditions have been met:

- a. There have been no material changes in the potential impact to the critical area or management zone since the prior review,
- b. There is no new information available that is applicable to any critical area review of the site or particular critical area,
- c. The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval, and
- d. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured;

2. Modification to Existing Structures. Structural modifications, additions to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or management zone, and where there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion;

3. Activities Within the Improved Right-of-Way. Replacement, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a City-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater;

4. Public and Private Pedestrian Trails.

- a. Existing public and private trails established consistent with the City of Camas parks and open space plan may be maintained, replaced, or extended, provided there is no increase in the impact to the critical area or management zone.

- b. Other public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their management zones, subject to the following:
 - i. The trail surface shall meet all other requirements including water quality standards set forth in the City of Camas Design Standards Manual,
 - ii. Critical area and/or management zone widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas, and
 - iii. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion, and in accordance with an approved geotechnical report;
5. Selective Vegetation Removal Activities^[A35]. The following vegetation removal activities are allowed without a permit:
- a. The removal of invasive plant species including Himalayan blackberry (*Rubus discolor* , *R. procerus*), Evergreen blackberry (*Rubus laciniatus*), English Ivy as well as any other noxious weed or invasive plant species acknowledged by the city;
 - b. Invasive plant removal must be performed with hand labor and light equipment (e.g., push mowers, powered trimmers, etc.);
 - c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; Chapter 76.09 RCW, and ~~Camas– Washougal~~ Fire ^[A36] department requirements; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan;
 - d. Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency; ^[7]
 - e. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and
 - f. Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.
~~; provided that no vegetation shall be removed from a critical area or its management zone without approval from the director, are allowed:~~
 - a. ~~The removal of invasive plant species including Himalayan blackberry (*Rubus discolor* , *R. procerus*), Evergreen blackberry (*Rubus laciniatus*), English Ivy as well as any other noxious weed or invasive plant species acknowledged by the City, with hand labor and light equipment (e.g., push mowers, powered trimmers, etc.);~~
 - b. ~~The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and management zones, provided that:~~
 - i. ~~The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees;~~

- ~~ii. Tree cutting shall be limited to limbing and crown thinning, unless otherwise justified by a qualified professional. Where limbing or crown thinning is not sufficient to address the hazard, trees should be topped to remove the hazard rather than cut at or near the base of the tree;~~
- ~~iii. The landowner shall replace any trees that are felled or topped with new trees at a ratio of two replacement trees for each tree felled or topped within one year in accordance with an approved restoration plan. Tree species that are native and indigenous to the site and a minimum caliper of two inches shall be used;~~
- ~~iv. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts, and~~
- ~~v. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation, may be removed or topped by the landowner prior to receiving written approval from the City; provided, that within fourteen days following such action, the landowner shall submit a restoration plan that demonstrates compliance with these provisions;~~
- ~~e. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; Chapter 76.09 RCW, and Camas fire department requirements; provided, that the removed vegetation shall be replaced in kind or with similar native species within one year in accordance with an approved restoration plan;~~
- ~~6. Chemical Applications. The application of herbicides, pesticides, organic or mineral derived fertilizers, or other hazardous substances, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency;*~~
- ~~7. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and~~
- ~~8. Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers are allowed.~~

* More information on commercial and residential use of chemicals can be found in Department of Ecology "Critical Aquifer Recharge Areas: Guidance Document," Publication #05-10-028.

16.51.125 – Vegetation removal permit^{A371}

A. Vegetation and tree removal from a critical area or its management zone must be approved by the director. An application must include the following information:

1. The applicant must submit a report from a certified arborist or professional forester that documents the hazard and provides a pruning plan or replanting plan for the replacement trees and vegetation. Report must be prepared by a professional unaffiliated with the company proposing to remove the tree(s).
2. Tree pruning is preferred over felling. Pruning includes the removal of a hazardous branch; crown thinning or crown reduction. When pruning is insufficient to address the hazard, then trees should be removed as justified by a qualified professional.

- a. Tree topping is prohibited. Topping is the cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role.
- b. Reduction. Reduction reduces the size of a tree, often for utility line clearance. Reducing a tree's spread is best accomplished by pruning back the leaders and branch terminals to secondary branches that are large enough to assume the terminal roles. Compared to topping, reduction helps maintain the form and structural integrity of the tree.
- c. Crown cleaning and thinning. Proper pruning opens the foliage of a tree, reduces weight on heavy limbs, removes dead branches, and helps retain the tree's natural shape and height.

B. Mitigation Required. The landowner shall replace trees that are felled with new trees at a ratio of two replacement trees for each tree felled within one year in accordance with an approved restoration plan.

- 1. Tree species that are native and indigenous [A38] to the site and a minimum caliper of two inches shall be used.
- 2. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts.

C. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation, may be removed by the landowner prior to receiving written approval from the city; provided, that within fourteen days following such action, the landowner shall submit a proof of hazard (e.g. photos) together with a restoration plan that demonstrates compliance with these provisions.

16.51.120-130 - Review required

Mapping. The approximate location and extent of critical areas are shown on the adopted critical area maps. These maps are to be used as a guide for the City, project applicants, and/or property owners, and may be continually updated as new critical areas are identified. They are a reference and do not provide a final critical area designation or delineation. If the proposed activity is within, adjacent to, or is likely to impact a critical area, the City shall require a critical area report from the applicant that has been prepared by a qualified professional. If the report concludes that there is a critical area present then the City of Camas shall:

- A. Review and evaluate the critical area report;
- B. Determine whether the development proposal conforms to the purposes and performance standards of these provisions;
- C. Assess potential impacts to the critical area and determine if they are necessary and unavoidable; and
- D. Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of these provisions.

16.51.130-140 - Critical area reporting evaluation—Requirements

- A. Incorporating Best Available Science. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and the likelihood of all probable adverse impacts to critical areas in accordance with these provisions.
- B. Minimum Report Contents. At a minimum, the report shall contain the following:
1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
 2. A copy of the site plan for the development proposal showing identified critical areas, management zones, property lines, limits of any areas to be cleared, and a description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
 3. The dates, names, and qualifications of the persons preparing the report, and documentation of any fieldwork performed on the site;
 4. Identification and characterization of critical areas, wetlands, water bodies, and management zones within the proposed project area;
 5. A description of reasonable efforts made to avoid, minimize, and mitigate impacts to critical areas;
 6. A proposal for financial guarantees to ensure compliance; and
 7. Any additional information required for the critical area, as specified in the corresponding chapter.
- C. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations, or previously prepared for and applicable to the development proposal site, as approved by the director.

16.51.140-150 - Critical area report—Modifications to requirements

- A. Limitations to Study Area. The director may limit or extend the required geographic area of the critical area report as deemed appropriate, so long as it is within the proposed site.
- B. Modifications to Required Contents. The applicant may consult with the director prior to or during preparation of the critical area report to obtain City written approval for modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the probable critical area impacts and required mitigation.
- C. Additional Information May be Required. The director may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with these provisions. Additional information that may be required, includes, but is not limited to:
1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
 2. Grading and drainage plans; and
 3. Information specific to the type, location, and nature of the critical area.

16.51.150-160 - Mitigation requirements

- A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in these provisions, if alteration to the critical area is necessary, all adverse impacts to or from critical areas and management zones resulting from a development proposal or alteration shall be mitigated in accordance with an approved critical area report and SEPA documents.
- B. Mitigation should be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.
- C. Mitigation shall only be implemented after City approval of a critical area report that includes a mitigation plan; and mitigation shall be in accordance with the provisions of the approved critical area report.

16.51.160-170 - Mitigation sequencing.

Applicants shall demonstrate that reasonable efforts have been examined with the intent to mitigate impacts to critical areas. When an alteration to a critical area is proposed, mitigation can be accomplished through a variety of methods. Generally, avoiding the impact altogether is the preferred option. Methods to reduce impacts and mitigate for them should follow a series of steps taken in sequential order:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action (usually by either finding another site or changing the location on the site);
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project design, developable area configuration, relocation, or timing, to avoid or reduce impacts;
- C. Rectifying the impact to critical areas by repairing, rehabilitating, or restoring the affected environment;
- D. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- E. Compensating for the impact to critical areas by replacing, enhancing, or providing substitute resources or environments; and
- F. Monitoring the impact or other required mitigation and taking remedial action when necessary;

In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

16.51.170-180 - Mitigation plan requirements

When mitigation is required, the applicant shall submit to the City a mitigation plan as part of the critical area report. The mitigation plan shall include:

- A. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:
1. A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and
 2. An analysis of the likelihood of success of the mitigation project.
- B. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained, and whether or not the requirements of these provisions have been met.
- C. Detailed Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, including but not limited to, the proposed construction sequence, timing and duration; grading and excavation details; erosion and sediment control features; a planting plan specifying plant species, quantities, locations, size, spacing and density; and, measures to protect and maintain plants until established. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
- D. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, and five after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.
- E. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- F. Financial Guarantees. The mitigation plan shall include financial guarantees, as determined by the approval authority, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted consistent with these provisions.

16.51.180-190 - Innovative mitigation

The City may encourage, facilitate, and approve innovative mitigation projects. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization

with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

- A. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
- B. The group demonstrates the organizational and fiscal capability to act cooperatively;
- C. The group demonstrates that long-term management of the habitat area will be provided;
- D. There is a clear potential for success of the proposed mitigation at the identified mitigation site; and
- E. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios.

16.51.190-200 - Unauthorized critical area alterations and enforcement

A. When a critical area or its management zone has been altered in violation of these provisions, all ongoing development work shall stop and the critical area shall be restored. The City shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of these provisions.

B. Restoration Plan Required. Where a violation has occurred, all development work shall remain stopped until a restoration plan is submitted by the property owner and/or violator (applicant) and approved by the City. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the intent of requirements described in subsection C of this section. The director may, at the applicant's expense, seek expert advice in determining the adequacy of the plan and may impose additional requirements to mitigate critical areas issues.

C. Minimum Performance Standards for Restoration.

1. For alterations to critical aquifer recharge areas and frequently flooded areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

- a. The historic structural and functional values shall be restored, including water quality and habitat functions;
- b. The historic soil types and configuration shall be replicated;
- c. The critical area and management zones shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and
- d. The historic functions and values should be replicated at the location of the alteration.

- e. Ann[A39]ual monitoring reports shall be sent to the planning division regarding the success of the required mitigation for a period of five years following the installation of the mitigation. Corrective measures shall be taken if monitoring indicates that the performance standards are not being met.
2. For alterations to frequently flooded and geological hazardous areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
- a. The hazard shall be reduced to a level equal to, or less than, the predevelopment hazard;
 - b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
 - c. The hazard area and management zones shall be replanted with native vegetation sufficient to minimize the hazard.
 - d. A[A40]nnual monitoring reports regarding the success of the required mitigation for a period of five years following the installation of the mitigation shall be sent to the planning division. Corrective measures shall be taken if monitoring indicates that the performance standards are not being met.
3. A person who, without authority, removes any tree within a critical area and associated buffer area, shall be guilty of a non-traffic civil infraction, punishable by a fine of not more than the amounts set forth in Camas Municipal Code, Section 3.54.020. Each unlawfully removed tree shall constitute a separate infraction. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of this section. Any commissioned police officer of the City of Camas or the City's Code Compliance Officer may issue infractions pursuant to this chapter. In addition, the violator must plant new trees at a ratio of two replacement trees for each tree felled, within one year in accordance with an approved plan.

D. Enforcement.

1. Any person, firm, or corporation who knowingly violated or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if convicted such offense shall be subject to a fine not to exceed \$1,000 or by imprisonment not to exceed ninety days, or by both such fine and imprisonment.
2. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. A person, firm, or corporation found to have committed a civil infraction shall be assessed a fine of not more than the amounts set forth in Camas Municipal Code, Section 3.54.020. Each unlawfully removed tree shall constitute a separate

infraction. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of this section. Each day that a violation of the requirements of this chapter continues shall constitute a separate infraction. Any commissioned police officer of the City of Camas or the City's Code Compliance Officer may issue infractions pursuant to this chapter.

~~D.— Enforcement. Violations and compliance issues under these provisions are subject to enforcement under CMC Chapter 18.55~~

16.51.200-210 - Critical area markers, signs and fencing

A. Temporary Markers. The outer perimeter of the management zones and/or critical areas may be required to be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and verified by the director prior to the commencement of permitted activities. This temporary marking, if required, shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place.

B. Permanent Signs. The City may require, as a condition of any permit or authorization issued pursuant to this chapter, that the applicant install permanent signs along the boundary of a critical area or management zone to City standards.

C. Fencing. Installation [A41] of a permanent fence at the edge of the habitat conservation area or management zone is required.

1. Fencing may be waived in the following circumstances:

- a. The applicant demonstrates that fencing will not prevent future impacts to the critical area or buffer.
- b. The director determines that a proposed use adjoining the buffer does not pose a threat to the critical area and buffer functions, or there is a public safety issue.

2. Fencing installed as part of a proposed activity shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed forty-two inches high and in a manner that minimizes habitat impacts. Approved fencing styles include: vinyl-coated chain link, wooden split rail, or similar, as approved by the city.

~~1.— The director may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence to City specifications at the edge of the habitat conservation area or management zone, when, in the opinion of the City, fencing will reasonably minimize or prevent future impacts to the habitat conservation area.~~

~~2.— Fencing installed as part of a proposed activity, or as required in this subsection, shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.~~

16.51.210-220 - Notice on title

A. The proponent of any new development proposal which involves a critical area or management zone may be required to file a notice with the Clark County recording division of the county auditor's office. The notice, if required, shall state the presence of

the critical area or management zone on the property, of the application of these provisions to the property, and the fact that limitations on actions in or affecting the critical area or management zone may exist. The notice shall run with the land.

B. This notice on title shall not be required for a development proposal by a public agency, or public or private utility:

1. Within a recorded easement or right-of-way;
2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
3. On the site of a permanent public facility.

C. The applicant shall submit proof that the notice has been filed for public record before the City approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.

16.51.~~220~~230 - Critical area protective mechanism

A. Identified critical areas and their associated buffer or management zones shall be protected and preserved through a permanent protective mechanism acceptable to the City. This may include placing the critical area and its associated buffer or management zone in a separate tract; executing a protective easement; or dedicating the critical area and its associated buffer or management zone to a public agency, or public or private land trust. The mechanism shall provide for maintenance of the critical area and its associated buffer or management zone.

B. If the protective mechanism includes placing the critical area and its associated buffer or management zone in a separate tract, then the critical area tract(s) shall:

1. Be recorded on all documents of title of record for all affected lots;
2. Be designated on the face of the plat or recorded drawing in a format approved by the City. The designation shall include the following restriction:
 - a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, management zoning, and protecting plants and animal habitat; and
 - b. The right of the City to enforce the terms of the restriction.

C. The City may require that any required critical area tract be dedicated to the City, or held by an incorporated homeowner's association or other legal entity.

16.51.~~230~~240 - Bonds to ensure mitigation, maintenance, and monitoring

A. When mitigation required pursuant to a development proposal is not completed prior to the City final permit approval, such as final plat approval, the City shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the City. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the City to ensure mitigation is fully functional.

B. The bond shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions, or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.

C. The bond may be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the City Attorney.

D. Bonds or other security authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met.

E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

F. Public development proposals may be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due, or comply with other provisions of an approved mitigation plan, shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.

H. Any funds recovered pursuant to this section shall be used to complete the required mitigation.

CHAPTER 16.53 - WETLANDS

16.53.010 - Purpose, applicability and exemptions

A. Purpose.

1. Wetlands constitute important natural resources which provide significant environmental functions including: the control of floodwaters, maintenance of summer stream flows, filtration of pollutants, recharge of ground water, and provision of significant habitat areas for fish and wildlife. Uncontrolled urban-density development in and adjacent to wetlands and designated buffers can eliminate or significantly reduce the ability of wetlands to provide these important functions, thereby detrimentally affecting public health, safety, and general welfare.

2. It is the purpose of this chapter to provide balanced wetland protection measures which:

- a. Further the goal of no net loss of wetland acreage and functions;
- b. Encourage restoration and enhancement of degraded and low quality wetlands;
- c. Provide a greater level of protection for higher-quality wetlands;
- d. Maintain consistency with federal and state wetland protective measures; and
- e. Respect the rights of property owners by allowing reasonable use of property.

B. Applicability.

1. The provisions of this chapter apply to all lands, all land uses and development activity, and all structures and facilities in the City, whether or not a permit or permit authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. No person, company, agency, or applicant shall alter a wetland or wetland buffer except as consistent with this chapter.

2. The City will not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a wetland or wetland buffer, without first ensuring compliance with the requirements of this chapter, including, but not limited to, the following development permits:

- a. Building permit;
- b. Grading permit;
- c. Forest practices conversion permit;
- d. Conditional use permit;

- e. Shoreline conditional use permit;
 - f. Shoreline substantial development permit;
 - g. Shoreline variance;
 - h. Short subdivision;
 - i. Subdivision;
 - j. Planned residential development;
 - k. Master plan;
 - l. Binding site plan; or
 - m. Site plan or site plan review.
- C. Exemptions.
1. Exempt Activities and Impacts to Wetlands. All exempted activities shall use reasonable methods to avoid potential impacts to wetlands and buffers. Exemptions from permits are not exemptions from wetland stewardship responsibilities. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter; provided that they are otherwise consistent with the provisions of this Program, other local, state, and federal laws and requirements:
- a. Reconstruction of damaged or destroyed structures within the same building footprint. Expansion or reconstruction within a new or expanded footprint that affects a nonexempt wetland or wetland buffer is subject to the provisions of this title.
 - b. The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.
 - c. Existing agricultural activities and structures:
 - i. Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands not associated with a riparian corridor are exempt from regulation under this chapter,
 - ii. Changes in agricultural practices within the same "footprint" as the existing agricultural activities in subsection (C)(1)(c)(i) of this section, including reconstruction of existing agricultural structures, or construction of new agricultural structures, are exempt from regulation under this chapter,
 - iii. Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands associated with riparian corridors shall be regulated through Appendix C -Chapter 16.61
 - d. The removal or eradication of noxious weeds or other exotic nuisance plants including nonnative blackberries; provided, that ground disturbing

heavy machinery (scraping, ripping, etc.,) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed.

e. Site investigative work necessary for land use application submittals such as surveys, soil logs, and percolation tests.

f. Emergency clearing to abate immediate danger to persons or property. For emergency clearing of hazard trees, remove only that portion of the hazard tree as necessary to remediate the hazard.

g. Clearing necessary for the emergency repair of utility or public facilities. Notification of emergency work that causes substantial degradation to functions and values must be reported in a timely manner.

h. 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 wetland or wetland buffer.

i. Clearing, as minimally necessary, for placement of fencing, private wells, septic systems, or individual lot sewer, water, electrical, or utility connections in wetland buffers, where practical alternatives do not exist.

j. Clearing, as minimally necessary, for stream bank restoration, for native replanting, or enhancements in wetlands and wetland buffers.

k. Clearing, as minimally necessary, for soil, water, vegetation, and resource conservation projects having received an environmental permit from a public agency in wetlands and wetland buffers.

l. Clearing, as minimally necessary, for creating a four-foot or narrower path using natural, wood-based, or vegetated pervious surfacing in wetlands and wetland buffers.

m. Land disturbance in wetlands and wetland buffers cumulatively less than five cubic yards in volume and three hundred square feet in area; provided, that the wetland hydroperiod is not significantly affected.

2. Exempted Wetlands within shoreline jurisdiction. This chapter shall not apply to artificial wetlands. Wetlands intentionally 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, and landscape amenities; provided, that wetlands created as mitigation shall not be exempted.

D. Interpretation.

1. This chapter shall apply in addition to zoning and other regulations adopted by the City.

2. When there is a conflict between any provisions of this chapter or any other regulations adopted by the City of Camas, that providing the most protection to affected critical areas shall apply.
3. Compliance with this chapter does not constitute compliance with other federal, state and local regulations and permit requirements (for example, shoreline substantial development permits, hydraulic project approval (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollutant Discharge Elimination System (NPDES) permits, or DOE Section 401 Water Quality Certification). The applicant is responsible for complying with all requirements, apart from the provisions of this chapter.

16.53.020 - Rating system

A. Designating Wetlands. Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the City of Camas meeting the wetland designation criteria in the approved federal wetland delineation manual and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

B. Wetland Rating System. Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system found in Washington State Wetlands Rating System for Western Washington-2014 Update, (Revised, Ecology publication No. 14-06-029, October 2014) or most current edition. 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 those that meet one or more of the following criteria:
 - i. Wetlands that are identified by scientists of the Washington Natural Heritage Program, Department of Natural Resources (DNR) as wetlands with high conservation value;
 - ii. Bogs;
 - iii. Mature and old growth forested wetlands larger than one acre;
 - iv. Wetlands that perform many functions well, as indicated by scoring twenty-three points or more in the rating system.

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 those with a moderately high level of functions, as indicated by scoring between twenty and twenty-two points in the Ecology rating system.

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 those with a moderate level of functions, as indicated by scoring between sixteen and nineteen points in the Ecology rating system. Generally, wetlands in this category have been disturbed in some way 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 fewer than sixteen points in the rating system. 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 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.

16.53.030 - Critical area report—Additional requirements for wetlands

A. Prepared by a Qualified Professional. A critical areas report for wetlands shall be prepared by a qualified professional who is a wetland biologist with experience preparing wetland reports.

B. Area Addressed in Critical Area Report. In addition to the requirements of Appendix C - Chapter 16.51, the following areas shall be addressed in a critical area report for wetlands:

1. Within a subject parcel or parcels, the project area of the proposed activity;
2. All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;
3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area within the subject parcel or parcels;
4. The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity; and

5. Written documentation from the qualified professional demonstrating compliance with the requirements of this chapter.
- C. Wetland Determination. In conjunction with the submittal of a development permit application, the responsible official shall determine the probable existence of a wetland on the subject parcel. If wetland or wetland buffers are found to be likely to exist on the parcel, wetland delineation is required.
- D. Wetland Delineation
 1. Methodology. Wetland Delineation shall be determined in accordance with the approved federal wetland delineation manual and applicable regional supplements.
 2. Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the department. The report shall include the following information:
 - a. USGS quadrangle map with site clearly defined;
 - b. Topographic map of area;
 - c. National wetland inventory map showing site;
 - d. Soil conservation service soils map showing site;
 - e. Site map, at a scale no smaller than one inch equals one hundred feet (a scaling ratio of one is to one thousand two hundred), if practical, showing the following information:
 - i. Wetland boundaries,
 - ii. Sample sites and sample transects,
 - iii. Boundaries of forested areas,
 - iv. Boundaries of wetland classes if multiple classes exist;
 - f. Discussion of methods and results with special emphasis on technique used from the approved federal wetlands delineation manual and applicable regional supplements;
 - g. Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design;
 - h. All completed field data sheets per the approved federal wetlands delineation manual and applicable regional supplements, numbered to correspond to each sample site.
- E. Wetland Analysis. In addition to the minimum required contents of subsection D of this section, and in addition to Section 16.51.140, a critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:

1. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
2. Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
 - a. Existing and proposed wetland acreage;
 - b. Vegetative, faunal, and hydrologic conditions;
 - c. Relationship within watershed, and to existing water bodies;
 - d. Soil and substrate conditions, topographic elevations;
 - e. Existing and proposed adjacent site conditions;
 - f. Required wetland buffers; and
 - g. Property ownership.
3. A discussion of ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.

When deemed appropriate, the director may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert regarding the applicant's analysis, and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

16.53.040 - Standards

- A. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this chapter.
- B. Wetland 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 determined in consultation with Ecology.
 2. Buffer widths are established by comparing the wetland rating category and the intensity of land uses proposed on development sites per Tables 16.53.040-1, 16.53.040-2, 16.53.040-3 and 16.53.040-4. For Category IV wetlands, the required water quality buffers, per Table 16.53.040-1, are adequate to protect habitat functions.

Table 16.53.040-1. Buffers Required to Protect Water Quality Functions

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
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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 16.53.040-2. 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
4 points or less	See Table 16.53.040-1	See Table 16.53.040-1	See Table 16.53.040-1
5	70	105	140
6	90	135	180
7	110	165	220
8	130	195	260
9 points or greater	150	225	300

Table 16.53.040-3 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
4 points or less	See Table 16.53.040-1	See Table 16.53.040-1	See Table 16.53.040-1
5	60	90	120
6	65	100	135
7	75	110	150
8	130	195	260
9	150	225	300

Table 16.53.040-4 Land Use Intensity Matrix¹

	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial / Industrial	Residential ²
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated	Underground and overhead utility lines, manholes, power poles	NA	Density at or lower than 1 unit per 5 acres

	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial / Industrial	Residential²
			detention basins, overflows	(without footings)		
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
High	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing	Public and private streets, security fencing, retaining walls	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.	All site development	Density higher than 1 unit per acre

¹ The responsible official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 16.53.060-4.

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

3. Where a residential plats and subdivisions is proposed within shoreline jurisdiction, wetlands and wetland buffers shall be placed within a non-buildable tract unless creation of a tract would result in violation of minimum lot depth standards.
4. Adjusted Buffer Width in shoreline jurisdiction.
 - a. Adjustments Authorized by Wetland Permits. Adjustments to the required buffer width are authorized by Section 16.53.050(~~DC~~A421) of this section 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:
 - i. Preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter;
 - ii. Distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater than five points shall not be subject to the habitat function buffers

designated in Tables 16.53.040-2 and 16.53.040-3 if all of the following criteria are met:

- (A) The area of reduced habitat function is at least one acre in size,
- (C) The area does not meet any WDFW priority habitat or species criteria, and
- (D) The required habitat function buffer is provided for all portions of the wetland that do not have reduced habitat function.
- (E) The buffer reduction afforded by this subsection shall not exceed 75% of the required buffer width of Category I and II wetlands.

C. Standard Requirements. Any action granting or approving a development permit application shall be conditioned on all the following:

1. Marking Buffer During Construction. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of the permit.
2. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer as approved by the responsible official, and worded substantially as follows:

Wetland and Buffer—Retain in a natural state.

3. A conservation covenant shall be recorded in a form approved by the City as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.
4. In the case of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer, and a reference to the separately recorded conservation covenant provided for in subsection (C)(3) of this section.

D. Standard Requirements—Waivers. The responsible official shall waive the requirements of Section 16.53.030(D) and subsection ~~B~~^[A43]“C” of this section in certain cases described below if the applicant designates development envelopes which are clearly outside of any wetland or buffer. The responsible official may require partial wetland delineation to the extent necessary to ensure eligibility for this waiver:

1. Residential building permits and home businesses;

2. Site plan reviews where the responsible official determines that all development is clearly separated from the wetlands and wetland buffers:
 - a. Development envelopes shall be required for a fully complete preliminary application,
 - b. Development envelopes shall be shown on the final site plan, and
 - c. A note referencing the development envelopes shall be placed on the final site plan.

16.53.050 - Wetland permits

- A. General.
 1. A wetland permit is required for any development activity that is not exempt pursuant to Section 16.53.010(C) within wetlands and wetland buffers.
 2. Standards for wetland permits are provided in subsections B, C and D of this section.
 3. All wetland permits require approval of a preliminary and final enhancement/mitigation plan in accordance with the provisions of subsection E of this section unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of subsection (E)(2) of this section.
 4. Wetland permit application, processing, preliminary approval, and final approval procedures are set out in subsections F through I of this section.
 5. Provisions for programmatic permits are provided by subsection K of this section.
 6. Provisions for emergency wetland permits are provided by subsection L of this section.
- B. Standards—General. Wetland permit applications shall be based upon a mitigation plan and shall satisfy the following general requirements:
 1. The proposed activity shall not cause significant degradation of wetland functions;
 2. The proposed activity shall comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal.
- C. Buffer Standards and Authorized Activities. The following additional standards apply for regulated activities in a wetland buffer to ensure no net loss of ecological functions and values:
 1. Buffer Reduction Incentives. Standard buffer widths may be reduced under the following conditions, provided that functions of the post-project wetland are equal to or greater after use of these incentives.
 - a. Lower Impact Land Uses. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts if both of the following criteria are met:
 - i. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other

priority habitats that are present as defined by the Washington State Department of Fish and Wildlife*; and

- ii. ~~Measures~~ All [A44] applicable measures to minimize the impacts of the land use adjacent to the wetlands are applied, such as infiltration of stormwater, retention of as much native vegetation and soils as possible, direction of noise and light away from the wetland, and other measures that may be suggested by a qualified wetland professional.

Table 16.5053.050 -1

Disturbance	Measures to Minimize Impacts to Reduce Buffers per 16.53.050-C(1)(a)
<u>Lights</u>	• <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u> • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150 feet of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)</u>
<u>Change in water regime</u>	• <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> • <u>Use privacy fencing and plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u> • <u>Place wetland and its buffer in a separate tract and protect with a conservation easement</u>
<u>Dust</u>	• <u>Use best management practices to control dust</u>

- b. Restoration. Buffer widths may be reduced up to twenty-five percent if the buffer is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project wetland and buffer are equal or greater. To the extent possible, restoration should provide a vegetated corridor of a minimum one hundred feet wide between the wetland and any other priority habitat areas as defined by the Washington State Department of Fish and Wildlife. 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. The restoration plan must meet requirements in subsection D of this section for a mitigation plan, and this section for a critical area report.

- c. Combined Reductions. Buffer width reductions allowed under subsections (C)(1)(a) and (C)(1)(b) of this section may be added provided that minimum buffer widths shall never be less than seventy-five percent of required buffer width for all Categories I and II, or less than fifty feet for Category III wetlands, and twenty-five feet for all Category IV wetlands.
 2. Buffer Averaging. Averaging buffers is allowed in conjunction with any of the other provisions for reductions in buffer width (listed in subsection (C)(1) of this section) provided that minimum buffer widths listed in subsection (C)(1)(c) of this section are adhered to. The community development department shall have the authority to average buffer widths on a case-by-case basis, where a qualified wetlands professional demonstrates, as part of a critical area report, that all of the following criteria are met:
 - a. The total area contained in the buffer after averaging is no less than that contained within the buffer prior to averaging;
 - b. Decreases in width are generally located where wetland functions may be less sensitive to adjacent land uses, and increases are generally located where wetland functions may be more sensitive to adjacent land uses, to achieve no net loss or a net gain in functions;
 - c. The averaged buffer, at its narrowest point, shall not result in a width less than seventy-five percent of the required width, provided that minimum buffer widths shall never be less than fifty feet for all Category I, Category II, and Category III wetlands, and twenty-five feet for all Category IV wetlands; and
 - d. Effect of Mitigation. If wetland mitigation occurs such that the rating of the wetland changes, the requirements for the category of the wetland after mitigation shall apply.
 3. Stormwater Facilities. Stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than four 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:
 - a. Removal of trees greater than four inches diameter at four and one-half feet above the ground or greater than twenty feet in height;
 - b. Disturbance of plant species that are listed as rare, threatened, or endangered by the City, county, or any state or federal management agency;
 - c. The construction of concrete structures, other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;

- d. The construction of maintenance and access roads;
- e. Slope grading steeper than four to one horizontal to vertical above the normal water surface elevation of the stormwater facility;
- f. The construction of pre-treatment facilities such as fore bays, sediment traps, and pollution control manholes;
- g. The construction of trench drain collection and conveyance facilities;
- h. The placement of fencing; and
- i. 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.

4. *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.

5. *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 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.

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 and 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:
 - i. For Categories I and II wetlands, avoiding all impact is not in the public interest or will deny all reasonable economic use of the site;

ii. For Categories III and IV wetlands, avoiding all impact will result in a project that is either:

- (A) Inconsistent with the City of Camas comprehensive plan,
- (B) Inconsistent with 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:

- i. Seeking easements or agreements with adjacent land owners or project proponents where appropriate;
- ii. Seeking reasonable relief that may be provided through application of other City zoning and design standards;
- iii. Site design; and
- iv. 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:

- i. The affected wetlands are restored to the conditions existing at the time of the initiation of the project;
- ii. Unavoidable impacts are mitigated in accordance with this subsection; and
- iii. 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:

- i. Within or adjacent to the same wetland as the impact,
- ii. Within or adjacent to a different wetland on the same site;

b. Off-Site. Locate mitigation within the same watershed 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:
 - i. 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.
 - ii. 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 hydroperiod, 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, floodwater 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 hydroperiods, or some combination of these activities.

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 subsections (D)(3)(a) through (D)(3)(c) of this section apply:

Table 16.53.050-1. 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:

i. The wetland area being preserved is a Category I or II wetland, or is within a WDFW priority habitat or species area;

- ii. The preservation area is at least one acre in size;
- iii. The preservation area is protected in perpetuity by a covenant or easement that gives the City clear regulatory and enforcement authority to protect existing wetland and wetland buffer functions with standards that exceed the protection standards of this chapter;
- iv. The preservation area is not an existing or proposed wetland mitigation site; and
- v. The following preservation/mitigation ratios apply:

Table 16.53.050-2. Wetland Preservation Ratios for Categories I and II Wetlands (In Area)

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 (3-4 points)	10:1	14:1	20:1	30:1
Moderate (5-7 points)	13:1	17:1	30:1	40:1
High (8-9 points)	16:1	20:1	40:1	50:1

- c. The responsible official has the authority to reduce wetland mitigation ratios under any of the following circumstances:
 - i. Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;
 - ii. 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;
 - iii. The proposed actions for compensation are conducted in advance of the impact and are shown to be successful;
 - iv. In wetlands where several HGM classifications are found within one 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 feet outside of the footprint of the impacts.

5. Alternate Wetland Mitigation.

a. Wetland Mitigation Banks.

- i. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

- (A) The bank is certified under state rules;
- (B) The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
- (C) The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.

- ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.

- iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

- b. In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then

transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used when paragraphs 1-6 below apply:

- i. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.
- ii. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.
- iii. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.
- iv. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.
- v. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.
- vi. Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument. c. Compensatory mitigation credits may be issued for unavoidable impacts in the following cases:

- i. Residential building permits where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section;
- ii. Approved reasonable use exceptions where sufficient on-site wetland and wetland buffer mitigation is not practical;
- iii. 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 subsection (D)(4) of this section; or

- iv. As an additional mitigation measure when all other mitigation options have been applied to the greatest extent practicable.

6. Stormwater Facilities in shoreline jurisdiction. Stormwater facilities shall follow the specific criteria in this Program, Chapter 6 at Section 6.3.15 Utilities Uses.

7. Utility Crossings. Crossing wetlands by utilities is allowed, provided the activity is not prohibited by subsection (D)(1) of this section, 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 month decrease in wetland functions; and

c. Impacts to the wetland are minimized.

8. Other Activities allowed 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 subsection (D)(1) of this section and if it is not subject to a shoreline permit as listed in Chapter 2 of this Program, 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 months of the date the activity begins.

E. Mitigation Plans.

1. General. Mitigation plans are required for activities in a buffer or wetland. Content requirements which are inappropriate and inapplicable to a project may be waived by the responsible official upon request of the applicant at or subsequent to the pre-application consultation provided for in subsection (F)(1) of this section.

2. Preliminary Mitigation Plan. The purpose of the preliminary plan is to determine the feasibility of the project before extensive resources are devoted to the project. The responsible official may waive the requirement for a preliminary mitigation plan when a wetland permit is not associated with a development permit application (listed in Section 16.53.010(B)). The preliminary mitigation plan consists of two parts: baseline information for the site and a conceptual plan. If off-site wetland mitigation is proposed, baseline information for both the project site and mitigation site is required.

a. Baseline information shall include:

i. Wetland delineation report as described in Section 16.53.030(D)(2);

ii. Copies of relevant wetland jurisdiction determination letters, if available, such as determinations of prior converted crop lands, correspondence from state and federal agencies regarding prior wetland delineations, etc.;

iii. Description and maps of vegetative conditions at the site;

iv. Description and maps of hydrological conditions at the site;

v. Description of soil conditions at the site based on a preliminary on-site analysis;

- vi. A topographic map of the site; and
- vii. A functional assessment of the existing wetland and buffer.
 - (A) Application of the rating system in Section 16.53.020(B) will generally be considered sufficient for functional assessment,
 - (B) The responsible official may accept or request an alternate functional assessment methodology when the applicant's proposal requires detailed consideration of specific wetland functions,
 - (C) Alternate functional assessment methodologies used shall be scientifically valid and reliable.

- b. The contents of the conceptual mitigation plan shall include:
 - i. Goals and objectives of the proposed project;
 - ii. A wetland buffer width reduction plan, if width reductions are proposed, that includes:
 - (A) The land use intensity, per Table 16.53.040-4, of the various elements of the development adjacent to the wetlands,
 - (B) The wetland buffer width(s) required by Tables 16.53.040-1, 16.53.040-2 and 16.53.040-3,
 - (C) The proposed buffer width reductions, including documentation that proposed buffer width reductions fully protect the functions of the wetland in compliance with subsection C of this section;
 - iii. A wetland mitigation plan that includes:
 - (A) A sequencing analysis for all wetland impacts,
 - (B) A description of all wetland impacts that require mitigation under this chapter, and
 - (C) Proposed mitigation measures and mitigation ratios;
 - iv. Map showing proposed wetland and buffer. This map should include the existing and proposed buffers and all proposed wetland impacts regulated under this chapter;
 - v. Site plan;

- vi. Discussion and map of plant material to be planted and planting densities;
- vii. Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features (e.g., swales);
- viii. Discussion of water sources for all wetlands on the site;
- ix. Project schedule;
- x. Discussion of how the completed project will be managed and monitored; and
- xi. A discussion of contingency plans in case the project does not meet the goals initially set for the project.

3. Final Mitigation Plan. The contents of the final mitigation plan shall include:

- a. The approved preliminary mitigation plan and all conditions imposed on that plan. If the preliminary mitigation plan requirement is waived, the final plan shall include the content normally required for the preliminary plan listed in this section.
- b. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation project are being met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.
- c. Detailed Construction Plans. Written specifications for the mitigation project shall be provided. The specifications shall include: the proposed construction sequence, grading and excavation details, water and nutrient requirements for planting, specification of substrate stockpiling techniques, and planting instructions, as appropriate. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
- d. Monitoring Program. The mitigation plan shall include a description of a detailed program for monitoring the success of the mitigation project.

- i. The mitigation project shall be monitored for a period necessary to establish that the mitigation is successful, but not for a period of less than five years. Creation of forested wetland mitigation projects shall be monitored for a period of at least ten years;
 - ii. Monitoring shall be designed to measure the performance standards outlined in the mitigation plan and may include but not be limited to:
 - (A) Establishing vegetation plots to track changes in plant species composition and density over time,
 - (B) Using photo stations to evaluate vegetation community response,
 - (C) Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals),
 - (D) Measuring base flow rates and stormwater runoff to model and evaluate water quality predictions, if appropriate,
 - (E) Measuring sedimentation rates, if applicable, and
 - (F) Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity;
 - iii. A monitoring protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the project;
 - iv. Monitoring reports shall be submitted annually, or on a pre-arranged alternate schedule, for the duration of monitoring period;
 - v. Monitoring reports shall analyze the results of monitoring, documenting milestones, successes, problems, and recommendations for corrective and/or contingency actions to ensure success of the mitigation project.
- e. Associated Plans and Other Permits. To ensure consistency with the final mitigation plan, associated plans and permits shall be submitted, including, but not limited to:
- i. Engineering construction plans;

- ii. Final site plan or proposed plat;
- iii. Final landscaping plan;
- iv. Habitat permit;
- v. WDFW HPA;
- vi. USACE Section 404 permit; and
- vii. WDOE Administrative Order or Section 401 certification.

f. Evidence of Financial and Scientific Proficiency. A description of how the mitigation project will be managed during construction and the scientific capability of the designer to successfully implement the proposed project. In addition, a demonstration of the financial capability of the applicant to successfully complete the project and ensure it functions properly at the end of the specific monitoring period.

g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

F. Wetland Permit—Application.

1. Pre-Permit Consultation. Any person intending to apply for a shoreline permit in combination with a wetland permit is encouraged, but not required, to meet with the department during the earliest possible stages of project planning in order to discuss wetland impact avoidance, minimization, compensatory mitigation, and the required contents of a mitigation plan before significant commitments have been made to a particular project design. Effort put into pre-permit consultations and planning will help applicants create projects which will be more quickly and easily processed.

2. Applications. Applications for wetland permits shall be made to the department on forms furnished by the department and in conformance with Section 16.53.030

3. Fees. At the time of application, the applicant shall pay a filing fee in accordance with the most current fee schedule adopted by the City.

G. Wetland Permit—Processing.

1. Procedures. Wetland permit applications within shoreline jurisdiction shall be processed using the application procedures in this Program, Appendix B – Administration and Enforcement, unless specifically modified herein:

- a. Type I Wetland Permit. The following wetland permits shall be reviewed under the Type I review process in accordance with CMC Chapter 18.55

- i. Buffer modification only;
- ii. Wetland permits associated with single-family building permits, regardless of impact;
- iv. Re-authorization of approved wetland permits;
- iv. Programmatic wetland permits that are SEPA exempt.
- v. Programmatic wetland permits that are exempt from a shoreline substantial development permit.

2. Consolidation. The department shall, to the extent practicable and feasible, consolidate the processing of wetland permits with other City regulatory programs which affect activities in wetlands, such as SEPA review, subdivision, grading, and site plan approval, so as to provide a timely and coordinated permit process. Where no other City permit or approval is required for the wetland activity, the wetland permit shall be processed in accordance with a Type II process under CMC Chapter 18.55 Administration.

3. Notification. In addition to notices otherwise required, notice of application shall be given to federal and state agencies that have jurisdiction over, or an interest in, the affected wetlands. This notice may be incorporated into a SEPA comment period.

H. Wetland Permit—Preliminary Approval.

1. Decision Maker. A wetland permit application which has been consolidated with another permit or approval request which requires a public hearing (e.g., preliminary plat) shall be heard and decided in accordance with the procedures applicable to such other request. Any other wetland permit application shall be acted on by the responsible official within the timeline specified in Appendix B or CMC Chapter 18.55 for the required permit type.

2. Findings. A decision preliminarily approving or denying a wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.

3. Conditions. A decision preliminarily approving a wetland permit shall incorporate at least the following as conditions:

- a. The approved preliminary mitigation plan;
- b. Applicable conditions provided for in subsection (E)(3) of this section;
- c. Posting of a performance assurance pursuant to subsection J of this section; and

d. Posting of a maintenance assurance pursuant to subsection J of this section.

4. Duration. Wetland permit preliminary approval shall be valid for a period of three years from the date of issuance or termination of administrative appeals or court challenges, whichever occurs later, unless:

- a. A longer period is specified in the permit; or
- b. The applicant demonstrates good cause to the responsible official's satisfaction for an extension not to exceed an additional one year.

I. Wetland Permit—Final Approval.

1. Issuance. The responsible official shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:

- a. Submittal and approval of a final mitigation plan pursuant to subsection (E)(3) of this section;
- b. Installation and approval of field markings as required by Section 16.53.040(C)(2);
- c. The recording of a conservation covenant as required by Section 16.53.040(C)(3) and included on the plat, short plat, or site plan as required by Section 16.53.040(C)(4);
- d. The posting of a performance assurance as required by subsection (H)(3) of this section.

2. Duration.

- a. Wetland or Wetland Buffer Impacts. Final approval shall be valid for the period specified in the final wetland permit, or the associated development approval. Extension of the permit shall only be granted in conjunction with extension of an associated permit.
- b. Compensatory Mitigation. The compensatory mitigation requirements of the permit shall remain in effect for the duration of the monitoring and maintenance period specified in the approval.

J. Wetland Permit Financial Assurances.

1. Types of Financial Assurances. The responsible official shall accept the following forms of financial assurances:

- a. An escrow account secured with an agreement approved by the responsible official;

- b. A bond provided by a surety for estimates that exceed five thousand dollars;
- c. A deposit account with a financial institution secured with an agreement approved by the responsible official;
- d. A letter of commitment from a public agency; and
- e. Other forms of financial assurance determined to be acceptable by the responsible official.

2. Financial Assurance Estimates. The applicant shall submit itemized cost estimates for the required financial assurances. The responsible official may adjust the estimates to ensure that adequate funds will be available to complete the specified compensatory mitigation upon forfeiture. In addition the cost estimates must include a contingency as follows:

- a. Estimates for bonds shall be multiplied by one hundred fifty percent;
- b. All other estimates shall be multiplied by one hundred ten percent.

3. Waiver of Financial Assurances. For Type I wetland permits, the responsible official may waive the requirement for one or both financial assurances if the applicant can demonstrate to the responsible official's satisfaction that posting the required financial assurances will constitute a significant hardship.

4. Acceptance of Work and Release of Financial Assurances.

a. Release of Performance Assurance. Upon request, the responsible official shall release the performance assurance when the following conditions are met:

- i. Completion of construction and planting specified in the approved compensatory mitigation plan;
- ii. Submittal of an as-built report documenting changes to the compensatory mitigation plan that occurred during construction;
- iii. Field inspection of the completed site(s); and
- iv. Provision of the required maintenance assurance.

b. Release of Maintenance Assurance. Upon request, the responsible official shall release the maintenance assurance when the following conditions are met:

- i. Completion of the specified monitoring and maintenance program;
 - ii. Submittal of a final monitoring report demonstrating that the goals and objectives of the compensatory mitigation plan have been met as demonstrated through:
 - (A) Compliance with the specific performance standards established in the wetland permit, or
 - (B) Functional assessment of the mitigation site(s), and
 - (C) Field inspection of the mitigation site(s).
 - c. Incremental Release of Financial Assurances. The responsible official may release financial assurances incrementally only if specific milestones and associated costs are specified in the compensatory mitigation plan and the document legally establishing the financial assurance.
5. Transfer of Financial Assurances. The responsible official may release financial assurances at any time if equivalent assurances are provided by the original or a new permit holder.
6. Forfeiture. If the permit holder fails to perform or maintain compensatory mitigation in accordance with the approved wetland permit, the responsible official may declare the corresponding financial assurance forfeit pursuant to the following process:
 - a. The responsible official shall, by registered mail, notify the wetland permit holder/agent that is signatory to the financial assurance, and the financial assurance holder of nonperformance with the terms of the approved wetlands permit;
 - b. The written notification shall cite a reasonable time for the permit holder, or legal successor, to comply with provisions of the permit and state the City's intent to forfeit the financial assurance should the required work not be completed in a timely manner;
 - c. Should the required work not be completed timely, the City shall declare the assurance forfeit;
 - d. Upon forfeiture of a financial assurance, the proceeds thereof shall be utilized either to correct the deficiencies which resulted in forfeiture or, if such correction is deemed by the responsible official to be impractical or ineffective, to enhance other wetlands in the same watershed or contribute to an established cumulative effects fund for watershed scale habitat and wetland conservation.

K. Programmatic Permits for Routine Maintenance and Operations of Utilities and Public Facilities. The responsible official may issue programmatic wetland permits for routine maintenance and operations of utilities and public facilities within wetlands and wetland buffers, and for wetland enhancement programs. It is not the intent of the programmatic permit process to deny or unreasonably restrict a public agency or utility's ability to provide services to the public. Programmatic permits only authorize activities specifically identified in and limited to the permit approval and conditions.

1. Application Submittal Requirements. Unless waived by the responsible official with specific findings in the approval document in accordance with subsection (K)(2) of this section, applications for programmatic wetland permits shall include a programmatic permit plan that includes the following:

- a. A discussion of the purpose and need for the permit;
- b. A description of the scope of activities in wetlands and wetland buffers;
- c. Identification of the geographical area to be covered by the permit;
- d. The range of functions and values of wetlands potentially affected by the permit;
- e. Specific measures and performance standards to be taken to avoid, minimize, and mitigate impacts on wetland functions and values including:
 - i. Procedures for identification of wetlands and wetland buffers,
 - ii. Maintenance practices proposed to be used,
 - iii. Restoration measures,
 - iv. Mitigation measures and assurances,
 - v. Annual reporting to the responsible official that documents compliance with permit conditions and proposes any additional measures or adjustments to the approved programmatic permit plan,
 - vi. Reporting to the responsible official any specific wetland or wetland buffer degradations resulting from maintenance activities when the degradation occurs or within a timely manner,
 - vii. Responding to any department requests for information about specific work or projects,
 - viii. Procedures for reporting and/or addressing activities outside the scope of the approved permit, and

- ix. Training all employees, contractors and individuals under the supervision of the applicant who are involved in permitted work.
- 2. Findings. A decision preliminarily approving or denying a programmatic wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.
- 3. Approval Conditions. Approval of a programmatic wetland permit shall incorporate at least the following as conditions:
 - a. The approved programmatic permit plan;
 - b. Annual reporting requirements; and
 - c. A provision stating the duration of the permit.
- 4. Duration and Re-authorization.
 - a. The duration of a programmatic permit is for five years, unless:
 - i. An annual performance based re-authorization program is approved within the permit; or
 - ii. A shorter duration is supported by findings.
 - b. Requests for re-authorization of a programmatic permit must be received prior to the expiration of the original permit.
 - i. Re-authorization is reviewed and approved through the process described in subsection (K)(1) of this section.
 - ii. Permit conditions and performance standards may be modified through the re-authorization process.
 - iii. The responsible official may temporarily extend the original permit if the review of the re-authorization request extends beyond the expiration date.
- L. Wetland Permit—Emergency.
 - 1. Authorization. Notwithstanding the provisions of this chapter or any other laws to the contrary, the responsible official may issue prospectively or, in the case of imminent threats, retroactively a temporary emergency wetlands permit if:
 - a. The responsible official determines that an unacceptable threat to life or loss of property will occur if an emergency permit is not granted; and

b. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this act and other applicable laws.

2. Conditions. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible, but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this act and shall:

a. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days; and

b. Require, within this ninety-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the ninety days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.

3. Notice. Notice of issuance of an emergency permit shall be mailed to Ecology and published in a newspaper having general circulation in the City of Camas not later than ten days after issuance of such permit.

4. Termination. The emergency permit may be terminated at any time without process upon a determination by the responsible official that the action was not or is no longer necessary to protect human health or the environment.

M. Revocation. In addition to other remedies provided for elsewhere in this chapter, the responsible official may suspend or revoke wetland permit(s) issued in accordance with this chapter and associated development permits, pursuant to the provisions of Appendix B – Administration and Enforcement, if the applicant or permittee has not complied with any or all of the conditions or limitations set forth in the permit, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the permit.

N. Enforcement. At such time as a violation of this chapter has been determined, enforcement action shall be commenced in accordance with the enforcement provisions of Appendix B – Administration and Enforcement, and may also include the following:

1. Applications for City land use permits on sites that have been cited or issued an administrative notice of correction or order under Title 18, or have been otherwise documented by the City for activities in violation of this chapter, shall not be processed for a period of six years provided:

a. The City has the authority to apply the permit moratorium to the property;

b. The City records the permit moratorium; and

c. The responsible official may reduce or wave the permit moratorium duration upon approval of a wetland permit under this section.

2. Compensatory mitigation requirements under subsections C and D of this section may be increased by the responsible official as follows:

a. All or some portion of the wetland or wetland buffer impact cannot be permitted or restored in place; and

b. Compensatory mitigation for the impact is delayed more than one year from the time of the original citation or documentation of the violation.

CHAPTER 16.55 - CRITICAL AQUIFER RECHARGE AREAS

16.55.010 - Critical aquifer recharge areas designation

Critical aquifer recharge areas (CARA) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARA have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. These areas include the following:

- A. Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the ten-year time of ground water travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where ground water time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.
- B. Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.
- C. Susceptible Ground Water Management Areas. Susceptible ground water management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted ground water management program developed pursuant to Chapter 173-100 WAC.
- D. Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-090.
- E. Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the state Department of Ecology guidelines.
- F. Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the state Department of Ecology.

16.55.020 - Aquifer recharge area susceptibility ratings

Aquifer recharge areas shall be rated as having high, moderate, or low susceptibility based on soil permeability, geologic matrix, infiltration, and depth to water as determined by the criteria established by the state Department of Ecology.

16.55.030 - Mapping of critical aquifer recharge areas

- A. The approximate location and extent of critical aquifer recharge areas are shown on the adopted critical area maps.

B. These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

16.55.040 - Activities allowed in critical aquifer recharge areas

The following activities are allowed in critical aquifer recharge areas in addition to those pursuant to allowed activities (Section 16.51.110), and do not require submission of a critical area report:

- A. Construction of structures and improvements, including additions, resulting in less than five percent or two thousand five hundred square feet (whichever is greater) total site impervious surface area that do not result in a change of use or increase the use of a hazardous substance.
- B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area and that does not increase the use of a hazardous substance.
- C. Development within CARA's shall not result in the loss of more than forty percent of the total pervious surface of the site.

16.55.050 - Critical area report—Requirements for critical aquifer recharge areas

A. Prepared by a Qualified Professional. An aquifer recharge area critical area report shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer, who is licensed in the state of Washington, and has experience in preparing hydrogeologic assessments.

B. Hydrogeologic Assessment Required. For all proposed activities to be located in a critical aquifer recharge area, a critical area report shall contain a level one hydrogeological assessment. A Level One hydrogeologic assessment shall be required for any of the following proposed activities:

- 1. Activities that result in five percent or more, or two thousand five hundred square feet of impervious site area;
- 2. Activities that divert, alter, or reduce the flow of surface or ground waters, or otherwise reduce the recharging of the aquifer;
- 3. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;
- 4. The use of injection wells; or
- 5. Any other activity determined by the director likely to have an adverse impact on ground water quality or quantity, or on the recharge of the aquifer.

C. Level One Hydrogeologic Assessment. A Level One hydrogeologic assessment shall include the following site- and proposal-related information at a minimum:

- 1. Available information regarding geologic and hydrogeologic characteristics of the site, including the surface location of all critical aquifer recharge areas located on

- site or immediately adjacent to the site, and permeability of the unsaturated zone;
 - 2. Ground water depth, flow direction and gradient based on available information;
 - 3. Currently available data on wells and springs within one thousand three hundred feet of the project area;
 - 4. Location of other critical areas, including surface waters, within one thousand three hundred feet of the project area;
 - 5. Available historic water quality data for the area to be affected by the proposed activity; and
 - 6. Best management practices proposed to be utilized.
- D. **Level Two Hydrogeologic Assessment.** A Level Two hydrogeologic assessment shall include the following site- and proposal-related information at a minimum, in addition to the requirements for a Level One hydrogeological assessment:
- 1. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period;
 - 2. Ground water monitoring plan provisions;
 - 3. Discussion of the effects of the proposed project on the ground water quality and quantity, including:
 - a. Predictive evaluation of ground water withdrawal effects; and
 - b. Predictive evaluation of contaminant transport based on potential releases to ground water; and
 - 4. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

16.55.060 - Performance standards—General requirements

- A. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer, and that the proposed activity will not adversely effect the recharging of the aquifer.
- B. The critical areas report shall identify and demonstrate that measures will be taken to prevent aquifer contamination from vehicular repair, residential use of pesticides and nutrients, spreading or injection of reclaimed water, and storage tanks.
- C. The proposed activity must comply with the water source protection requirements and recommendations of the Federal Environmental Protection Agency, State Department of Health, and the local health district.
- D. The proposed activity must be designed and constructed in accordance with the city of Camas Design Standards Manual.

16.55.070 - Performance standards—Specific uses

- A. **Storage Tanks.** All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:

1. Underground Tanks. All new underground storage facilities proposed for use shall be designed and constructed so as to:
 - a. Prevent releases due to corrosion or structural failure for the operational life of the tank;
 - b. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and
 - c. Use material in the construction or lining of the tank that is compatible with the substance to be stored.
 2. Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
 - a. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;
 - b. Have a primary containment area enclosing or underlying the tank or part thereof; and
 - c. A secondary containment system either built into the tank structure, or a dike system built outside the tank. This applies to all tanks.
- B. No Dry Wells Shall be Allowed in Critical Aquifer Recharge Areas. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.
- C. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.
- D. Spreading or Injection of Reclaimed Water. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the departments of Ecology and Health.
1. Surface spreading must meet the ground water recharge criteria given in Chapter 90.46.080 RCW and Chapter 90.46.010(9); and
 2. Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.
- E. State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

Statutes, Regulations and Guidance Pertaining to Ground Water Impacting Activities

Activity	Statute—Regulation—Guidance*
Aboveground storage tanks	Chapter 173-303-640 WAC
Animal feedlots	Chapter 173-216 -240 WAC, Chapter 173-220 (NPDES) WAC
Automobile washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (WDOE WQ-R-95-56)
Below ground storage tanks	Chapter 173-360 WAC
Chemical treatment storage and disposal facilities	Chapter 173-303 WAC
Hazardous waste generator (boat repair shops, biological research facility, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, etc.)	Chapter 173-303 WAC
Injection wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk yards and salvage yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (WDOE 94-146)
Oil and gas drilling	Chapter 332-12-450 WAC, Chapter 344-12 WAC
On-site sewage systems (large scale)	Chapter 173-240 WAC
On-site sewage systems (<14,500 gal/day)	Chapter 246-272 WAC, Local Health Ordinances
Pesticide storage and use	Chapter 15.54 RCW, Chapter 17.21 RCW
Sawmills	Chapter 173-303 WAC, 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (WDOE 95-53)
Solid waste handling and recycling facilities	Chapter 173-304 WAC
Surface mining	Chapter 332-18 WAC
Waste water application to land surface	Chapter 173-216 WAC, Chapter 173-200 WAC, WDOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture

* as amended.

16.55.080 - Uses prohibited from critical aquifer recharge areas

The following activities and uses are prohibited in critical aquifer recharge areas:*

- A. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;
- B. Underground Injection Wells. Classes I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;
- C. Mining.
 1. Metals and hard rock mining, and
 2. Sand and gravel mining;
- D. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and man-made);
- E. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store,

process, or dispose of radioactive substances;

F. Fuel and/or gas stations;

G. Vehicle repair and servicing;

H. Oil and lubricant centers; and

I. Other.

1. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source,

2. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream,

3. Activities that are not connected to an available sanitary sewer system are prohibited from critical aquifer recharge areas associated with sole source aquifers, and

4. Underground storage tanks for the use and storage of hazardous substances or hazardous materials.

* Prohibited uses are based on "Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances," by Ecology, July 2000, publication #97-30, and local concerns.

CHAPTER 16.57 - FREQUENTLY FLOODED AREAS

16.57.010 Applicability

A. Frequently Flooded Areas. Frequently flooded areas include: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clark County, Washington, and incorporated areas" dated September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM). The study is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood. The study and FIRM are on file at the City of Camas. The best available information for flood hazard area identification as outlined in Section 16.57.050(C) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized. The flood insurance study and accompanying rate maps are hereby adopted by reference, and declared part of this chapter. These are minimum designations; the director may identify additional areas.

B. Use of Additional Information. The director may use additional flood information that is more restrictive than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.

C. Flood Elevation Data. When base flood elevation data is not available (Zone A), the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter.

D. For the purposes of this chapter, definitions are generally found in CMC Section 18.03.

16.57.020 Uses and activities prohibited

A. Critical Facilities. Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one hundred year flood), or to the height of the 500-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. Certification by a registered professional engineer is required.

B. Wells.

C. On-site sewage or waste disposal systems.

D. Lots (Includes residential and non-residential). There shall be no increase in lots within frequently flooded areas. No additional lots shall be created within a frequently flooded area. Divisions of land shall have the frequently flooded areas designated as separate tract(s) and not included within any additional lot.

E. Development in Floodways.

1. New Development Requires Certification by an Engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Small projects that are solely to protect or create fish habitat, and designed by a qualified professional, may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the City by a qualified professional in the field of hydraulics.
2. Residential Construction and Reconstruction Prohibited. Construction and reconstruction of residential structures is prohibited within floodways, except for:
 - a. Maintenance or repairs to a structure that do not increase the ground floor area; and
 - b. Repairs, reconstruction, or improvements to a structure for which the cost does not exceed fifty percent of the market value of the structure either:
 - i. Before the repair or reconstruction is started; or
 - ii. If the structure has been damaged and is being restored, before the damage occurred.
 - c. Improvement to a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the City, and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.
3. If Section E(1) above is satisfied, all new construction and substantial improvements must also comply with all applicable flood hazard reduction provisions.

16.57.030 Critical area report--Additional requirements

In addition to the items listed in CMC 16.51.140 Critical Area Reporting, the following is required:

- A. Prepared by a Qualified Professional. A frequently flooded areas report shall be prepared by a qualified professional who is a hydrologist, or engineer, who is licensed in the state of Washington, with experience in preparing flood hazard assessments.
- B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for frequently flooded areas:

1. The site area of the proposed activity;
 2. All areas of a special flood hazard area, as indicated on the flood insurance rate map(s), within three hundred feet of the project area; and
 3. All other flood areas indicated on the flood insurance rate map(s) within three hundred feet of the project area.
- C. Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment, including the following site- and proposal-related information at a minimum:
1. Site and Construction Plans. A copy of the site and construction plans for the development proposal showing:
 - a. Floodplain (one hundred year flood elevation), ten- and fifty-year flood elevations, floodway, other critical areas, management zones, and shoreline areas;
 - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
 - c. Clearing limits; and
 - d. Elevation of the lowest floor (including basement) of all buildings, and the level to which any building has been floodproofed;
 2. Floodproofing Certificate (FEMA form 81-65, most current edition). When floodproofing is proposed for a non-residential building, a certification by a registered professional engineer or architect that the floodproofing methods meet the requirements in Section 16.57.050(F); and
 3. Watercourse Alteration. When watercourse alteration is proposed, the critical area report shall include:
 - a. Extent of Watercourse Alteration. A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of proposal, and
 - b. Maintenance Program Required for Watercourse Alterations. A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished.
- D. Information Regarding Other Critical Areas. Potential impacts to wetlands, fish and wildlife habitat, and other critical areas shall be addressed in accordance with the applicable sections of these provisions.

16.57.040 Warning and disclaimer of liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This chapter does not imply that land outside frequently flooded areas, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of City of Camas, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

16.57.050 Performance standards--General requirements

All Elevation Certificates (FEMA Form 81-31), Floodproofing Certificates for non-residential structures (FEMA Form 81-65), documents, and records pertaining to the provisions of this ordinance shall be maintained by the City for public inspection.

A. All Necessary Permits Shall be Obtained. A development permit shall be obtained before construction or development begins within any frequently flooded area established in Section 16.57.010. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions," and for all development including fill and other activities, also as set forth in the "Definitions". The applicant shall provide verification to the City that all necessary permits have been obtained from those governmental agencies from which prior approval is required by federal, state or local law including Section 404 of the Federal Water Pollution Control Act Amendment of 1972, and the Endangered Species Act of 1973, as amended.

B. Area of Special Flood Hazards with Base Flood Elevation. When the base flood elevation is provided, but a regulatory floodway has not been designated, new construction, substantial improvements, or other development, including fill, shall not be permitted within frequently flooded areas, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.

C. Areas Without Base Flood Elevation Data. Where base flood elevation data is not available (Zone A), and there is insufficient data then a report shall be submitted by a qualified professional that includes analysis of historical data and field surveys. The reports shall include reasonable mapping to ensure proposed buildings are safe from flooding and to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits

D. Construction Materials and Methods.

1. Methods that Minimize Flood Damage. All new construction and substantial improvements shall be constructed using flood resistant materials and utility equipment, and with methods and practices that minimize flood damage.
2. Buildings shall be located outside the floodplain. For sites with no buildable area out of the floodplain, buildings may be allowed provided they are placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the City detects any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.
3. Utilities Shall be Protected. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or

- otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. Elevation Certificate Required Following Construction. Following construction of a building within the floodplain where the base flood elevation is provided, the applicant shall obtain a “finished construction” elevation certificate (FEMA Form 81-31, most current edition) from a registered professional engineer or architect that records the elevation of the lowest floor.
- F. Floodproofing (Non-residential only).
1. When a building is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
 - a. Watertight Building. The building shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;
 - b. Hydrostatic and Hydrodynamic Resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Certified by a Registered Professional Engineer or Architect. The building shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
 2. Floodproofing Certificate Required Following Construction. Following construction of the building, the applicant shall obtain a floodproofing certificate (FEMA Form 81-65, most current edition) from a registered professional engineer or architect that records the actual (as-built) elevation to which the building was floodproofed.
- G. Anchoring. All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the building. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames tied to ground anchors.
- H. Fill and Grading. Fill and grading within the floodplain shall only occur upon a determination from a registered professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the City has delineated such zones as of the time of the application. If fill or grading is located in a floodway, Section 16.57.020 applies.

16.57.060 Performance standards--Specific uses

In all special flood hazard areas the following provisions are required:

A. Residential Units.

1. Must be Above Base Flood Elevation. New construction or placement of residential units and substantial improvement of any residential building shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
2. Areas Below the Lowest Floor. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Manufactured Homes.

All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames ties to ground anchors. If the manufactured home is placed on a permanent footing/foundation with stem walls, Section 16.57.060 (A)(2) applies.

B. Nonresidential Construction.

1. Must be Above Base Flood Elevation. New construction and substantial improvement of any commercial, industrial, or other nonresidential building shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, shall be floodproofed in accordance with floodproofing (Section 16.57.050(F)). Unavoidable impacts to flooded areas (from fill) need to be mitigated.
2. Areas Below the Lowest Floor. If floodproofed, areas shall be in accordance with floodproofing (Section 16.57.050 (F)). If elevated and not floodproofed, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

- a. A minimum of three openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot above grade; and
- c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

C. Utilities.

1. Shall be Designed to Minimize Infiltration of Floodwaters. All new and replacement water supply systems shall be designed to preclude infiltration of floodwaters into the systems.
2. Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
3. On-site Waste Disposal Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. New on-site sewage disposal systems are prohibited for uses and activities prohibited from frequently flooded areas.

D. Subdivision/Land Division Proposals.

1. All land division proposals shall:
 - a. Minimize Flood Damage. Subdivisions, short subdivisions, planned developments, and binding site plans shall be designed to minimize or eliminate flood damage to proposed buildings; and public utilities and facilities that are installed as part of such subdivisions. Sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate "flood protection" changes.
 - b. Have Adequate Drainage. Subdivisions, short subdivisions, planned developments, and binding site plans shall have adequate natural surface water drainage in accordance with City requirements to reduce exposure to flood hazards; and
 - c. Show Flood Areas on Plat Maps. Subdivisions, short subdivisions, planned developments, and binding site plans shall show the one hundred year floodplain, floodway, and channel migration zone on the preliminary and final plat maps.
2. Lots. No lot or portion of lot after the effective date of the ordinance codified in this title shall be established within the boundaries of a frequently flooded area.

E. Alteration of Watercourses.

1. Shall be in Accordance with Habitat Regulations. Watercourse alterations shall only be allowed in accordance with the fish and wildlife habitat conservation areas (Chapter 16.61).

2. Shall Not Result in Blockage. Watercourse alteration projects shall not result in blockage of side channels.
3. Notification Required. The City shall notify adjacent communities, the Washington State Department of Ecology, and the Federal Insurance Administration of a proposed watercourse alteration at least fifteen days prior to permit issuance.
4. Maintenance of Alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished. Maintenance shall be bonded for a period of five years, and be in accordance with an approved maintenance program.

16.57.070 Recreational Vehicles

Recreational vehicles placed on sites are required to either:

- A. Be on the site for fewer than 180 consecutive days; or
- B. Be fully licensed and ready for highway use on its wheels, or the jacking system is attached to the site only by quick disconnect type utilities and securities devices, and has no permanently attached additions; or
- C. Meet the requirements of Section 16.57.060(A)(3) and the elevation and anchoring requirements for manufactured homes.

16.57.080 Variations--Additional considerations for frequently flooded areas

A. Additional Variation Considerations. In review of variation requests for activities within frequently flooded areas, the City shall consider all technical evaluations, relevant factors, standards specified in this chapter, and:

1. The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;
2. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the proposed use;
3. The importance of the services provided by the proposed use to the community;
4. The necessity of a waterfront location and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
5. The safety of access to the property for ordinary and emergency vehicles;
6. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
7. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Variations shall only be issued upon a determination that the granting of a variation will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

C. Variations shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

CHAPTER 16.59 - GEOLOGICALLY HAZARDOUS AREAS

16.59.010 - Designation of geologically hazardous areas

Geologically hazardous areas include areas susceptible to erosion hazard, landslide hazard, seismic hazard, mine hazard and other geologic events. These areas pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

- A. Erosion hazard;
- B. Landslide hazard;
- C. Seismic hazard; or
- D. Other geological events including, mass wasting, debris flows, rock falls and differential settlement.

16.59.020 - Designation of specific hazard areas

A. Erosion Hazard Areas. Erosion hazard areas are areas where there is not a mapped or designated landslide hazard, but where there are steep slopes equal to or greater than forty percent slope. Steep slopes which are less than ten feet in vertical height and not part of a larger steep slope system, and steep slopes created through previous legal grading activity are not regulated steep slope hazard areas.

B. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to the following:

- 1. Areas of previous slope failures including areas of unstable old or recent landslides;
- 2. Areas with all three of the following characteristics:
 - a. Slopes steeper than fifteen percent,
 - b. Hillsides intersecting geologic contacts with permeable sediment overlying a low permeability sediment or bedrock, and
 - c. Any springs or ground water seepage;
- 3. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems and fault planes in subsurface materials;
- 4. Areas mapped by:
 - a. Washington Department of Natural Resources Open File Report: Slope Stability of Clark County, 1975, as having potential instability, historical or active landslides, or as older landslide debris, and
 - b. The Washington Department of Natural Resources Open File Report Geologic Map of the Vancouver Quadrangle, Washington and Oregon, 1987, as landslides;

5. Slopes greater than eighty percent, subject to rock fall during earthquake shaking;
 6. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and stream undercutting the toe of a slope;
 7. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows, debris torrents or catastrophic flooding.
- C. "Seismic hazard area" means an area subject to severe risk of damage as a result of earthquake-induced soil liquefaction, ground shaking amplification, slope failure, settlement, or surface faulting. Relative seismic hazard is mapped on the NEHRP site class map of Clark County, published by the Washington Department of Natural Resources.
- D. Other Hazard Areas. Geologically hazardous areas shall also include areas determined by the City to be susceptible to other geological events, including mass wasting, debris flows, rock falls, and differential settlement.

16.59.030 - Classification of geologically hazardous areas

All geologic hazard areas should be classified according to the following categories for each geologic hazard type:

- A. Known or Suspected Risk. Documentation of projection of the hazard by a qualified professional exists.
- B. Risk Unknown. Documentation, or projection of the lack of hazard, by a qualified professional exists, or data is not available to determine the presence or absence of a geologic hazard.

16.59.040 - Mapping of geologically hazardous areas

- A. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps as revised or superseded. The adopted critical area maps may include:
 1. U.S. Geological Survey landslide hazard and seismic hazard maps;
 2. Department of Natural Resources seismic hazard maps for western Washington;
 3. Department of Natural Resources slope stability maps;
 4. Federal Emergency Management Administration flood insurance maps; and
 5. Locally adopted maps.
- B. These maps are to be used as a guide for the City, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

16.59.050 - Activities allowed in geologically hazardous areas

The following activities are allowed in geologically hazardous areas, provided that the activity will not increase the risk of the hazard, pursuant to allowed activities under general provisions (Appendix C - Section 16.51.110), and do not require submission of a critical area report:

- A. Construction of new buildings with less than two thousand five hundred square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;
- B. Additions to the ground floor of existing single-family residences that are two hundred fifty square feet or less; and
- C. Installation of fences.

16.59.060 - Critical area report requirements for geologically hazardous areas

- A. Prepared by a Qualified Professional. A critical areas report for a geologically hazardous area shall be prepared by a qualified professional who is either a civil engineer with a geotechnical background, or a geologist, licensed in the state of Washington, with experience analyzing geologic, and where applicable, hydrologic and ground water flow systems.
- B. Area Addressed in Critical Area Report. The project area of the proposed activity shall be addressed in a critical area report for geologically hazardous areas.
- C. Geotechnical Evaluation and Assessment. Except as provided for in subsections D and E of this section, a critical area report for geologically hazardous areas shall first contain a site evaluation and, if required, an assessment of geological hazards.
 - 1. Site Evaluation. A site evaluation shall include:
 - a. Identification of the geologically hazardous area including the type and extent of the geological hazard, and the reason the area is or is not likely to be impacted by the proposed development plan.
 - b. A description of the project including, where applicable:
 - i. Proposed structures;
 - ii. Proposed grading;
 - iii. Areas proposed for storage of materials;
 - iv. Proposed storm drainage areas;
 - v. Related project impacts which have a potential to adversely affect the geological hazard; and
 - vi. If available for the proposed activity, a site development plan may be included to illustrate proposed project impacts. The development plan when provided will show the geological hazard area, proposed site improvements, two-foot contours, proposed storm water treatment facilities, proposed or known existing septic drain fields, proposed stockpile areas, or proposed areas of mass grading.

- c. Identification of proportionate and appropriate mitigation measures and a description of how they will adequately protect the proposed development, adjacent developments, and the subject geologically hazardous area.
 - d. A recommendation based on the proposed site activities of the level of study, construction monitoring, or site design changes which may be needed during the final design process.
2. Geotechnical Assessment. If recommended by the site evaluation, or determined necessary by the City, a geotechnical assessment for geologically hazardous areas shall include the following site- and proposal-related information at a minimum:
- a. Site Plans. The report shall include a copy of the site plans for the proposal showing:
 - i. The type and extent of geologic hazard areas, and any other critical areas, and management zones on, adjacent to, within three hundred feet of, or that are likely to impact the proposal;
 - ii. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and storm drainage facilities, with dimensions indicating distances to hazard areas; and
 - iii. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report.
3. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:
- a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area, and in generally all hazard areas addressed in the report;
 - b. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and
 - c. A description of the vulnerability of the site to seismic and other geologic events.
4. Analysis of Proposal. The report shall contain a geotechnical analysis, including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.
5. Summary and Recommendation. The report shall make a recommendation for the minimum no disturbance management zone, or minimum building setback

from any geologic hazard, or other appropriate mitigation measures based upon the geotechnical analysis.

D. Incorporation or Acceptance of Previous Study. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, such report may be incorporated into or accepted as the required critical area report. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.

E. Where the applicant can demonstrate that the proposed project or activity has no direct impact on the identified geologically hazardous area, or that the site evaluation requirements above are not applicable to the proposed project or activity, the City may not require additional site assessment work or may limit the scoping of the site evaluation based on identified site specific geologic hazards.

F. Mitigation of Long-Term Impacts. When hazard mitigation is required the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

16.59.070 - Critical area report requirements for specific hazards

A. Erosion and Landslide Hazard Areas. In addition to the basic geological hazard area report requirements, a report for an erosion hazard or landslide hazard area shall include the following information at a minimum:

1. Site Plan. The report shall include a copy of the site plan for the proposal showing:

- a. The height of slope, slope gradient, and cross section of the project area,
- b. The location of springs, seeps, or other surface expressions of ground water on or within three hundred feet of the project area, or that have potential to be affected by the proposal, and
- c. The location and description of surface water runoff;

2. Geotechnical Analysis. The geotechnical analysis shall specifically include:

- a. A description of the extent and type of vegetative cover,
- b. An estimate of load capacity, including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development,
- c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure,

- d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred year storm event,
 - e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties,
 - f. A study of slope stability, including an analysis of proposed angles of cut and fill, and site grading,
 - g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement, and
 - h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;
3. Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in CMC Chapter 15.32, CMC Chapter 17.21 and the City of Camas Design Standard Manual;
4. Drainage Plan. The report shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with CMC Chapter 17.21 and the City of Camas Design Standard Manual;
5. Mitigation Plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability;
6. Monitoring Surface Waters. If the City determines that there is a significant risk of damage to downstream waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the City.
- B. Seismic Hazard Areas. In addition to the basic report requirements, a critical area report for a seismic hazard area shall also meet the following requirements:
- 1. The site map shall show all known and mapped faults within three hundred feet of the project area, or that have potential to be affected by the proposal.
 - 2. The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).
- C. Other Geologically Hazardous Areas. In addition to the basic report requirements, the City may require additional information to be included in the critical area report when determined to be necessary to review the proposed activity and the subject hazard. Additional information that may be required, includes, but is not limited to:

1. Site Plan. The site plan shall show all known hazard areas located within three hundred feet of the project area, or that have potential to be affected by the proposal; and
2. Geotechnical Analysis. The geotechnical analysis shall include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard.

16.59.080 - Performance standards—General requirements

Alterations of geologically hazardous areas or associated management zones may only occur for activities that will not adversely impact or pose a threat to adjacent properties or critical areas, and are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions.

16.59.090 - Performance standards—Specific hazards

A. Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:

1. Management Zone Required. A management zone shall be established from all edges of erosion or landslide hazard areas. The size of the management zone shall be determined by the City to eliminate or minimize the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
 - a. Management Zone Established. A management zone shall be established from the edges of areas characterized by steep slopes, potentially unstable soils, erosion potential, or seismic activity. The management zone will be established by a qualified professional and shall adequately protect the proposed development, adjacent developments, and subject critical area. The management zone shall generally be equal to the height of the slope, or fifty feet, whichever is greater. A management zone less than fifty feet may be established if a qualified professional determines that such reduction will adequately protect the proposed development, adjacent developments, and subject critical area.
 - b. Increased Management Zone. The management zone may be increased where the City determines a larger management zone is necessary to prevent risk of damage to proposed and existing development(s);
2. Design Standards. Development under this section shall be designed to meet the following basic requirements. The requirement for long-term slope stability shall exclude designs that require periodic maintenance or other actions to maintain their level of function. The basic development design standards are:
 - a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions, and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code,

- b. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas,
 - c. Structures and improvements should minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography,
 - d. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation,
 - e. The proposed development shall not result in greater risk or a need for increased management zones on neighboring properties,
 - f. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes, and
 - g. Development shall be designed to minimize impervious lot coverage;
3. Vegetation Removal. Within a geologically hazardous area and related management zone, removal of vegetation shall be limited to the following:
- a. Selective vegetation removal as provided under Appendix C - Section 16.51.110, or
 - b. The City may authorize, as part of a critical area review, vegetation removal that has been determined to have no greater adverse impact on the geologically hazardous area, and is not necessary for mitigating any other impact under this code. The determination of no greater adverse impact will take into consideration a vegetation removal plan prepared by a certified landscape architect or arborist, and reviewed by a geotechnical engineer;
4. Seasonal Restriction. Clearing and grading under a City permit shall be allowed only from May 1st to October 1st of each year, provided that the City may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions;
5. Utility Lines and Pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is likely. The line or pipe shall be appropriately located and designed so that it will continue to function in the event of an underlying failure;
6. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:
- a. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge,
 - b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state, or

- c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed management zone demonstrated to be adequate to infiltrate all surface and stormwater runoff;
- 7. Roads and utilities (see subsection (A)(5) of this section) may be permitted within a geologic hazard area or management zone if the City determines that no other reasonable alternative exists which could avoid or minimize impacts to a greater extent.
- B. Seismic Hazard Areas. Activities proposed to be located in seismic hazard areas shall meet the standards of Appendix C - Section 16.59.080
- C. Other Hazard Areas. Activities on sites containing or adjacent to geologically hazardous areas, shall meet the standards of Appendix C - Section 16.59.080

CHAPTER 16.61 - FISH AND WILDLIFE HABITAT CONSERVATION AREAS

16.61.010 - Designation of fish and wildlife habitat conservation areas

- A. Fish and wildlife habitat conservation areas include:
1. Areas with Which State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association. The presence or absence of such species shall be determined by the field studies required by this section. Lists, categories and definitions of species promulgated by National Marine Fisheries Service (NMFS) and Washington Department of Fish and Wildlife (WDFW) are provided to the City to be used for guidance only.
 2. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.
 3. Habitats of local importance as identified by the City's Park, Recreation and Open Space Comprehensive Plan as natural open space, or as listed below:
 - a. Oregon White Oaks.
 - i. Individual Oregon White Oak trees with a twenty-inch diameter at breast height (twenty inches dbh).
 - ii. Stands of Oregon White Oak trees greater than one acre, when they are found to be valuable to fish and wildlife (i.e., may include trees with cavities, large diameter breast height (twelve inches dbh), are used by priority species, or have a large canopy.
 - iii. All Oregon White Oak snags unless determined by an arborist to be a hazard.
 - b. Camas Lily. To the extent practicable, Camas lily fields of a significant concentration (one-fourth acre) shall be preserved. If impacts or removal of significant concentrations of Camas lily are proposed, the proposal must include an evidence that the exploration of development options has included:
 - i. Maintaining Camas lily concentrations as they currently exist on site; and

ii. The option of transplanting Camas lily concentrations to other portions of the property. The proposal may be approved as proposed provided a finding is made based upon evidence that subsection (A)(3)(b)(i) and this subsection have been explored, that it is not possible to maintain significant concentrations of Camas lily on-site.

4. Naturally Occurring Ponds Under Twenty Acres. Naturally occurring ponds are those ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

5. Waters of the State. Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031, or its successor. This does not include man-made ditches or bio-swailes that have been created from areas not meeting the definition of waters of the state. Furthermore, wetlands designation and protection are regulated under Appendix C - Chapter 16.53

6. Bodies of water planted with game fish by a governmental or tribal entity.

7. State Natural Area Preserves and Natural Resource Conservation Areas.

Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.

All areas within the City of Camas meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

B. Mapping. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the City of Camas, as most recently updated. Existing and updated Washington Department of Fish and Wildlife (WDFW) and Department of Natural Resources (DNR) mapping of priority habitat, water types, shore zones, salmonoid distribution, and State Natural Resources Preserves is hereby adopted by reference. WDFW and DNR mapping is to be used for guidance purposes only. In addition, the mapping included within the Camas parks and open space plan identifies areas of potential natural open spaces.

These maps are to be used as a guide for the City of Camas, project applicants, and/or property owners, and should be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

16.61.020 - Critical area report—Requirements for habitat conservation areas

A. Prepared by a Qualified Professional. A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.

B. Areas Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:

1. Within a subject parcel or parcels, the project area of the proposed activity;
2. All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;
3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area of the subject parcel or parcels; and
4. The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity.

C. Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the presence or absence of a potential critical fish or wildlife species or habitat. A critical area report for a habitat conservation area shall contain an assessment of habitats, including the following site- and proposal-related information at a minimum:

1. Detailed description of vegetation on and adjacent to the project area;
2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
3. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
4. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity, and to be conducted in accordance with mitigation sequencing (Section 16.51.160); and
5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

D. Additional Information May be Required. When appropriate due to the type of habitat or species present or the project area conditions, the City may also require the habitat management plan to include:

1. An evaluation by the Department of Fish and Wildlife or qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;
2. An evaluation by the local Native American Indian Tribe; and
3. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

16.61.030 - Performance standards—General requirements

A. Mitigation Standards.

1. Applicants proposing activities subject to this chapter shall demonstrate that the activity:
 - a. Substantially maintains the level of habitat functions and values as characterized and documented using best available science; and

- b. Minimizes habitat disruption or alteration beyond the extent required to undertake the proposal.
2. If it is determined that habitat designated under this chapter will incur a net loss in functions and values, all losses shall be mitigated on-site as a first priority, and off-site thereafter.
 - a. Where on-site mitigation that could adequately address the loss is infeasible, the applicant shall consult with a qualified habitat restoration specialist, the City, and the Washington State Department of Fish and Wildlife regarding off-site mitigation. Mitigation shall prioritize the preservation and restoration of Lower Washougal River in-stream and riparian habitat, and should be guided by the Washougal River Sub-basin chapter of the Lower Columbia Salmon Recovery Plan.
 - b. If on-site mitigation is infeasible, payment may be accepted in lieu of an off-site mitigation project. At a minimum, such payment shall be equivalent to the cost of implementing an acceptable off-site project, as estimated by a qualified professional approved by the City, in consultation with the Washington State Department of Fish and Wildlife. The City shall use these funds for habitat improvements it believes are in the best interest of the City and provide a greater ecological benefit than the alternative off-site project. Habitat improvements under this section are subject to the following criteria:
 - i. Fees will be used to fund a clearly defined mitigation project;
 - ii. The project being funded will result in an increase in function that adequately compensates for the permitted impacts;
 - iii. Preference is given to projects within the same drainage basin as the impact, if they can provide similar functional improvements;
 - iv. There is a clear timeline for completing the mitigation project; and
 - v. There are provisions for long-term protection and management, including mechanisms such as conservation easements, and funding for long-term monitoring and maintenance of the site.
 3. Alternate Mitigation.
 - a. Habitat Mitigation Banking.
 - i. Construction, enhancement, or restoration of habitat to use as mitigation for future habitat development impacts is permitted subject to the following:
 - (A) A critical area permit shall be obtained prior to any mitigation banking. If a habitat permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. On projects proposing off-site habitat banking in addition

to required habitat mitigation, a separate habitat permit shall be required for each activity;

(B) Federal and state habitat regulations, if applicable, may supersede City requirements.

ii. The mitigation credit allowed will be determined by the City, based on the habitat category, condition, and mitigation ratios as specified in this chapter. Prior to granting mitigation banking credit, all habitat mitigation banking areas must comply with the applicable sections of this chapter and Chapter 16.51.

iii. On projects proposing off-site habitat banking in addition to required habitat mitigation, a separate permit fee will be required for each activity.

iv. Purchase of banked habitat credits is permitted to mitigate for habitat impacts in the same watershed, provided the applicant has minimized habitat impacts, where reasonably possible, and the following requirements are met:

(A) Documentation, in a form approved by the City, adequate to verify the transfer of habitat credit shall be submitted; and

(B) A plat note, along with information on the title, shall be recorded in a form approved by the City as adequate to give notice of the requirements of this section being met by the purchase of banked habitat credits.

4. Subject to individual circumstances, potential mitigation measures may include, but are not limited to, the following:

- a. Establishment of buffers;
- b. Requirement of a performance bond, when necessary, to ensure completion and success of the proposed mitigation;
- c. Avoiding the impact all together by not taking a certain action or parts of an action;
- d. Exploring alternative on-site locations to avoid or reduce impacts of activities;
- e. Preserving important vegetation and natural habitat features by establishing buffers, or by limiting clearing or alteration;
- f. Replacing invasive exotic plants with native species (refer to the Clark County Native Plant Communities Guide or other relevant publications for guidance);

- g. Prohibiting introduction of invasive plant species in habitat areas;
- h. Enhancing, restoring, or replacing vegetation or other habitat features and functions;
- i. Using native plants where appropriate when planting within habitat areas (refer to the Clark County Native Plant Communities Guide or other relevant publications for guidance);
- j. Managing access to habitat areas, including exclusionary fencing for livestock, if needed;
- k. Using existing stream crossings whenever a review of suitability, capacity, access and location, habitat impacts of alternatives, maintenance, liability, and economics indicate the existing crossing is feasible;
- l. Constructing new stream crossings, when necessary, in conformance to the water crossing structure standards in WAC 220-110-070 (Hydraulic Code Rules), which are incorporated by reference;
- m. Seasonally restricting construction activities;
- n. Implementing best management practices and integrated management practices;
- o. Monitoring or review of impacts and assurance of stabilization of the area;
- p. Establishing performance measures or bonding;
- q. Establishing conservation covenants and other mechanisms to ensure long-term preservation or maintenance of mitigation actions;
- r. Utilizing low-impact development techniques;
- s. Promoting water quality by limiting the use of lawn and garden chemicals in habitat areas; and/or
- t. Avoiding topsoil removal and minimizing topsoil compaction.

B. Nonindigenous Species Shall not be Introduced Via Mitigation. No plant, wildlife, or fish species not indigenous to the region shall be introduced, via mitigation, into a habitat conservation area.

C. Mitigation Should Result in Contiguous Corridors. In accordance with a mitigation plan, mitigation sites should preferably be located by the following and in priority order:

- 1. On-site and contiguous to wildlife habitat corridors; or
- 2. Off-site that is adjacent to the subject site and contiguous to wildlife habitat corridors; or

3. Mitigation within the natural open space network, as identified in the comprehensive parks and open space plan, may be allowed for off-site mitigation or in place of on-site mitigation, where development and mitigation will result in an isolating effect on the habitat.

D. Approvals of Activities may be Conditioned. The City shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to:

1. Establishment of buffers;
2. Preservation of critically important vegetation;
3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
4. Seasonal restriction of construction activities;
5. Establishment of a duration and timetable for periodic review of mitigation activities; and
6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

E. Buffers.

1. Establishment of Buffers. The director shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and should be consistent with the management recommendations issued by the State Department of Fish and Wildlife.

2. Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

3. Habitat Buffer Averaging. The director may allow the recommended habitat area buffer width to be averaged in accordance with a critical area report, only if:

- a. It will not reduce stream or habitat functions;
- b. It will not adversely affect salmonid habitat;
- c. It will provide additional natural resource protection, such as buffer enhancement;
- d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;
- e. The buffer area width is not reduced by more than fifty percent in any location; and

- f. The buffer area width is not less than twenty-five feet.

F. Mitigation Plan Requirements. When mitigation is required, the applicant shall submit a mitigation plan as part of the critical areas report. The mitigation plan shall include:

1. Detailed Construction Plans. The mitigation plan shall include descriptions of the mitigation proposed, such as:
 - a. The proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;
 - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - e. Measures to protect and maintain plants until established.

These written descriptions shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

2. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

The City shall notify the responsible party in writing once the conditions of the monitoring plan are met.

3. Adaptive Management. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

16.61.040 - Performance standards—Specific habitats.

- A. Endangered, Threatened, and Sensitive Species.

1. No development shall be allowed within a habitat conservation area or buffer with which state or federally listed endangered, threatened, or sensitive species have a documented presence.

2. Activities proposed within or adjacent to a habitat conservation area with which state or federally listed endangered, threatened, or sensitive species have a documented presence shall be protected through the application of protection

measures in accordance with a critical area report prepared by a qualified professional and approved by the City of Camas. Approval for alteration of land adjacent to the habitat conservation area or its buffer or in-water shall include consultation with the Department of Fish and Wildlife and the appropriate federal agency.

B. Anadromous Fish.

1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

- a. Activities shall be timed to occur only during the allowable work window as designated by the Department of Fish and Wildlife for the applicable species;
- b. An alternative alignment or location for the activity is not feasible;
- c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas; and
- d. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.

2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish, and shall prevent fry and juveniles migrating downstream from being trapped or harmed.

3. Fills may only intrude into water bodies used by anadromous fish when consistent with the Camas shoreline master program, and the applicant demonstrates that the fill is for a water-dependent use that is in the public interest.

C. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall, at a minimum, conform to the wetland development performance standards set forth in Chapter 16.53, Wetlands.

D. Stream Buffer Widths. Stream buffers are established for habitats that include aquatic systems. Unless otherwise allowed in this title, all structures and activities shall be located outside of the stream buffer area.

The following base stream buffer widths are based upon the Washington Department of Natural Resources (DNR) Water Typing System and further classification based upon fish presence (Fish bearing v. Non-fish Bearing) for Type F streams existing in the City of Camas. Widths shall be measured outward, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified. Buffer areas should be sufficiently wide to achieve the full range of riparian and aquatic ecosystem functions, which include but are not limited to protection of instream fish habitat through control of temperature and sedimentation in streams, preservation of fish and wildlife habitat, and connection of riparian wildlife habitat to other habitats.

Stream Buffer Widths

Stream Type	Base Buffer Width
Type S	150 feet
Type F, anadromous fish-bearing stream flowing to reaches with anadromous fish-bearing access	100 feet
Type F, anadromous fish-bearing stream flowing to reaches without anadromous fish-bearing access	75 feet
Type F, non-anadromous fish-bearing stream	75 feet
Type Np	50 feet
Type Ns	25 feet

1. Increased Stream Buffer Area Widths. The base stream buffer width may be increased, as follows:
 - a. When the City determines that the base width is insufficient to prevent habitat degradation, and to protect the structure and functions of the habitat area; and
 - b. When the habitat area is within an erosion or landslide hazard area, or buffer, the stream buffer area shall be the base width, or the erosion or landslide hazard area or buffer, whichever is greater.
2. Stream Buffer Area Reduction and Averaging. The director may allow the base stream buffer area width to be reduced in accordance with a critical area report only if:
 - a. The width reduction will not reduce or degrade stream or habitat functions, including anadromous fish habitat and those of nonfish habitat;
 - b. The stream buffer area width is not reduced by more than twenty-five percent in any one location;
 - c. The stream buffer area width is not reduced to less than fifteen feet;
 - d. The width reduction will not be located within another critical area or associated buffer, and the reduced stream buffer area width is supported by best available science;
 - e. All undeveloped lands within the area will be left undeveloped in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;
 - f. The buffer averaging plan shall be conducted in consultation with a qualified biologist and the plan shall be submitted to the Washington Department of Fish and Wildlife for comment; and
 - g. The City will use the recommendations of the qualified experts in making a decision on a plan that uses buffer averaging.

3. Stream Buffer Mitigation. Mitigation of adverse impacts to stream buffer areas shall result in equivalent functions and values, on a per function basis, and be located in the same drainage basin as the habitat impacted.
4. Alternative Mitigation for Stream Buffer Areas. The requirements set forth in this section may be modified at the City of Camas's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected drainage basin as a result of alternative mitigation measures.

Draft Code Amendments (MC20-05)

Note: The proposed amendments are shown as **red** text that is either underlined or crossed out.

3.86.20 – Definitions for multi-family housing tax exemption

"Affordable housing means residential housing ~~that is rented by a person or household~~ whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. ~~For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households".~~

18.03.030 – Definitions for land uses

- "Permanent Supportive Housing" means subsidized, leased housing with no limit on of stay, that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.
- "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one, but not more than ~~six~~ eight adults who are not related by blood or marriage to the person or persons providing the services. Adult family homes are a permitted use in all areas zoned for residential use.
- "Tiny House" and "Tiny house with wheels" means a dwelling to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation built in accordance with state building code.
- "Tiny House Communities" means real property rented or held out for rent to others for the placement of tiny houses with wheels or tiny houses as approved through Site Plan Review (Chapter 18.18).

18.07.030 Table 1 – Commercial and industrial land uses

	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
<u>Permanent Supportive Housing</u>	<u>C</u>	<u>P</u>	<u>X/P</u> ¹⁰	<u>X / P</u> ¹⁰	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

18.07.040 Table 2 – Residential and multi-family land uses

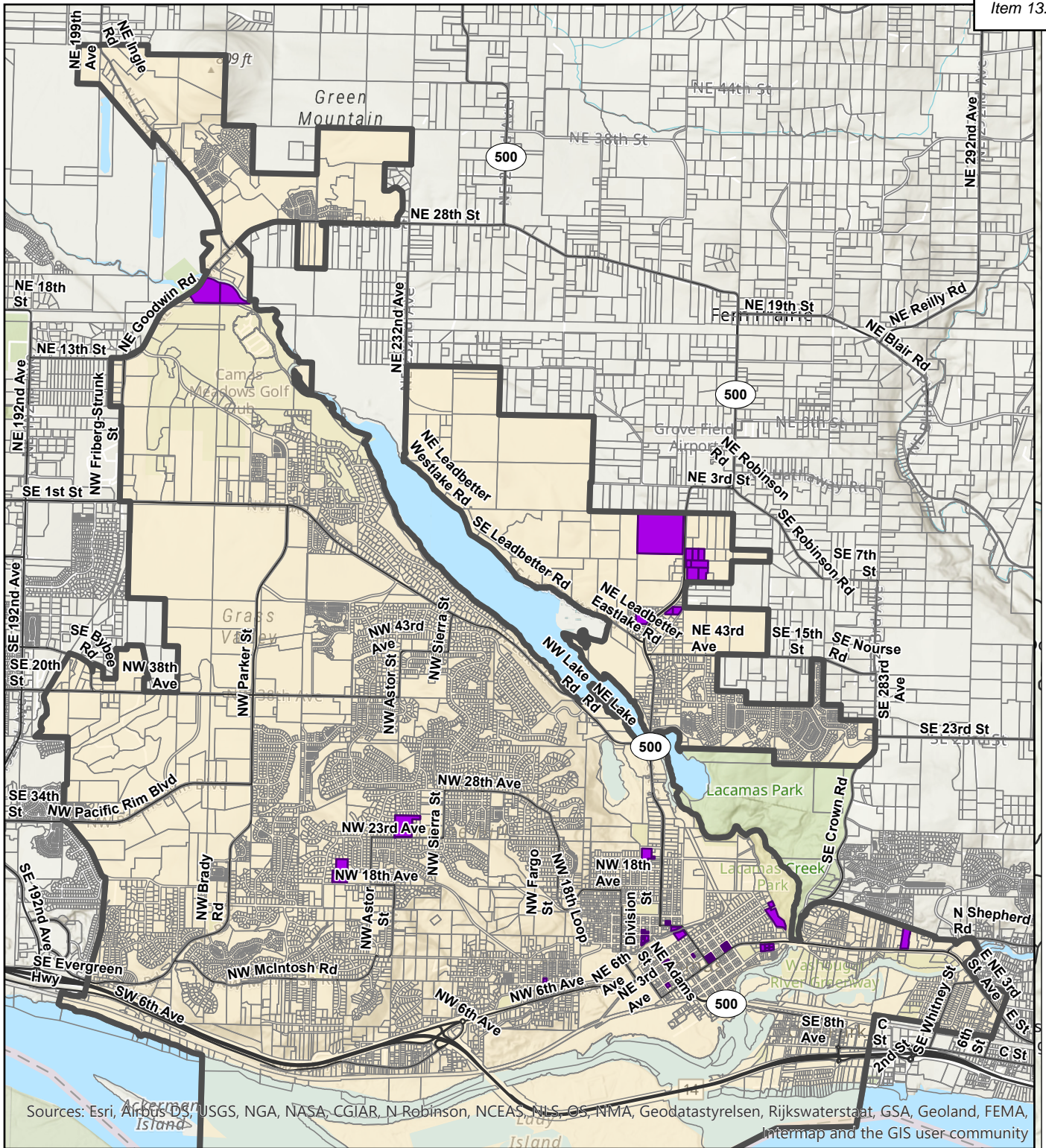
Residential Uses	R	MF
<u>Permanent Supportive Housing</u>	<u>C/P</u> ²	<u>P</u>

18.09.080– Lot sizes

- C. For residentially zoned parcels owned or controlled by a religious organization, a twenty percent density bonus to the dwelling unit maximum (Refer to Sections 18.09.040 and 18.09.050) is permitted for the development of affordable housing, when the following criteria are met:
1. Affordable housing is for low-income households. "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than 80 percent of the median family income, adjusted for household size for Clark County;
 2. A lease or other binding obligation shall require development to be used exclusively for affordable housing purposes for at least 50 years, even if the religious organization no longer owns the property; and
 3. Does not discriminate against any person who qualifies as a member of a low-income household.

18.29.070 – Manufactured home and space standards

- ~~E. Trailers and Recreational Vehicles. No travel trailer or recreational vehicle shall be utilized, except as temporary living quarters, and accessory to an existing manufactured home, which use shall not exceed a maximum of ten days per year.~~



City of Camas Church-Owned Properties

KEY

- Camas City Limits
- Church-Owned Properties



NOTE: Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.

0 1 2 3 4 Miles

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1377

Chapter 218, Laws of 2019

66th Legislature
2019 Regular Session

AFFORDABLE HOUSING DEVELOPMENT ON RELIGIOUS ORGANIZATION PROPERTY

EFFECTIVE DATE: July 28, 2019

Passed by the House April 18, 2019
Yeas 85 Nays 9

FRANK CHOPP**Speaker of the House of Representatives**Passed by the Senate April 12, 2019
Yeas 42 Nays 3

CYRUS HABIB**President of the Senate**

Approved April 30, 2019 2:43 PM

JAY INSLEE**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1377** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN**Chief Clerk**

FILED

May 1, 2019

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1377

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington**66th Legislature****2019 Regular Session**

By House Housing, Community Development & Veterans (originally sponsored by Representatives Walen, Barkis, Jenkin, Harris, Springer, Macri, Wylie, Ryu, Reeves, Robinson, Griffey, Appleton, Bergquist, Jinkins, Tharinger, Slatter, Kloba, Doglio, Goodman, Leavitt, Ormsby, and Santos)

READ FIRST TIME 02/08/19.

1 AN ACT Relating to affordable housing development on religious
2 organization property; adding a new section to chapter 35.63 RCW;
3 adding a new section to chapter 35A.63 RCW; adding a new section to
4 chapter 36.70A RCW; and adding a new section to chapter 44.28 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.63
7 RCW to read as follows:

8 (1) A city planning under this chapter must allow an increased
9 density bonus consistent with local needs for any affordable housing
10 development of any single-family or multifamily residence located on
11 real property owned or controlled by a religious organization
12 provided that:

13 (a) The affordable housing development is set aside for or
14 occupied exclusively by low-income households;

15 (b) The affordable housing development is part of a lease or
16 other binding obligation that requires the development to be used
17 exclusively for affordable housing purposes for at least fifty years,
18 even if the religious organization no longer owns the property; and

19 (c) The affordable housing development does not discriminate
20 against any person who qualifies as a member of a low-income
21 household based on race, creed, color, national origin, sex, veteran

1 or military status, sexual orientation, or mental or physical
2 disability; or otherwise act in violation of the federal fair housing
3 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

4 (2) A city may develop policies to implement this section if it
5 receives a request from a religious organization for an increased
6 density bonus for an affordable housing development.

7 (3) The religious organization developing the affordable housing
8 development must pay all fees, mitigation costs, and other charges
9 required through the development of the affordable housing
10 development.

11 (4) If applicable, the religious organization developing the
12 affordable housing development should work with the local transit
13 agency to ensure appropriate transit services are provided to the
14 affordable housing development.

15 (5) This section applies to any religious organization
16 rehabilitating an existing affordable housing development.

17 (6) For purposes of this section:

18 (a) "Affordable housing development" means a proposed or existing
19 structure in which one hundred percent of all single-family or
20 multifamily residential dwelling units within the development are set
21 aside for or are occupied by low-income households at a sales price
22 or rent amount that may not exceed thirty percent of the income limit
23 for the low-income housing unit;

24 (b) "Low-income household" means a single person, family, or
25 unrelated persons living together whose adjusted income is less than
26 eighty percent of the median family income, adjusted for household
27 size, for the county where the affordable housing development is
28 located; and

29 (c) "Religious organization" has the same meaning as in RCW
30 35.21.915.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.63
32 RCW to read as follows:

33 (1) A city planning under this chapter must allow an increased
34 density bonus consistent with local needs for any affordable housing
35 development of any single-family or multifamily residence located on
36 real property owned or controlled by a religious organization
37 provided that:

38 (a) The affordable housing development is set aside for or
39 occupied exclusively by low-income households;

(b) The affordable housing development is part of a lease other binding obligation that requires the development to be used exclusively for affordable housing purposes for at least fifty years, even if the religious organization no longer owns the property; and

(c) The affordable housing development does not discriminate against any person who qualifies as a member of a low-income household based on race, creed, color, national origin, sex, veteran or military status, sexual orientation, or mental or physical disability; or otherwise act in violation of the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

(2) A city may develop policies to implement this section if it receives a request from a religious organization for an increased density bonus for an affordable housing development.

(3) The religious organization developing the affordable housing development must pay all fees, mitigation costs, and other charges required through the development of the affordable housing development.

(4) If applicable, the religious organization developing the affordable housing development should work with the local transit agency to ensure appropriate transit services are provided to the affordable housing development.

(5) This section applies to any religious organization rehabilitating an existing affordable housing development.

(6) For purposes of this section:

(a) "Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit;

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located; and

(c) "Religious organization" has the same meaning as in RCW 35A.21.360.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

1 (1) Any city or county fully planning under this chapter
2 allow an increased density bonus consistent with local needs for any
3 affordable housing development of any single-family or multifamily
4 residence located on real property owned or controlled by a religious
5 organization provided that:

6 (a) The affordable housing development is set aside for or
7 occupied exclusively by low-income households;

8 (b) The affordable housing development is part of a lease or
9 other binding obligation that requires the development to be used
10 exclusively for affordable housing purposes for at least fifty years,
11 even if the religious organization no longer owns the property; and

12 (c) The affordable housing development does not discriminate
13 against any person who qualifies as a member of a low-income
14 household based on race, creed, color, national origin, sex, veteran
15 or military status, sexual orientation, or mental or physical
16 disability; or otherwise act in violation of the federal fair housing
17 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.).

18 (2) A city or county may develop policies to implement this
19 section if it receives a request from a religious organization for an
20 increased density bonus for an affordable housing development.

21 (3) An affordable housing development created by a religious
22 institution within a city or county fully planning under RCW
23 36.70A.040 must be located within an urban growth area as defined in
24 RCW 36.70A.110.

25 (4) The religious organization developing the affordable housing
26 development must pay all fees, mitigation costs, and other charges
27 required through the development of the affordable housing
28 development.

29 (5) If applicable, the religious organization developing the
30 affordable housing development should work with the local transit
31 agency to ensure appropriate transit services are provided to the
32 affordable housing development.

33 (6) This section applies to any religious organization
34 rehabilitating an existing affordable housing development.

35 (7) For purposes of this section:

36 (a) "Affordable housing development" means a proposed or existing
37 structure in which one hundred percent of all single-family or
38 multifamily residential dwelling units within the development are set
39 aside for or are occupied by low-income households at a sales price

1 or rent amount that may not exceed thirty percent of the income 1:
2 for the low-income housing unit;

3 (b) "Low-income household" means a single person, family, or
4 unrelated persons living together whose adjusted income is less than
5 eighty percent of the median family income, adjusted for household
6 size, for the county where the affordable housing development is
7 located; and

8 (c) "Religious organization" has the same meaning as in RCW
9 36.01.290.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 44.28
11 RCW to read as follows:

12 The joint committee must review the efficacy of the increased
13 density bonus incentive for affordable housing development located on
14 property owned by a religious organization pursuant to this act and
15 report its findings to the appropriate committees of the legislature
16 by December 1, 2030. The review must include a recommendation on
17 whether this incentive should be continued without change or should
18 be amended or repealed.

Passed by the House April 18, 2019.

Passed by the Senate April 12, 2019.

Approved by the Governor April 30, 2019.

Filed in Office of Secretary of State May 1, 2019.

--- END ---



Staff Report

February 16, 2021 Council Regular Meeting

Public Hearing - Annual Code Amendments – Housing Mandates

Presenter: Sarah Fox, Senior Planner

Phone	Email
360.817.7269	sfox@cityofcamas.us

SUMMARY: As part of the city's annual code improvement project staff is presenting proposals to comply with state laws that changed in 2019 and 2020, which are generally related to definitions and land uses related to housing. Staff's proposed amendments are captured in Exhibit 1. This report includes an evaluation in accordance with the review criteria at CMC Section 18.51.030.

Planning Commission held a public hearing on this item on December 15, 2020 and forwarded a recommendation of approval to Council. A workshop on this item was held before City Council on January 19, 2021.

Compliance with State Agencies:	Commerce 60-day notice of intent to adopt was sent on October 13, 2020.	The city issued a State Environmental Policy Act (File No. SEPA20-12) determination of Non-Significance Non-Project Action on November 12, 2020. No appeals were filed and the decision is final.
Notices:	Public notices were published on the city's website and in the Camas Post Record on January 28, 2021. Public notices were also published prior to the Planning Commission public hearing on the city's website and in the Camas Post Record on December 3, 2020 (Legal Publication # 481590)	

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item? **For city code to comply with state law.**

What's the data? What does the data tell us? **n/a**

How have communities been engaged? **Are there opportunities to expand engagement? The city has held two workshops before Planning Commission, along with the workshop tonight, January 19th. Public notices have been published on the city's website and in the Camas Post Record, along with publication of a SEPA Determination.**

Who will benefit from, or be burdened by this agenda item? **n/a**

What are the strategies to mitigate any unintended consequences? **n/a**

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact. **These amendments are required due to changes in state laws.**

Will this agenda item improve ADA accessibilities for people with disabilities? **n/a**

What potential hurdles exists in implementing this proposal (include both operational and political)? **n/a**

How will you ensure accountabilities, communicate, and evaluate results? **The amendments will be added to the municipal code, which is available online.**

How does this item support a comprehensive plan goal, policy or other adopted resolution? **Compliance with state laws.**

BUDGET IMPACT: **None**

DISCUSSION

The following is a list of the proposed amendments to the Camas Municipal Code (CMC) in numerical order and includes a description of the changes.

- **3.86.020 – Definitions for multi-family housing tax exemption**

Minor changes were made to the definitions related to affordable housing with the adoption of ES2HB 1923 (Exhibit 4, page 9, Line 10). The amendments to the city's code reflects the specific language regulated by the change in the law.

- **18.03.030 – Definitions for land uses**

The legislature added a new term and definition for "permanent supportive housing" with the adoption of ES2HB 1923. The language proposed within Exhibit 1 mirrors that of state law. The law also added two new sections in regard to cities being barred from prohibiting permanent supportive housing where multifamily housing is allowed (refer to Exhibit 4, page 17, line 17).

The legislature amended the definition for "tiny home" (Exhibit 3) and required that these structure types be allowed where mobile and manufactured homes are allowed with adoption of ESSB 5383. In order to be consistent with state law, the proposed amendments include adding a definition to Section 18.03.030 and ensuring that they are not a prohibited use within our city's manufactured home parks.

- **18.07.030 Table 1 – Commercial and industrial land uses and 18.07.040 Table 2 – Residential and multi-family land uses**

As previously noted, the legislature added a new term and definition for “permanent supportive housing” with the adoption of ES2HB 1923. The law requires that a city allow permanent supportive housing where multifamily housing is allowed. The proposed amendments to the land use tables are intended to be consistent with state law, and consistent with similar other uses within the city. The following two tables are from CMC and include uses that are multifamily in nature and highlights the zone in which those uses are allowed either outright or conditionally. Staff included the new use for ease of comparison.

Excerpt from Table 1 Section 18.07.030 Commercial & Industrial Land Uses

Zoning Districts →	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
<i>Nursing, rest, convalescent, retirement home</i>	C	P	P	P	P	X	X	X	X
<i>Adult family home</i>	C	P	P	X	P	X	X	X	X
<i>Assisted living</i>	C	P	P	X/P 10	P	X	X	X	X
<i>Duplex or two-family dwelling</i>	X	C/P 7	X	X	P	X	X	X	X
<i>Group home</i>	C	P	P	X	P	X	X	X	X
<i>Housing for the disabled</i>	P	P	P	X/P 10	P	X	X	X	X
<i>Apartment, multifamily development, row houses</i>	X	C/P 7	X/P 10	X/P 10	C	X	X	X	X
<i>Residence accessory to and connected with a business</i>	P	P	P	X/P 10	P	X	X	X	X
<u>Permanent Supportive Housing</u>	<u>C</u>	<u>P</u>	<u>X/ P10</u>	<u>X / P10</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Excerpt from Table 2 Section 18.07.040 Residential & Multifamily Land Uses

Zoning Districts →	R	MF
<i>Adult family home, residential care facility, supported living arrangement, or housing for the disabled 1</i>	P	P
<i>Apartments</i>	P ²	P
<i>Duplex or two-family dwelling</i>	C	P
<i>Nursing, rest, convalescent, retirement home 1</i>	C	P
<i>Residential attached housing for three or more units (e.g., rowhouses)</i>	X/P ²	P
<u>Permanent Supportive Housing</u>	<u>C/P ²</u>	<u>P</u>

Note to Table: #2. Permitted in the R zones as part of a planned development only.

• **18.09.080– Lot sizes**

The legislature passed SHB 1377 to require a city to “allow an increased density bonus consistent with local needs for any affordable housing development of any single-family or multifamily residence located on real property owned or controlled by a religious organization.” (Exhibit 2, page 3, Line 6). The proposed CMC amendment does not need to be adopted until an application is submitted. As discussed at previous workshops before Planning Commission, staff

noted that the law allows the city to be *reactive*. Specifically the law states that a city “*may develop policies*” upon receipt of a request for development by the religious organization.

This proposal is intended to create a provision consistent with state law that would also be consistent with other density bonuses allowed within the city’s zoning code, similar to [Density Transfers at CMC Section 18.09.060](#). Adopting this amendment in advance of a development application provides more certainty for landowners (Refer to map of properties at Exhibit 2) and reduces discretionary negotiation processes.

The city’s current Density Transfer provision allows a 30% increase in residential density when a land division sets aside a tract of land for the protection of a critical area, natural open space network, or network connector, or approved as a recreational area.

- **18.29.070 – Manufactured home and space standards**

As noted above, the legislature amended rules concerning tiny homes with adoption of ESSB 5383 (Exhibit 3). In general, the city must allow tiny homes where a manufactured or mobile home is allowed. In order to be consistent with state law, the proposed amendments include ensuring that they are not a prohibited use within the CMC chapter ordinance relating to manufactured home parks, Chapter 18.29.

CRITERIA OF APPROVAL – CMC 18.51.030	Finding
A. Impact upon the city of Camas comprehensive plan and zoning code;	The proposed changes will align the city with state laws.
B. Impact upon surrounding properties, if applicable;	The proposed changes will have minor impacts to future development city wide.
C. Alternatives to the proposed amendment; and	The amendments proposed to CMC Section 18.09.080 Lot Sizes, regarding religiously owned property is not a mandate, rather it is preemptive. This section could be forwarded to council or set-aside for additional work.
D. Relevant code citations and other adopted documents that may be affected by the proposed change.	No citations or documents will be affected beyond what has been provided within Exhibit 1.

Recommendation

Planning Commission rendered a unanimous approval of the amendments.

Council should conduct a public hearing, deliberate, and render a decision. If approval, then direct the City Attorney to prepare an ordinance for adoption on March 15, 2021.

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5383

Chapter 352, Laws of 2019

66th Legislature
2019 Regular Session

TINY HOUSES

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 22, 2019
Yeas 41 Nays 1

CYRUS HABIB

President of the Senate

Passed by the House April 10, 2019
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 9, 2019 3:26 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5383** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 13, 2019

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5383

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington**66th Legislature****2019 Regular Session**

By Senate Housing Stability & Affordability (originally sponsored by Senators Zeiger, Palumbo, Nguyen, Short, Van De Wege, Wilson, C., and Wilson, L.)

READ FIRST TIME 02/14/19.

1 AN ACT Relating to tiny houses; amending RCW 58.17.040,
2 35.21.684, 43.22.450, 19.27.035, and 35.21.278; adding a new section
3 to chapter 35.21 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Tiny houses have become a trend across the
6 nation to address the shortage of affordable housing. As tiny houses
7 become more acceptable, the legislature finds that it is important to
8 create space in the code for the regulation of tiny house siting.
9 Individual cities and counties may allow tiny houses with wheels to
10 be collected together as tiny house villages using the binding site
11 plan method articulated in chapter 58.17 RCW.

12 The legislature recognizes that the International Code Council in
13 2018 has issued tiny house building code standards in Appendix Q of
14 the International Residential Code, which can provide a basis for the
15 standards requested within this act.

16 **Sec. 2.** RCW 58.17.040 and 2004 c 239 s 1 are each amended to
17 read as follows:

18 The provisions of this chapter shall not apply to:

19 (1) Cemeteries and other burial plots while used for that
20 purpose;

(2) Divisions of land into lots or tracts each of which is one hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions: PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(5) A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in section 5 of this act, or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to either chapter 64.32 or 64.34 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such

land is located; and (e) the binding site plan contains thereon following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to either chapter 64.32 or 64.34 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan;

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in

1 connection with or to facilitate the transmission, distribution,
2 sale, or furnishing of electricity including, but not limited to,
3 electric power substations. This subsection does not exempt a
4 division of land from the zoning and permitting laws and regulations
5 of cities, towns, counties, and municipal corporations. Furthermore,
6 this subsection only applies to electric utility facilities that will
7 be placed into service to meet the electrical needs of a utility's
8 existing and new customers. New customers are defined as electric
9 service locations not already in existence as of the date that
10 electric utility facilities subject to the provisions of this
11 subsection are planned and constructed.

12 **Sec. 3.** RCW 35.21.684 and 2009 c 79 s 1 are each amended to read
13 as follows:

14 (1) A city or town may not adopt an ordinance that has the
15 effect, directly or indirectly, of discriminating against consumers'
16 choices in the placement or use of a home in such a manner that is
17 not equally applicable to all homes. Homes built to 42 U.S.C. Sec.
18 5401-5403 standards (as amended in 2000) must be regulated for the
19 purposes of siting in the same manner as site built homes, factory
20 built homes, or homes built to any other state construction or local
21 design standard. However, except as provided in subsection (2) of
22 this section, any city or town may require that:

23 (a) A manufactured home be a new manufactured home;

24 (b) The manufactured home be set upon a permanent foundation, as
25 specified by the manufacturer, and that the space from the bottom of
26 the home to the ground be enclosed by concrete or an approved
27 concrete product which can be either load bearing or decorative;

28 (c) The manufactured home comply with all local design standards
29 applicable to all other homes within the neighborhood in which the
30 manufactured home is to be located;

31 (d) The home is thermally equivalent to the state energy code;
32 and

33 (e) The manufactured home otherwise meets all other requirements
34 for a designated manufactured home as defined in RCW 35.63.160.

35 A city with a population of one hundred thirty-five thousand or
36 more may choose to designate its building official as the person
37 responsible for issuing all permits, including department of labor
38 and industries permits issued under chapter 43.22 RCW in accordance
39 with an interlocal agreement under chapter 39.34 RCW, for

1 alterations, remodeling, or expansion of manufactured housing located
2 within the city limits under this section.

3 (2) A city or town may not adopt an ordinance that has the
4 effect, directly or indirectly, of restricting the location of
5 manufactured/mobile homes in manufactured/mobile home communities
6 that were legally in existence before June 12, 2008, based
7 exclusively on the age or dimensions of the manufactured/mobile home.
8 This does not preclude a city or town from restricting the location
9 of a manufactured/mobile home in manufactured/mobile home communities
10 for any other reason including, but not limited to, failure to comply
11 with fire, safety, or other local ordinances or state laws related to
12 manufactured/mobile homes.

13 (3) Except as provided under subsection (4) of this section, a
14 city or town may not adopt an ordinance that has the effect, directly
15 or indirectly, of preventing the entry or requiring the removal of a
16 recreational vehicle or tiny house with wheels as defined in section
17 5 of this act used as a primary residence in manufactured/mobile home
18 communities.

19 (4) Subsection (3) of this section does not apply to any local
20 ordinance or state law that:

21 (a) Imposes fire, safety, or other regulations related to
22 recreational vehicles;

23 (b) Requires utility hookups in manufactured/mobile home
24 communities to meet state or federal building code standards for
25 manufactured/mobile home communities; or

26 (c) Includes both of the following provisions:

27 (i) A recreational vehicle or tiny house with wheels as defined
28 in section 5 of this act must contain at least one internal toilet
29 and at least one internal shower; and

30 (ii) If the requirement in (c)(i) of this subsection is not met,
31 a manufactured/mobile home community must provide toilets and
32 showers.

33 (5) For the purposes of this section, "manufactured/mobile home
34 community" has the same meaning as in RCW 59.20.030.

35 (6) This section does not override any legally recorded covenants
36 or deed restrictions of record.

37 (7) This section does not affect the authority granted under
38 chapter 43.22 RCW.

1 **Sec. 4.** RCW 43.22.450 and 2001 c 335 s 8 are each amended
2 read as follows:

3 Whenever used in RCW 43.22.450 through 43.22.490:

4 (1) "Department" means the Washington state department of labor
5 and industries;

6 (2) "Approved" means approved by the department;

7 (3) "Factory built housing" means any structure, including a
8 factory built tiny house with or without a chassis (wheels), designed
9 primarily for human occupancy other than a manufactured or mobile
10 home the structure or any room of which is either entirely or
11 substantially prefabricated or assembled at a place other than a
12 building site;

13 (4) "Install" means the assembly of factory built housing or
14 factory built commercial structures at a building site;

15 (5) "Building site" means any tract, parcel or subdivision of
16 land upon which factory built housing or a factory built commercial
17 structure is installed or is to be installed;

18 (6) "Local enforcement agency" means any agency of the governing
19 body of any city or county which enforces laws or ordinances
20 governing the construction of buildings;

21 (7) "Commercial structure" means a structure designed or used for
22 human habitation, or human occupancy for industrial, educational,
23 assembly, professional or commercial purposes.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.21
25 RCW to read as follows:

26 (1) A city or town may adopt an ordinance to regulate the
27 creation of tiny house communities.

28 (2) The owner of the land upon which the community is built shall
29 make reasonable accommodation for utility hookups for the provision
30 of water, power, and sewerage services and comply with all other
31 duties in chapter 59.20 RCW.

32 (3) Tenants of tiny house communities are entitled to all rights
33 and subject to all duties and penalties required under chapter 59.20
34 RCW.

35 (4) For purposes of this section:

36 (a) "Tiny house" and "tiny house with wheels" means a dwelling to
37 be used as permanent housing with permanent provisions for living,
38 sleeping, eating, cooking, and sanitation built in accordance with
39 the state building code.

1 (b) "Tiny house communities" means real property rented or
2 out for rent to others for the placement of tiny houses with wheels
3 or tiny houses utilizing the binding site plan process in RCW
4 58.17.035.

5 **Sec. 6.** RCW 19.27.035 and 2018 c 207 s 2 are each amended to
6 read as follows:

7 The building code council shall:

8 (1) (a) By July 1, 2019, adopt a revised process for the review of
9 proposed statewide amendments to the codes enumerated in RCW
10 19.27.031; and

11 ~~((+2))~~ (b) Adopt a process for the review of proposed or enacted
12 local amendments to the codes enumerated in RCW 19.27.031 as amended
13 and adopted by the state building code council.

14 (2) By December 31, 2019, adopt building code standards specific
15 for tiny houses.

16 **Sec. 7.** RCW 35.21.278 and 2012 c 218 s 1 are each amended to
17 read as follows:

18 (1) Without regard to competitive bidding laws for public works,
19 a county, city, town, school district, metropolitan park district,
20 park and recreation district, port district, or park and recreation
21 service area may contract with a chamber of commerce, a service
22 organization, a community, youth, or athletic association, or other
23 similar association located and providing service in the immediate
24 neighborhood, for drawing design plans, making improvements to a
25 park, school playground, public square, or port habitat site,
26 installing equipment or artworks, or providing maintenance services
27 for a facility or facilities as a community or neighborhood project,
28 or environmental stewardship project, and may reimburse the
29 contracting association its expense. The contracting association may
30 use volunteers in the project and provide the volunteers with
31 clothing or tools; meals or refreshments; accident/injury insurance
32 coverage; and reimbursement of their expenses. The consideration to
33 be received by the public entity through the value of the
34 improvements, artworks, equipment, or maintenance shall have a value
35 at least equal to three times that of the payment to the contracting
36 association. All payments made by a public entity under the authority
37 of this section for all such contracts in any one year shall not

1 exceed twenty-five thousand dollars or two dollars per resident
2 within the boundaries of the public entity, whichever is greater.

3 (2) A county, city, town, school district, metropolitan park
4 district, park and recreation district, or park and recreation
5 service area may ratify an agreement, which qualifies under
6 subsection (1) of this section and was made before June 9, 1988.

7 (3) Without regard to competitive bidding laws for public works,
8 a school district, institution of higher education, or other
9 governmental entity that includes training programs for students may
10 contract with a community service organization, nonprofit
11 organization, or other similar entity, to build tiny houses for low-
12 income housing, if the students participating in the building of the
13 tiny houses are in:

14 (a) Training in a community and technical college construction or
15 construction management program;

16 (b) A career and technical education program;

17 (c) A state recognized apprenticeship preparation program; or

18 (d) Training under a construction career exploration program for
19 high school students administered by a nonprofit organization.

Passed by the Senate April 22, 2019.

Passed by the House April 10, 2019.

Approved by the Governor May 9, 2019.

Filed in Office of Secretary of State May 13, 2019.

--- END ---

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923

Chapter 348, Laws of 2019

66th Legislature
2019 Regular Session

URBAN RESIDENTIAL BUILDING CAPACITY

EFFECTIVE DATE: July 28, 2019—Except for section 11, which becomes effective July 1, 2019.

Passed by the House April 24, 2019
Yeas 75 Nays 19

FRANK CHOPP

Speaker of the House of RepresentativesPassed by the Senate April 22, 2019
Yeas 33 Nays 16

CYRUS HABIB

President of the Senate

Approved May 9, 2019 3:12 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 13, 2019

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1923

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

State of Washington**66th Legislature****2019 Regular Session****By** House Appropriations (originally sponsored by Representatives Fitzgibbon, Macri, Appleton, Doglio, Dolan, Santos, and Frame)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to increasing urban residential building
2 capacity; amending RCW 36.70A.030, 43.21C.420, and 36.70A.490; adding
3 new sections to chapter 36.70A RCW; adding new sections to chapter
4 43.21C RCW; adding a new section to chapter 35.21 RCW; adding a new
5 section to chapter 35A.21 RCW; adding a new section to chapter 36.22
6 RCW; providing an effective date; and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
9 RCW to read as follows:

10 (1) A city planning pursuant to RCW 36.70A.040 is encouraged to
11 take the following actions in order to increase its residential
12 building capacity:

13 (a) Authorize development in one or more areas of not fewer than
14 five hundred acres that include at least one train station served by
15 commuter rail or light rail with an average of at least fifty
16 residential units per acre that require no more than an average of
17 one on-site parking space per two bedrooms in the portions of
18 multifamily zones that are located within the areas;

19 (b) Authorize development in one or more areas of not fewer than
20 five hundred acres in cities with a population greater than forty
21 thousand or not fewer than two hundred fifty acres in cities with a

1 population less than forty thousand that include at least one
2 stop served by scheduled bus service of at least four times per hour
3 for twelve or more hours per day with an average of at least twenty-
4 five residential units per acre that require no more than an average
5 of one on-site parking space per two bedrooms in portions of the
6 multifamily zones that are located within the areas;

7 (c) Authorize at least one duplex, triplex, or courtyard
8 apartment on each parcel in one or more zoning districts that permit
9 single-family residences unless a city documents a specific
10 infrastructure of physical constraint that would make this
11 requirement unfeasible for a particular parcel;

12 (d) Authorize cluster zoning or lot size averaging in all zoning
13 districts that permit single-family residences;

14 (e) Authorize attached accessory dwelling units on all parcels
15 containing single-family homes where the lot is at least three
16 thousand two hundred square feet in size, and permit both attached
17 and detached accessory dwelling units on all parcels containing
18 single-family homes, provided lots are at least four thousand three
19 hundred fifty-six square feet in size. Qualifying city ordinances or
20 regulations may not provide for on-site parking requirements, owner
21 occupancy requirements, or square footage limitations below one
22 thousand square feet for the accessory dwelling unit, and must not
23 prohibit the separate rental or sale of accessory dwelling units and
24 the primary residence. Cities must set applicable impact fees at no
25 more than the projected impact of the accessory dwelling unit. To
26 allow local flexibility, other than these factors, accessory dwelling
27 units may be subject to such regulations, conditions, procedures, and
28 limitations as determined by the local legislative authority, and
29 must follow all applicable state and federal laws and local
30 ordinances;

31 (f) Adopt a subarea plan pursuant to RCW 43.21C.420;

32 (g) Adopt a planned action pursuant to RCW 43.21C.440(1)(b)(ii),
33 except that an environmental impact statement pursuant to RCW
34 43.21C.030 is not required for such an action;

35 (h) Adopt increases in categorical exemptions pursuant to RCW
36 43.21C.229 for residential or mixed-use development;

37 (i) Adopt a form-based code in one or more zoning districts that
38 permit residential uses. "Form-based code" means a land development
39 regulation that uses physical form, rather than separation of use, as
40 the organizing principle for the code;

(j) Authorize a duplex on each corner lot within all zones in districts that permit single-family residences;

(k) Allow for the division or redivision of land into the maximum number of lots through the short subdivision process provided in chapter 58.17 RCW; and

(l) Authorize a minimum net density of six dwelling units per acre in all residential zones, where the residential development capacity will increase within the city.

(2) A city planning pursuant to RCW 36.70A.040 may adopt a housing action plan as described in this subsection. The goal of any such housing plan must be to encourage construction of additional affordable and market rate housing in a greater variety of housing types and at prices that are accessible to a greater variety of incomes, including strategies aimed at the for-profit single-family home market. A housing action plan may utilize data compiled pursuant to section 3 of this act. The housing action plan should:

(a) Quantify existing and projected housing needs for all income levels, including extremely low-income households, with documentation of housing and household characteristics, and cost-burdened households;

(b) Develop strategies to increase the supply of housing, and variety of housing types, needed to serve the housing needs identified in (a) of this subsection;

(c) Analyze population and employment trends, with documentation of projections;

(d) Consider strategies to minimize displacement of low-income residents resulting from redevelopment;

(e) Review and evaluate the current housing element adopted pursuant to RCW 36.70A.070, including an evaluation of success in attaining planned housing types and units, achievement of goals and policies, and implementation of the schedule of programs and actions;

(f) Provide for participation and input from community members, community groups, local builders, local realtors, nonprofit housing advocates, and local religious groups; and

(g) Include a schedule of programs and actions to implement the recommendations of the housing action plan.

(3) If adopted by April 1, 2021, ordinances, amendments to development regulations, and other nonproject actions taken by a city to implement the actions specified in subsection (1) of this section, with the exception of the action specified in subsection (1)(f) of

1 this section, are not subject to administrative or judicial ap
2 under chapter 43.21C RCW.

3 (4) Any action taken by a city prior to April 1, 2021, to amend
4 their comprehensive plan, or adopt or amend ordinances or development
5 regulations, solely to enact provisions under subsection (1) of this
6 section is not subject to legal challenge under this chapter.

7 (5) In taking action under subsection (1) of this section, cities
8 are encouraged to utilize strategies that increase residential
9 building capacity in areas with frequent transit service and with the
10 transportation and utility infrastructure that supports the
11 additional residential building capacity.

12 (6) A city with a population over twenty thousand that is
13 planning to take at least two actions under subsection (1) of this
14 section, and that action will occur between the effective date of
15 this section and April 1, 2021, is eligible to apply to the
16 department for planning grant assistance of up to one hundred
17 thousand dollars, subject to the availability of funds appropriated
18 for that purpose. The department shall develop grant criteria to
19 ensure that grant funds awarded are proportionate to the level of
20 effort proposed by a city, and the potential increase in housing
21 supply or regulatory streamlining that could be achieved. Funding may
22 be provided in advance of, and to support, adoption of policies or
23 ordinances consistent with this section. A city can request, and the
24 department may award, more than one hundred thousand dollars for
25 applications that demonstrate extraordinary potential to increase
26 housing supply or regulatory streamlining.

27 (7) A city seeking to develop a housing action plan under
28 subsection (2) of this section is eligible to apply to the department
29 for up to one hundred thousand dollars.

30 (8) The department shall establish grant award amounts under
31 subsections (6) and (7) of this section based on the expected number
32 of cities that will seek grant assistance, to ensure that all cities
33 can receive some level of grant support. If funding capacity allows,
34 the department may consider accepting and funding applications from
35 cities with a population of less than twenty thousand if the actions
36 proposed in the application will create a significant amount of
37 housing capacity or regulatory streamlining and are consistent with
38 the actions in this section.

39 (9) In implementing this act, cities are encouraged to prioritize
40 the creation of affordable, inclusive neighborhoods and to consider

1 the risk of residential displacement, particularly in neighborh
2 with communities at high risk of displacement.

3 **Sec. 2.** RCW 36.70A.030 and 2017 3rd sp.s. c 18 s 2 are each
4 amended to read as follows:

5 Unless the context clearly requires otherwise, the definitions in
6 this section apply throughout this chapter.

7 (1) "Adopt a comprehensive land use plan" means to enact a new
8 comprehensive land use plan or to update an existing comprehensive
9 land use plan.

10 (2) "Agricultural land" means land primarily devoted to the
11 commercial production of horticultural, viticultural, floricultural,
12 dairy, apiary, vegetable, or animal products or of berries, grain,
13 hay, straw, turf, seed, Christmas trees not subject to the excise tax
14 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
15 hatcheries, or livestock, and that has long-term commercial
16 significance for agricultural production.

17 (3) "City" means any city or town, including a code city.

18 (4) "Comprehensive land use plan," "comprehensive plan," or
19 "plan" means a generalized coordinated land use policy statement of
20 the governing body of a county or city that is adopted pursuant to
21 this chapter.

22 (5) "Critical areas" include the following areas and ecosystems:
23 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
24 used for potable water; (c) fish and wildlife habitat conservation
25 areas; (d) frequently flooded areas; and (e) geologically hazardous
26 areas. "Fish and wildlife habitat conservation areas" does not
27 include such artificial features or constructs as irrigation delivery
28 systems, irrigation infrastructure, irrigation canals, or drainage
29 ditches that lie within the boundaries of and are maintained by a
30 port district or an irrigation district or company.

31 (6) "Department" means the department of commerce.

32 (7) "Development regulations" or "regulation" means the controls
33 placed on development or land use activities by a county or city,
34 including, but not limited to, zoning ordinances, critical areas
35 ordinances, shoreline master programs, official controls, planned
36 unit development ordinances, subdivision ordinances, and binding site
37 plan ordinances together with any amendments thereto. A development
38 regulation does not include a decision to approve a project permit
39 application, as defined in RCW 36.70B.020, even though the decision

1 may be expressed in a resolution or ordinance of the legislative
2 of the county or city.

3 (8) "Forestland" means land primarily devoted to growing trees
4 for long-term commercial timber production on land that can be
5 economically and practically managed for such production, including
6 Christmas trees subject to the excise tax imposed under RCW 84.33.100
7 through 84.33.140, and that has long-term commercial significance. In
8 determining whether forestland is primarily devoted to growing trees
9 for long-term commercial timber production on land that can be
10 economically and practically managed for such production, the
11 following factors shall be considered: (a) The proximity of the land
12 to urban, suburban, and rural settlements; (b) surrounding parcel
13 size and the compatibility and intensity of adjacent and nearby land
14 uses; (c) long-term local economic conditions that affect the ability
15 to manage for timber production; and (d) the availability of public
16 facilities and services conducive to conversion of forestland to
17 other uses.

18 (9) "Freight rail dependent uses" means buildings and other
19 infrastructure that are used in the fabrication, processing, storage,
20 and transport of goods where the use is dependent on and makes use of
21 an adjacent short line railroad. Such facilities are both urban and
22 rural development for purposes of this chapter. "Freight rail
23 dependent uses" does not include buildings and other infrastructure
24 that are used in the fabrication, processing, storage, and transport
25 of coal, liquefied natural gas, or "crude oil" as defined in RCW
26 90.56.010.

27 (10) "Geologically hazardous areas" means areas that because of
28 their susceptibility to erosion, sliding, earthquake, or other
29 geological events, are not suited to the siting of commercial,
30 residential, or industrial development consistent with public health
31 or safety concerns.

32 (11) "Long-term commercial significance" includes the growing
33 capacity, productivity, and soil composition of the land for long-
34 term commercial production, in consideration with the land's
35 proximity to population areas, and the possibility of more intense
36 uses of the land.

37 (12) "Minerals" include gravel, sand, and valuable metallic
38 substances.

39 (13) "Public facilities" include streets, roads, highways,
40 sidewalks, street and road lighting systems, traffic signals

1 domestic water systems, storm and sanitary sewer systems, parks
2 recreational facilities, and schools.

3 (14) "Public services" include fire protection and suppression,
4 law enforcement, public health, education, recreation, environmental
5 protection, and other governmental services.

6 (15) "Recreational land" means land so designated under RCW
7 36.70A.1701 and that, immediately prior to this designation, was
8 designated as agricultural land of long-term commercial significance
9 under RCW 36.70A.170. Recreational land must have playing fields and
10 supporting facilities existing before July 1, 2004, for sports played
11 on grass playing fields.

12 (16) "Rural character" refers to the patterns of land use and
13 development established by a county in the rural element of its
14 comprehensive plan:

15 (a) In which open space, the natural landscape, and vegetation
16 predominate over the built environment;

17 (b) That foster traditional rural lifestyles, rural-based
18 economies, and opportunities to both live and work in rural areas;

19 (c) That provide visual landscapes that are traditionally found
20 in rural areas and communities;

21 (d) That are compatible with the use of the land by wildlife and
22 for fish and wildlife habitat;

23 (e) That reduce the inappropriate conversion of undeveloped land
24 into sprawling, low-density development;

25 (f) That generally do not require the extension of urban
26 governmental services; and

27 (g) That are consistent with the protection of natural surface
28 water flows and groundwater and surface water recharge and discharge
29 areas.

30 (17) "Rural development" refers to development outside the urban
31 growth area and outside agricultural, forest, and mineral resource
32 lands designated pursuant to RCW 36.70A.170. Rural development can
33 consist of a variety of uses and residential densities, including
34 clustered residential development, at levels that are consistent with
35 the preservation of rural character and the requirements of the rural
36 element. Rural development does not refer to agriculture or forestry
37 activities that may be conducted in rural areas.

38 (18) "Rural governmental services" or "rural services" include
39 those public services and public facilities historically and
40 typically delivered at an intensity usually found in rural areas, and

1 may include domestic water systems, fire and police protection
2 services, transportation and public transit services, and other
3 public utilities associated with rural development and normally not
4 associated with urban areas. Rural services do not include storm or
5 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

6 (19) "Short line railroad" means those railroad lines designated
7 class II or class III by the United States surface transportation
8 board.

9 (20) "Urban governmental services" or "urban services" include
10 those public services and public facilities at an intensity
11 historically and typically provided in cities, specifically including
12 storm and sanitary sewer systems, domestic water systems, street
13 cleaning services, fire and police protection services, public
14 transit services, and other public utilities associated with urban
15 areas and normally not associated with rural areas.

16 (21) "Urban growth" refers to growth that makes intensive use of
17 land for the location of buildings, structures, and impermeable
18 surfaces to such a degree as to be incompatible with the primary use
19 of land for the production of food, other agricultural products, or
20 fiber, or the extraction of mineral resources, rural uses, rural
21 development, and natural resource lands designated pursuant to RCW
22 36.70A.170. A pattern of more intensive rural development, as
23 provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed
24 to spread over wide areas, urban growth typically requires urban
25 governmental services. "Characterized by urban growth" refers to land
26 having urban growth located on it, or to land located in relationship
27 to an area with urban growth on it as to be appropriate for urban
28 growth.

29 (22) "Urban growth areas" means those areas designated by a
30 county pursuant to RCW 36.70A.110.

31 (23) "Wetland" or "wetlands" means areas that are inundated or
32 saturated by surface water or groundwater at a frequency and duration
33 sufficient to support, and that under normal circumstances do
34 support, a prevalence of vegetation typically adapted for life in
35 saturated soil conditions. Wetlands generally include swamps,
36 marshes, bogs, and similar areas. Wetlands do not include those
37 artificial wetlands intentionally created from nonwetland sites,
38 including, but not limited to, irrigation and drainage ditches,
39 grass-lined swales, canals, detention facilities, wastewater
40 treatment facilities, farm ponds, and landscape amenities, or those

wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(24) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(25) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(26) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(27) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay, paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services.

(28) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, a

1 reported by the United States department of housing and u
2 development.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A
4 RCW to read as follows:

5 The Washington center for real estate research at the University
6 of Washington shall produce a report every two years that compiles
7 housing supply and affordability metrics for each city planning under
8 RCW 36.70A.040 with a population of ten thousand or more. The initial
9 report, completed by October 15, 2020, must be a compilation of
10 objective criteria relating to development regulations, zoning,
11 income, housing and rental prices, housing affordability programs,
12 and other metrics relevant to assessing housing supply and
13 affordability for all income segments, including the percentage of
14 cost-burdened households, of each city subject to the report required
15 by this section. The report completed by October 15, 2022, must also
16 include data relating to actions taken by cities under this act. The
17 report completed by October 15, 2024, must also include relevant data
18 relating to buildable lands reports prepared under RCW 36.70A.215,
19 where applicable, and updates to comprehensive plans under this
20 chapter. The Washington center for real estate research shall
21 collaborate with the Washington housing finance commission and the
22 office of financial management to develop the metrics compiled in the
23 report. The report must be submitted, consistent with RCW 43.01.036,
24 to the standing committees of the legislature with jurisdiction over
25 housing issues and this chapter.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21C
27 RCW to read as follows:

28 If adopted by April 1, 2021, amendments to development
29 regulations and other nonproject actions taken by a city to implement
30 section 1 (1) or (4) of this act, with the exception of the action
31 specified in section 1(1)(f) of this act, are not subject to
32 administrative or judicial appeals under this chapter.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.70A
34 RCW to read as follows:

35 In counties and cities planning under RCW 36.70A.040, minimum
36 residential parking requirements mandated by municipal zoning

ordinances for housing units constructed after July 1, 2019, subject to the following requirements:

(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

(2) For housing units that are specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units, subject to the exceptions provided in this subsection. A city may establish parking requirements for staff and visitors of such housing units. A city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for seniors or people with disabilities.

NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C RCW to read as follows:

(1) A project action pertaining to residential, multifamily, mixed use development evaluated under this chapter by a city or town planning under RCW 36.70A.040 is exempt from appeals under this chapter on the basis of the evaluation of or impacts to transportation elements of the environment, so long as the project does not present significant adverse impacts to the state-owned transportation system as determined by the department of transportation and the project is:

(a) (i) Consistent with a locally adopted transportation plan; or

(ii) Consistent with the transportation element of a comprehensive plan; and

(b) (i) A project for which traffic or parking impact fees are imposed pursuant to RCW 82.02.050 through 82.02.090; or

(ii) A project for which traffic or parking impacts are expressly mitigated by an ordinance, or ordinances, of general application adopted by the city or town.

(2) For purposes of this section, "impacts to transportation elements of the environment" include impacts to transportation systems; vehicular traffic; waterborne, rail, and air traffic; parking; movement or circulation of people or goods; and traffic hazards.

Sec. 7. RCW 43.21C.420 and 2010 c 153 s 2 are each amended to read as follows:

(1) Cities with a population greater than five thousand, in accordance with their existing comprehensive planning and development regulation authority under chapter 36.70A RCW, and in accordance with this section, may adopt optional elements of their comprehensive plans and optional development regulations that apply within specified subareas of the cities, that are either:

(a) Areas designated as mixed-use or urban centers in a land use or transportation plan adopted by a regional transportation planning organization; or

(b) Areas within one-half mile of a major transit stop that are zoned to have an average minimum density of fifteen dwelling units or more per gross acre.

(2) Cities located on the east side of the Cascade mountains and located in a county with a population of two hundred thirty thousand or less, in accordance with their existing comprehensive planning and development regulation authority under chapter 36.70A RCW, and in

1 accordance with this section, may adopt optional elements of t
2 comprehensive plans and optional development regulations that apply
3 within the mixed-use or urban centers. The optional elements of their
4 comprehensive plans and optional development regulations must enhance
5 pedestrian, bicycle, transit, or other nonvehicular transportation
6 methods.

7 (3) A major transit stop is defined as:

8 (a) A stop on a high capacity transportation service funded or
9 expanded under the provisions of chapter 81.104 RCW;

10 (b) Commuter rail stops;

11 (c) Stops on rail or fixed guideway systems, including
12 transitways;

13 (d) Stops on bus rapid transit routes or routes that run on high
14 occupancy vehicle lanes; or

15 (e) Stops for a bus or other transit mode providing fixed route
16 service at intervals of at least thirty minutes during the peak hours
17 of operation.

18 (4) (a) A city that elects to adopt such an optional comprehensive
19 plan element and optional development regulations shall prepare a
20 nonproject environmental impact statement, pursuant to RCW
21 43.21C.030, assessing and disclosing the probable significant adverse
22 environmental impacts of the optional comprehensive plan element and
23 development regulations and of future development that is consistent
24 with the plan and regulations.

25 (b) At least one community meeting must be held on the proposed
26 subarea plan before the scoping notice for such a nonproject
27 environmental impact statement is issued. Notice of scoping for such
28 a nonproject environmental impact statement and notice of the
29 community meeting required by this section must be mailed to all
30 property owners of record within the subarea to be studied, to all
31 property owners within one hundred fifty feet of the boundaries of
32 such a subarea, to all affected federally recognized tribal
33 governments whose ceded area is within one-half mile of the
34 boundaries of the subarea, and to agencies with jurisdiction over the
35 future development anticipated within the subarea.

36 ~~(c) ((In cities with over five hundred thousand residents, notice~~
37 ~~of scoping for such a nonproject environmental impact statement and~~
38 ~~notice of the community meeting required by this section must be~~
39 ~~mailed to all small businesses as defined in RCW 19.85.020, and to~~
40 ~~all community preservation and development authorities established~~

1 under chapter 43.167 RCW, located within the subarea to be studied
2 within one hundred fifty feet of the boundaries of such subarea. The
3 process for community involvement must have the goal of fair
4 treatment and meaningful involvement of all people with respect to
5 the development and implementation of the subarea planning process.

6 ~~((d))~~) The notice of the community meeting must include general
7 illustrations and descriptions of buildings generally representative
8 of the maximum building envelope that will be allowed under the
9 proposed plan and indicate that future appeals of proposed
10 developments that are consistent with the plan will be limited.
11 Notice of the community meeting must include signs located on major
12 travel routes in the subarea. If the building envelope increases
13 during the process, another notice complying with the requirements of
14 this section must be issued before the next public involvement
15 opportunity.

16 ~~((e))~~) (d) Any person that has standing to appeal the adoption
17 of this subarea plan or the implementing regulations under RCW
18 36.70A.280 has standing to bring an appeal of the nonproject
19 environmental impact statement required by this subsection.

20 ~~((f))~~ Cities with over five hundred thousand residents shall
21 prepare a study that accompanies or is appended to the nonproject
22 environmental impact statement, but must not be part of that
23 statement, that analyzes the extent to which the proposed subarea
24 plan may result in the displacement or fragmentation of existing
25 businesses, existing residents, including people living with poverty,
26 families with children, and intergenerational households, or cultural
27 groups within the proposed subarea plan. The city shall also discuss
28 the results of the analysis at the community meeting.

29 ~~((g))~~) (e) As an incentive for development authorized under this
30 section, a city shall consider establishing a transfer of development
31 rights program in consultation with the county where the city is
32 located, that conserves county-designated agricultural and forestland
33 of long-term commercial significance. If the city decides not to
34 establish a transfer of development rights program, the city must
35 state in the record the reasons for not adopting the program. The
36 city's decision not to establish a transfer of development rights
37 program is not subject to appeal. Nothing in this subsection (4)
38 ~~((g))~~) (e) may be used as a basis to challenge the optional
39 comprehensive plan or subarea plan policies authorized under this
40 section.

(5)(a) Until July 1, ((2018)) 2029, a proposed development meets the criteria of (b) of this subsection may not be challenged in administrative or judicial appeals for noncompliance with this chapter as long as a complete application for such a development that vests the application or would later lead to vested status under city or state law is submitted to the city within a time frame established by the city, but not to exceed the following time frames:

(i) Nineteen years from the date of issuance of the final environmental impact statement, for projects that are consistent with an optional element adopted by a city as of the effective date of this section; or

(ii) Ten years from the date of issuance of the final environmental impact statement, for projects that are consistent with an optional element adopted by a city after the effective date of this section.

(b) A proposed development may not be challenged, consistent with the timelines established in (a) of this subsection, so long as the development:

(i) Is consistent with the optional comprehensive plan or subarea plan policies and development regulations adopted under subsection (1) or (2) of this section;

(ii) Sets aside or requires the occupancy of at least ten percent of the dwelling units, or a greater percentage as determined by city development regulations, within the development for low-income households at a sale price or rental amount that is considered affordable by a city's housing programs. This subsection (5)(b)(ii) applies only to projects that are consistent with an optional element adopted by a city pursuant to this section after the effective date of this section; and ((that))

(iii) Is environmentally reviewed under subsection (4) of this section ((may not be challenged in administrative or judicial appeals for noncompliance with this chapter as long as a complete application for such a development that vests the application or would later lead to vested status under city or state law is submitted to the city within a time frame established by the city, but not to exceed ten years from the date of issuance of the final environmental impact statement)).

((b)) (c) After July 1, ((2018)) 2029, the immunity from appeals under this chapter of any application that vests or will vest under this subsection or the ability to vest under this subsection is

1 still valid, provided that the final subarea environmental impact
2 statement is issued by July 1, ~~((2018))~~ 2029. After July 1, ~~((2018))~~
3 2029, a city may continue to collect reimbursement fees under
4 subsection (6) of this section for the proportionate share of a
5 subarea environmental impact statement issued prior to July 1,
6 ~~((2018))~~ 2029.

7 (6) It is recognized that a city that prepares a nonproject
8 environmental impact statement under subsection (4) of this section
9 must endure a substantial financial burden. A city may recover or
10 apply for a grant or loan to prospectively cover its reasonable
11 expenses of preparation of a nonproject environmental impact
12 statement prepared under subsection (4) of this section through
13 access to financial assistance under RCW 36.70A.490 or funding from
14 private sources. In addition, a city is authorized to recover a
15 portion of its reasonable expenses of preparation of such a
16 nonproject environmental impact statement by the assessment of
17 reasonable and proportionate fees upon subsequent development that is
18 consistent with the plan and development regulations adopted under
19 subsection (5) of this section, as long as the development makes use
20 of and benefits ~~((from))~~ from, as described in subsection (5) of
21 this section, ~~((from))~~ the nonproject environmental impact statement
22 prepared by the city. Any assessment fees collected from subsequent
23 development may be used to reimburse funding received from private
24 sources. In order to collect such fees, the city must enact an
25 ordinance that sets forth objective standards for determining how the
26 fees to be imposed upon each development will be proportionate to the
27 impacts of each development and to the benefits accruing to each
28 development from the nonproject environmental impact statement. Any
29 disagreement about the reasonableness or amount of the fees imposed
30 upon a development may not be the basis for delay in issuance of a
31 project permit for that development. The fee assessed by the city may
32 be paid with the written stipulation "paid under protest" and if the
33 city provides for an administrative appeal of its decision on the
34 project for which the fees are imposed, any dispute about the amount
35 of the fees must be resolved in the same administrative appeal
36 process.

37 (7) If a proposed development is inconsistent with the optional
38 comprehensive plan or subarea plan policies and development
39 regulations adopted under subsection (1) of this section, the city

shall require additional environmental review in accordance with chapter.

Sec. 8. RCW 36.70A.490 and 2012 1st sp.s. c 1 s 309 are each amended to read as follows:

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants or loans to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, ~~((~~0~~))~~ 36.70A.500, section 1 of this act, for costs associated with section 3 of this act, and to cover costs associated with the adoption of optional elements of comprehensive plans consistent with RCW 43.21C.420. Any payment of either principal or interest, or both, derived from loans made from this fund must be deposited into the fund.

NEW SECTION. **Sec. 9.** A new section is added to chapter 35.21 RCW to read as follows:

A city may not prohibit permanent supportive housing in areas where multifamily housing is permitted.

NEW SECTION. **Sec. 10.** A new section is added to chapter 35A.21 RCW to read as follows:

A code city may not prohibit permanent supportive housing in areas where multifamily housing is permitted.

NEW SECTION. **Sec. 11.** A new section is added to chapter 36.22 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of two dollars and fifty cents shall be charged by the county auditor for each document recorded, which will be in addition to any other charge or surcharge allowed by law. The auditor shall remit the funds to the state treasurer to be deposited and used as follows:

(a) Through June 30, 2024, funds must be deposited into the growth management planning and environmental review fund created in RCW 36.70A.490 to be used first for grants for costs associated with

1 section 1 of this act and for costs associated with section 3 of
2 act, and thereafter for any allowable use of the fund.

3 (b) Beginning July 1, 2024, sufficient funds must be deposited
4 into the growth management planning and environmental review fund
5 created in RCW 36.70A.490 for costs associated with section 3 of this
6 act, and the remainder deposited into the home security fund account
7 created in RCW 43.185C.060 to be used for maintenance and operation
8 costs of: (i) Permanent supportive housing and (ii) affordable
9 housing for very low-income and extremely low-income households.
10 Funds may only be expended in cities that have taken action under
11 section 1 of this act.

12 (2) The surcharge imposed in this section does not apply to: (a)
13 Assignments or substitutions of previously recorded deeds of trust;
14 (b) documents recording a birth, marriage, divorce, or death; (c) any
15 recorded documents otherwise exempted from a recording fee or
16 additional surcharges under state law; (d) marriage licenses issued
17 by the county auditor; or (e) documents recording a federal, state,
18 county, or city lien or satisfaction of lien.

19 (3) For purposes of this section, the terms "permanent supportive
20 housing," "affordable housing," "very low-income households," and
21 "extremely low-income households" have the same meaning as provided
22 in RCW 36.70A.030.

23 NEW SECTION. **Sec. 12.** Section 11 of this act is necessary for
24 the immediate preservation of the public peace, health, or safety, or
25 support of the state government and its existing public institutions,
26 and takes effect July 1, 2019.

Passed by the House April 24, 2019.
Passed by the Senate April 22, 2019.
Approved by the Governor May 9, 2019.
Filed in Office of Secretary of State May 13, 2019.

--- END ---



Staff Report

February 16, 2021 Council Regular Meeting

Public Hearing - Annual Code Amendments

Presenter: Madeline Sutherland, Assistant Planner

Phone	Email
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BACKGROUND: Annual Code Amendments to Title 12, 14, 15, 17 and 18.

SUMMARY: As part of the city's annual code improvement project, the amendments include corrections to typos, citations or punctuation, and to clarify sections of the Camas Municipal Code (CMC) that were challenging to administer over the past review cycle. Staff's proposed amendments are captured in Exhibit 1. This staff report includes an evaluation of each proposal in accordance with the review criteria at CMC Section 18.51.030 Specifics related to item. Planning Commission held a public hearing on December 15, 2020 and rendered a unanimous decision to forward the amendments as provided in Exhibit 1 to Council.

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item?

- To correct typos, citations, punctuation and clarify sections of the Camas Municipal Code.

What's the data? What does the data tell us?

- N/A

How have communities been engaged? Are there opportunities to expand engagement?

- Public notices have been posted in the Post Record and the City website.

Who will benefit from, or be burdened by this agenda item?

- The code amendments will add clarity to development sections of the CMC which will benefit the public and City staff.

What are the strategies to mitigate any unintended consequences?

- N/A

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.

- N/A

Will this agenda item improve ADA accessibilities for people with disabilities?

- N/A

What potential hurdles exists in implementing this proposal (include both operational and political)?

- N/A

How will you ensure accountabilities, communicate, and evaluate results?

- N/A

How does this item support a comprehensive plan goal, policy or other adopted resolution?

- The code amendments align with the comprehensive plan and other adopted resolutions.

BUDGET IMPACT: The code amendments do not impact the budget.

DISCUSSION: The following is a list of proposed amendments to sections of the CMC in numerical order and includes a brief description of the changes.

- 12.32.020.D.9.1

The proposed change would make it illegal to use fireworks in city parks unless a permit is received.

- 12.36.010.A – Purpose of provisions

The proposed change will allow access for emergency vehicles to residential and commercial properties with a private gate. Currently the code does not require access for gated commercial properties.

- 12.36.050 – Permit-Required when-Application

Proposed language added for lock box provisions for residential and commercial properties allowing emergency vehicle access.

- Title 14 Offenses and Miscellaneous Provisions

The chapters under Title 14 relate more to stormwater instead of miscellaneous provisions, therefore it is proposed to be renamed.

- 15.04.010 – Adoption of referenced codes

Adoption of Appendices, Washington State renamed the fire sprinkler appendices.

- 15.04.030.D.9 – International Fire Code

Provides clarification to the number of alarm devices required in buildings with fire alarm systems.

- 15.17.050 – Automatic for sprinkler system required

The proposed amendment would require fire sprinklers in detached ADU's. This would not apply to internal/attached ADUs due to difficulties installing a sprinkler system in an existing residence. Fire sprinklers are required in all new single-family residences and new detached ADUs are similar in nature to single-family residences.

- 17.01.050 – Survey content

The section is applicable to preliminary and final plats, however, as written, it only applies to preliminary plats.

- 17.09.030.B.5.p. – Preliminary short plat approval

Updated to reference correct section.

- 17.09.030.B.7&10. – Preliminary short plat approval

Additional clarification regarding the preliminary stormwater plan and report submittal.

- 17.11.030.B.8&14. – Preliminary subdivision plat approval

Additional clarification regarding the preliminary stormwater plan and report submittal.

- 17.15.030.B.8. – Preliminary binding site plan approval

Additional clarification regarding the preliminary stormwater plan and report submittal.

- 17.19.030.D.6.b.ii. – Design and improvement standards

As currently written, the language allows for either the 'indent' or the 'column', which is contrary to our Gateway Standards for Collector and Arterial Fence and CMU Column Detail within the Camas Design Standards Manual at STS4. The proposed language will add clarification that aligns with the Design Standards Manual.

- 17.19.040.C.2b&4b.- Utilities

Clarification on the number of utility services for duplexes and townhomes.

- 18.03.040 – Definitions for development terms

The second sentence in the definition has led to different interpretations of "developed/net acreage" in the past. Therefore, staff is proposing to delete the second sentence to provide clarification.

- 18.07.040 Table 2 – Residential and multi-family land uses

Currently “retirement home” use is located in the same row as “nursing, rest and convalescent home” use in the residential use table. By definition, “retirement home” is more similar in nature to “assisted living” than nursing, rest or convalescent homes, therefore staff proposes to relocate the retirement home use with the assisted living use in the table. The proposed change does not affect where these uses may be constructed.

- 18.09.040 Table 1 - Density and dimensions – Single-family residential zones

Staff is proposing to change the minimum lot width and depth of the R-6 zoning from 60 feet by 90 feet, to 60 feet by 80 feet to equal the existing minimum lot size permitted of 4,800 square feet.

- 18.09.060.C&D. – Density transfers

Clarification to the process for “negotiated flexibility”.

- 18.13.050 – Standards for landscape, tree and vegetation plans.

Clarification to the clearance height for pruned trees over rights-of-way. The proposed change will align with the Design Standards Manual.

- 18.17.030 – Vision Clearance Area

Clarification to the code language and Figure 18.17.030-1.

- 18.17.060 – Retaining Walls

Staff is proposing to prohibit retaining walls over six feet, and therefore eliminating design review. Currently design review approval is required for walls over six feet. The update will also allow the Director to approve retaining walls over six feet in height and require landscaping on an as needed basis. The update only applies to exterior facing walls. The intent behind this update is to prevent massive exterior retaining walls that face the right-of-way, and to focus on aesthetics.

- 18.18.040 - Submittal and contents of a complete application

F. Additional clarification regarding the preliminary stormwater plan and report submittal.

J. Require an engineers estimate to determine the engineering review fee prior to engineering plan submittal.

- 18.26.060 – Application requirements for flexible developments

Additional clarification regarding the preliminary stormwater plan and report submittal.

- 18.55.030 Table 1 – Summary of decision making process

The term critical area is used throughout the code instead of sensitive areas, therefore the sensitive area row in the table is proposed to be deleted.

- 18.55.110 – Application – Required Information

Require a title report as a Technically Complete item. Staff has found that there have been unknown easements that can interfere with a land use decision.

- 18.55.200 – Appeals – Generally

Change to proper pronoun.

- 18.55.355 – Code Conflicts

The proposed amendment adds language for a formal code interpretation process. An applicant may formally submit an application for the director or designee to interpret code and receive a decision with an appeal period. There have been different interpretations of code in the past and this process will issue a final interpretation to ensure there is consistency interpreting the code sections.

FINDINGS:

CRITERIA OF APPROVAL – CMC 18.51.030	Findings
A. Impact upon the city of Camas comprehensive plan and zoning code;	The proposed changes consist of edits to typos or add clarity to the zoning code.
B. Impact upon surrounding properties, if applicable;	The proposed changes will have minor impacts to future development city wide.
C. Alternatives to the proposed amendment; and	No alternatives proposed at this time.
D. Relevant code citations and other adopted documents that may be affected by the proposed change.	No citations or documents will be affected beyond what has been provided within Exhibit 1.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission unanimously approved the amendments as provided in Exhibit 1 at a public hearing on December 15, 2020.

RECOMMENDATION: Council should conduct a public hearing, deliberate, and render a decision. If approval, then direct the City Attorney to prepare an ordinance for adoption on March 15, 2021.

Draft Annual Code Amendments (MC20-01)

Note: The proposed amendments are shown as red text that is either underlined or crossed out.

12.32.020

D. No person shall ignite any consumer firework in any city park at any time of the year without a permit from the Fire Marshal's Office

12.36.010 – Purpose of provisions

A. From time to time the owners of real property served by private streets ~~and~~ driveways or commercial property desire to erect gates or other barriers restricting vehicular access on such private streets and driveways.

12.36.050 – Permit-Required when-Application

C. Electric gates serving less than three homes or in a commercial application shall have an approved lockbox with toggle or key switch on the main gate

Title 14 – ~~OFFENSES AND MISCELLANEOUS STORMWATER~~ PROVISIONS

15.04.010(B) – Adoption of referenced codes

5. Appendix ~~R~~ Q, Dwelling Unit Fire Sprinkler Systems;
6. Appendix ~~S~~ V, Fire Sprinklers.

15.04.030(D) – International Fire Code

9.1. International Fire Code Alarm and Detection Systems In addition to the requirements of IFC 907.2, an automatic fire alarm system shall be installed in every building in excess of five thousand square feet hereinafter constructed, except those portions of Group A Division 5 occupancies that are open to the air, Group S Division 2 open car garages, Group R Division 3, and Group U occupancies. Where the building is provided with an approved automatic fire extinguishing system in accordance with Section 903, the requirements of this subsection may be omitted. . The fire alarm system shall be a modification of a true NFPA 72 system with only initiation devices as well as a single interior and one exterior notification devices. All buildings required to have a fire alarm system by this code shall be:

15.17.050 – Automatic fire sprinkler system required

~~Any new single-family residence or new duplex intended to be used as a model home or as a home sales office shall have an automatic fire sprinkler system installed. In addition to any other penalties, failure to have such an automatic fire sprinkler system installed shall be grounds for denial or revocation of a conditional use permit for a home sales office.~~

The following appendices of the State Building Code adoption and amendment of the 2015 edition of the International Residential Code (Chapter 51-151 WAC) are hereby together with all future amendments:

1. Appendix Q, Dwelling Unit Fire Sprinkler Systems (WAC 51-51-601015)
2. Appendix V, Fire Sprinklers (WAC 51-51-60107)
3. The requirements of this section shall further apply to any new accessory detached dwelling unit or dwelling undergoing a "substantial" remodel. Provided, however this section does not require the installation of an approved fire sprinkler system in any mobile or manufactured home. This exception is limited to this section and nothing herein exempts, a mobile home or manufactured home from any

other requirement to install an approved automatic fire sprinkler system under any section or subsection of this code or of any International code adopted by the city.

17.01.050 – Survey content

B. Preliminary and final plats ~~and preliminary short plats~~ shall also include the following:

17.09.030(B)(5) – Preliminary short plat approval

p. A survey of existing significant trees as required under CMC Section ~~18.31.080~~ 18.13.045; and

17.09.030(B)– Preliminary short plat approval

7. Preliminary stormwater plan and preliminary stormwater technical information report (TIR). The preliminary stormwater TIR is to be prepared in accordance with Ecology's latest edition Stormwater Management Manual for Western Washington (SWMMWW);

10. An engineering estimate of costs for site improvements, both public and private.

17.11.030(B) – Preliminary subdivision plat approval

8. Preliminary stormwater plan and preliminary stormwater technical information report (TIR). The preliminary stormwater TIR is to be prepared in accordance with Ecology's latest edition Stormwater Management Manual for Western Washington (SWMMWW);

14. An engineering estimate of costs for site improvements, both public and private.

17.15.030(B) – Preliminary binding site plan approval

8. Preliminary stormwater plan and preliminary stormwater technical information report (TIR). The preliminary stormwater TIR is to be prepared in accordance with Ecology's latest edition Stormwater Management Manual for Western Washington (SWMMWW);

17.19.030(D)(6)(b) – Design and improvement standards

ii. The fence ~~or wall~~ shall include columns ~~or physical indentations in the fence or wall~~ at least every fifty lineal feet and the wall shall include physical indentations every fifty lineal feet to reduce the massing effect of the fencing material. Fence columns and wall indents shall not exceed a spacing of 96 lineal feet. Fences and walls located along the City's Gateway Corridor shall be constructed in accordance with the City's 'Gateway Standards', per the Design Standards Manual.

17.19.040.C. - Utilities

2.b. Duplex ~~and townhome units~~ may have up to two sewer services at the discretion of the engineering and public works departments.

4.b. Each unit of a duplex ~~and townhome~~ unit shall have its own water service.

18.03.040 – Definitions for development terms

"Developed/net acreage" means the total acreage of a land use development exclusive of open space and critical areas. ~~Developed/net acreage includes infrastructure, storm drainage facilities and lots and access easements.~~

18.07.040 Table 2 – Residential and multi-family land uses

Residential Uses	R	MF
Assisted living ¹ , retirement home ¹	C	P
Nursing, rest, convalescent home retirement home ¹	C	P

Notes: 1. See Chapter 18.19 "Design Review" for additional regulations.

18.09.040 Table 1- Density and dimensions – Single-family residential zones

	R-6	R-7.5	R-10	R-12	R-15
A. Standard New Lots					
Minimum lot size (square feet)	4,800	6,000	8,000	9,600	12,000
Minimum lot width (feet)	60	70	80	90	100
Minimum lot depth (feet)	90 80	90	100	100	100

18.09.060 – Density transfers

- C. Where a land division proposes to set aside a tract for the protection of a critical area, natural open space network, or network connector (identified in the City of Camas parks plan), or approved as a recreational area, lots proposed within the development may utilize the density transfer standards under CMC Section 18.09.040 B Table-2 Table-1.
- D. Where a tract under "C" above, includes one-half acre or more of contiguous area, the city may provide additional or negotiated flexibility to the lot size, lot width, lot depth, building setback ~~standards~~, or lot coverage standards under CMC Section 18.09.040 Table 1 and 2. In no case shall the maximum density of the overall site be exceeded. A letter explaining the request for negotiated flexibility shall be submitted to the Director for consideration. The city may also provide the landowner with:

18.13.050 – Standards for landscape, tree and vegetation plans.

- I. Required trees, as they grow, shall be pruned in accordance with the International Society of Arboriculture. The pruned tree will provide at least ~~eight~~ ten feet of clearance above sidewalks and ~~twelve~~ fourteen feet above street roadway surfaces.

18.17.030 – Corner Lot Vision Clearance Area

- A. On all corner lots no vehicle, fence, wall, hedge, or other obstructive structure or planting shall impede visibility between a height of forty-two inches and ten-feet above the sidewalk or ~~fourteen~~ twelve-feet above the street.
- B. The vision clearance triangular area shall be formed by measuring fifteen feet along ~~both~~ street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the end points of the first two sides of the triangle. See Figures ~~18.17.030-1 and 18.17.030-2~~.

18.17.060 - Retaining walls.

- A. Permits Required. Building permits are required for retaining walls over four feet zero inches in height, and for retaining walls that support additional weight (e.g., steep slopes, buildings, parking areas). Retaining walls are measured from the bottom of the footing to the top of the wall.
- B. Height. Retaining walls shall not exceed six feet, unless otherwise approved by the Director.

~~C.B.~~ Drainage [is] required behind retaining wall to relieve buildup of water pressure.

~~D.C.~~ [Exterior Facing Retaining Walls.] Exterior facing retaining walls are those walls that are supporting fill. The exposed side is facing the neighboring property or right-of-way and the fill side is within the subject property. (Refer to Figure 18.17.060-1 Exterior Facing Retaining Walls.)

1. When fence is atop the retaining wall, then the total height of wall and fence shall not exceed forty-two inches (front yard) or six feet zero inches (side and rear yards), or set back a distance of one foot for every foot in height of fence in excess of allowed height.
2. When retaining wall is over thirty inches above grade, then guards are required if on the property line.
3. If approved, retaining walls over six feet zero inches in height shall include landscaping to minimize bulky appearance, as approved by the Director. ~~will be subject to design review approval.~~

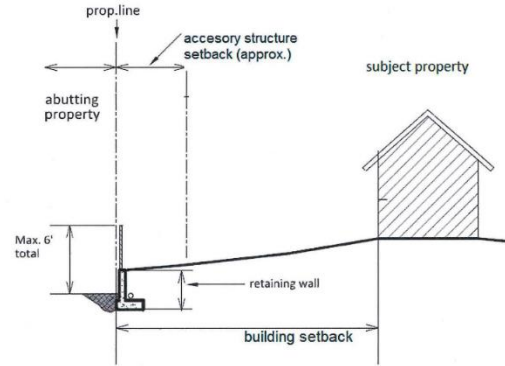


Figure 18.17.060-1 Exterior Facing Retaining Wall

~~E.D.~~ [Interior Facing Retaining Walls.] Interior facing retaining walls are those walls that are supporting cuts. The fill side of the retaining wall is facing the neighboring property and the exposed side is facing the subject property. (Refer to Figure 18.17.060-2 Interior Facing Retaining Walls.)

1. When fence is atop the retaining wall, then the total height of fence shall not exceed forty-two inches (front) or six feet zero inches (side and rear) depending on location, unless fence meets setbacks.
2. When retaining wall is over thirty inches above grade, then guards are required if on the property line.

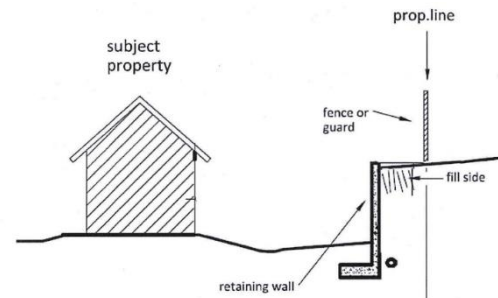


Figure 18.17.060-2 Interior Facing Retaining Wall

18.18.040- Submittal and contents of a complete application

- F. A preliminary stormwater technical information report (TIR) supporting the preliminary stormwater drainage and stormwater runoff plan. The preliminary stormwater TIR is to be prepared in accordance with Ecology's latest edition Stormwater Management Manual for Western Washington (SWMMWW);
- J. ~~Reserved.~~ An engineer estimate of costs for site improvements, both public and private.

18.26.060 – Application requirements for flexible developments

- D. Preliminary stormwater plan and preliminary stormwater technical information report (TIR). The preliminary stormwater TIR is to be prepared in accordance with Ecology's latest edition Stormwater Management Manual for Western Washington (SWMMWW);). If proposed, rain gardens ~~are exempt from the thirty-foot setback~~ shall meet the standards of CMC Section 17.19.030.F.6 Storm Drainage Facilities;

18.55.030 Table 1 – Summary of decision making process

Approval Process							
Permit Type	I	II	III	Shore	SEPA	BOA	IV
Critical areas/OS		X	X				
Sensitive areas/OS		X	X				

18.55.110 – Application – Required Information

- I. A copy of a full title report.
- J. An engineering estimate of costs for site improvements, both public and private.

18.55.200 – Appeals - Generally

2. Appellant's statement describing their his or other standing appeal;

18.55.355 – Code ConflictsCode Interpretation:

- A. Purpose. The purpose of this Chapter to provide a process for interpreting and applying the provisions of Title 16, 17 and 18.
- B. Responsibility. It shall be the responsibility of the Director to review and resolve any questions regarding the proper interpretation or application of the provisions of Title 16, 17 and 18 pursuant to the procedures set forth in this Chapter. The Director's decision shall be in keeping with the spirit and intent of this title and of the Comprehensive Plan. The Director's decision shall be in writing and kept on permanent file.

Procedure-

- A. Application. Any person may request in writing the Director's interpretation of a code provision of Title 16, 17 or 18 when it pertains to a specific property or project by means of a Type I application pursuant to Section 18.55.030. The Director may independently initiate an interpretation of any conflicting or unclear provisions of this Title.
- B. Multiple applications. If an application for an interpretation is associated with any land use application(s) subject to Title 16, 17, or 18, then the application for the interpretation may be combined with the associated application(s) and is subject to the highest level of procedure that applies to any of the applications, Section 18.55.030.
- C. Codification. To ensure that the Directors Interpretations are applied consistently over time, the Director shall on an annual basis initiate a Type IV text amendment to this Code for the purpose of codifying interpretations pursuant to Chapter 18.55. The codified interpretations shall be located in Chapter 18.55.355 – Code Conflicts, or in the Chapter of the Code governing the subject matter of the interpretation, whichever may be more appropriate.
- D. Appeals. Any official interpretation of the provisions of Title 16, 17, and 18 may be appealed by any aggrieved party, pursuant to the appeal procedures set forth in Chapter 18.55.



Staff Report

February 16, 2021 Regular Meeting

Public Hearing - Amendments to Flood Hazard Regulations

Presenter: Lauren Hollenbeck, Senior Planner

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BACKGROUND: This is a Public Hearing regarding the proposed amendments to Camas Municipal Code (CMC) Chapter 16.57 *Frequently Flooded Areas* and Section 18.03.050 *Environmental Definitions* for compliance with the National Flood Insurance Program (NFIP), which allows citizens within the community to obtain flood insurance and certain types of federal disaster aid.

SUMMARY: The following attachments are provided for your review: 1) The proposed CMC amendments are shown in red text. A comment box is provided at each code section indicating whether the proposed amendment is MANDATORY or RECOMMENDED by FEMA and identifies the applicable CFR and Section of the WA Model Ordinance, 2) Clean version of the proposed amendments 2) The WA Model Ordinance and 3) Floodplain Development Permit.

Chapter 18.03 Definitions

Chapter 18.03.050 – Environmental Definitions

Suggest adopting the NFIP definitions in 44 CFR 59.1 for "alteration of watercourse", "area of shallow flooding", "area of special flood hazard", "base flood", "base flood elevation", and "flood or flooding", "flood elevation study", "flood insurance rate map", "floodplain or flood prone area", "floodplain administrator", "flood proofing", "floodway", "functionally dependent use", "highest adjacent grade", "historic structure", "main sea level", "new construction", "structure" and "variance".

Chapter 16.57 Frequently Flooded Areas

Chapter 16.57.010 – Applicability

Mandatory amendments to this section include 1) adopting by reference the Flood Insurance Study (FIS), 2) providing the City Hall address and website address for the physical location to obtain copies of the FIS and Flood Insurance Rate Maps (FIRM) and 3) penalties for non-compliance, which will be subject to the enforcement provisions of the Camas Municipal Code sections 18.55.400-18.55.460.

Recommended amendment to this section is that all development in the special flood hazard areas shall comply with this ordinance.

Chapter 16.57.050 – Performance Standards-General requirements

Mandatory amendments to this section include 1) the establishment of a flood development permit within a special flood hazard area, 2) the designation and duties of a floodplain administrator that would enforce the ordinance including reviewing all floodplain development permits, 3) requiring staff to obtain and maintain information such as a record of elevation of the lowest floor of structures, and 4) informing applicants that are floodproofing that insurance premiums are based on the flood proofed level.

Recommended amendments to this section include requiring engineering documentation and analysis if a project alters the BFE or boundaries of a SFHA and requires the applicant to submit the full CLOMR documentation with the flood development permit if a CLOMR is required. Another recommended amendment in this section is prohibiting the storage or processing of injurious materials in flood areas unless if not susceptible to flood damage and properly stored.

Chapter 16.57.060 – Performance Standards-Specific Uses

Mandatory amendments to this section include 1) waterproofing or elevation of mechanical equipment and utilities at least one foot above the BFE, 2) residential and nonresidential construction in an Unnumbered A zone shall have the lowest floor at least two feet above the Highest Adjacent Grade if the BFE is not available or cannot be obtained, 3) garages floor slabs below the BFE shall allow for entry and exit of floodwaters (i.e. flood vents), 4) water wells are to be located on high ground outside of the floodway and 5) BFE data shall be included as part of other development proposals greater than 5 acres.

A recommended amendment includes language that further explains variances from flood elevations or other requirements in the flood ordinance are quite rare and are only granted for parcels with unusual physical land characteristics and only when the requirements of this ordinance would create an exceptional hardship.

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item?

- To maintain compliance with the National Flood Insurance Program (NFIP) so the citizens of Camas may obtain flood insurance and certain types of flood disaster aid.

What's the data? What does the data tell us?

- The Flood Insurance Rate Maps identify several properties within the City of Camas that are located within frequently flooded areas and therefore subject to the flood hazard regulations in Chapter 16.57.

How have communities been engaged? Are there opportunities to expand engagement?

- A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) notice was published in the local paper, posted to the city website and emailed to other agencies for public comments. No public comments were received.

Who will benefit from, or be burdened by this agenda item?

- The current 61 and future flood insurance policy holders in the City of Camas will benefit from a compliant City code with the NFIP regulations.

What are the strategies to mitigate any unintended consequences?

- Any unintended consequences as a result of the proposed code amendments would be presented to FEMA for feedback and revised where needed.

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.

- The proposed code amendments are equally applicable to all property owners with property located within the special flood hazard area.

Will this agenda item improve ADA accessibilities for people with disabilities?

- Not applicable.

What potential hurdles exists in implementing this proposal (include both operational and political)?

- Operationally, a potential hurdle may be if only one staff person is knowledgeable on how to implement this section of the code and issue flood improvement permits. Politically, a potential hurdle may be if a suggested revision by the local community is not approved by FEMA and thereby risking the City's compliance with the NFIP.

How will you ensure accountabilities, communicate, and evaluate results?

- As a participant in the NFIP, the City of Camas is subject to a Community Assistance Visit by Department of Ecology Floodplain staff every few years for the purpose of ensuring the City's compliance with NFIP. Accountability will be accomplished through excellent record keeping and properly trained staff.

How does this item support a comprehensive plan goal, policy or other adopted resolution?

- This agenda item supports Resolution no. 17-003, adoption of the Clark Regional Natural Hazard Mitigation Plan.

BUDGET IMPACT: There is no impact on the City budget.

RECOMMENDATION: Staff recommends that Council conduct a public hearing, deliberate, and move to approve the amendments to Title 16 Environment and Title 18 Zoning including directing the City Attorney to prepare an ordinance for adoption.

DRAFT AMENDMENTS TO TITLE 18 - ZONING

18.03.050 - Environmental definitions.

In addition to the definitions found in Title 16, the following definitions shall also apply to this title:

"Adverse environmental impact" means an impact caused by vegetation removal which creates a risk of landslide or erosion, or which alters or damages wetlands, wetland buffers, wildlife habitat, streams, or watercourses.

"Alteration of watercourse" Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

"Area of shallow flooding" A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

~~"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A-~~

"Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

~~"Base flood" the flood having a one-percent chance of being equaled or exceeded in any given year (also referred to as the "one hundred-year flood"). Designated on Flood Insurance Rate Maps by the letter A-~~

"Base flood" means the flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

"Base Flood Elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Best available information" means, in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources; provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience. Flood data from existing flood events may be used where flood events are considered more accurate indicators of past base flood conditions. Any variance from adopted flood insurance rate maps must be of a more restrictive nature.

"Buffer" means either: (1) an area adjacent to hillsides which provides the margin of safety through protection of slope stability, attenuation of surface water flows, and landslide, seismic, and erosion hazards reasonably, necessary to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters; or (2) an area adjacent to a stream or wetland which is an integral part of the stream or wetland ecosystem, providing shade; input of organic debris and coarse sediments; room for variation in stream or wetland boundaries; habitat for wildlife; impeding the volume and rate of runoff; reducing the amount of sediment, nutrients, and toxic materials entering the stream or wetland; and protection from harmful intrusion to protect the public from losses suffered when the functions and values of stream and wetland resources are degraded.

"Critical root zone" is the area of soil around a tree trunk where roots are located that provide stability and uptake of water and minerals required for tree survival.

"Diameter at breast height (DBH)" means the diameter of the tree measured at four feet six inches above soil grade.

Commented [LH1]: Mandatory per 44 CFR 59.1 and per Section 2.0 WA Model Ordinance.

"Drainage facility" means the system of collecting and storing surface and stormwater runoff. Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions, infiltration facilities, retention/detention facilities, and other drainage structures and appurtenances, both natural and man-made.

"Environmentally sensitive area(s)" or "sensitive lands" means areas within the city that are characterized by, or support unique, fragile or valuable natural resources, or that are subject to natural hazards. Sensitive areas include wetlands and wetland buffers, streams and watercourses, steep slopes, and areas with potentially unstable soils, as those areas are defined and identified pursuant to this title and Title 16.

~~"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~1) The overflow of inland or tidal waters; and/or~~
- ~~2) The unusual and rapid accumulation of runoff of surface waters from any source.~~

"Flood or Flooding" means

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition

"Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

~~"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.~~

"Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

"Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

~~"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Hazard tree." A hazard tree is any tree with a combination of structural defect and/or disease, which makes it subject to a high probability of failure and a proximity to persons or property which makes it an imminent threat.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Hillsides" means geological features of the landscape having slopes of fifteen percent or greater. To differentiate between levels of hillside protection and the application of development standards, the city categorizes hillsides into four groups: hillsides of at least fifteen percent but less than forty percent; hillsides with unstable slopes; hillsides of forty percent slope and greater; hillsides which are ravine sidewalls or bluffs.

"Historic structure" means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

"Mean Sea Level" For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mitigation" means the use of any combination of, or all of the following actions:

- 1. Avoid impacts to environmentally sensitive areas by not taking a certain action, or parts of an action;
- 2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environmentally sensitive area;
4. Reducing or eliminating the impact over time by reservation and maintenance operations during the life of the development proposal;
5. Compensating for the impact by replacing or enhancing environmentally sensitive areas, or providing substitute resources.

"New construction" For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"Open space" means land set aside and maintained in a natural state, providing air, light, and habitat for wildlife, and/or containing significant trees and vegetation. Open space may contain environmentally sensitive lands, which include but are not limited to steep slopes and areas with unstable soils, wetlands, and streams and watercourses. Open space may also provide for active and passive recreation use.

There are two general categories of open space, which are as follows:

1. "Natural open space" means land devoted to protecting environmentally sensitive lands as defined in this title and CMC Title 16. Natural open space generally has no developed areas, with the exception of trails as identified in the comprehensive parks, recreation, open space plan, or by a condition of development approval.
2. "Recreational open space" means land set aside for recreational opportunities, which may contain trails, sports fields, playgrounds, swimming pools, tennis courts, and picnic areas. Recreational open space is generally limited in size and intensity, proportionate to the development, and is intended for the enjoyment of the residents of the development.

"Open space connectors" means tracts of land with typically no sensitive lands that connect parcels of land to form the open space network.

"Open space network" means a network of open space composed of mostly wooded areas, steep slopes, ravines, streams and waterways, as areas identified in the comprehensive parks, recreation, and open space plan.

"Protective mechanism" means a method of providing permanent protection to open space, and shall include conservation easements, dedication to the city, conveyance to a public or private land trust, conveyance to a homeowner's association, restrictive covenants, or any combination of such mechanisms.

"Ravine sidewall" means a steep slope which abuts and rises from the valley floor of a stream, and which was created by the wearing action of the stream. Ravine sidewalls contain slopes predominantly in excess of forty percent, although portions may be less than forty percent. The toe of a ravine sidewall is the stream valley floor. The top of a ravine sidewall is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in slope, the top is where the slope diminishes to less than fifteen percent. Minor natural or man-made breaks in the slope of ravine sidewalls shall not be considered as the top. Benches with slopes less than fifteen percent, and containing developable areas, shall be considered as the top.

Sensitive Areas. See "Environmentally sensitive areas."

"Sensitive area(s) map(s)" means those maps adopted, and/or incorporated by reference, by the city to identify the general location of environmentally sensitive or valuable areas. In case of questions as to map boundaries or mapping errors, the presence or absence of a sensitive area shall be determined in the field by a qualified professional, experienced in a discipline appropriate to evaluation of the appropriate feature, and shall determine the applicability of this chapter.

"Significant trees" means evergreen trees eight inches DBH, and deciduous trees twelve inches DBH. Does not include hazard trees or invasive species.

"Steep slopes" or "area with potential unstable soils" means any land potentially subject to landslides, severe erosion, or seismic activity (earthquake faults). Steep slopes are generally characterized by slopes of fifteen percent or greater, impermeable subsurface material (sometimes interbedded with permeable subsurface material), and/or springs or seeping groundwater during the wet season. Seismic areas are those lying along or adjacent to identified earthquake faults.

"Stream" or "watercourse" means those areas where surface waters produce a defined channel or bed. The channel or bed need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water conveyance devices, or other entirely artificial watercourses. Streams are further categorized as Class 1 through 5 in accordance with the classifications used by WAC 222-16-030.

"Structure" For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Tree protection zone" is an arborist-defined area surrounding the trunk intended to protect roots and soil within the critical root zone and beyond, to ensure future tree health and stability. Tree protection zones may be calculated based on multiplying the tree's DBH by a factor of twelve depending on the tree's species and tolerance of root disturbance.

"Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

"Water dependent" means a use or portion of a use that cannot exist in a location which is not adjacent to the water, and which is dependent on the water by reason of the intrinsic nature of its operations. Examples include, but are not limited to: aquaculture, marinas, or float plane facilities.

"Wetland bond" insures the satisfactory installation, maintenance, and monitoring of wetland creation or enhancement as may be required as part of the SEPA or wetland mitigation plans. The bond has a beginning and ending date, and shall be in the amount as specified in CMC Section 17.21.050(B)(3).

"Wetland buffer" means a naturally vegetated and undisturbed, enhanced or revegetated area surrounding wetland that is part of a wetland ecosystem and protect a wetland from adverse impacts to its function, integrity, and value. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from human activities.

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those artificial wetlands intentionally created to mitigate conversions of wetlands.

"Wildlife habitat" means areas that provide food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of wildlife, or other wildlife species of special concern. "Wildlife habitat" shall also mean areas that are the location of threatened, endangered, sensitive, monitor, or priority species of plants, or other plant species of special concern.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2648, § I, 5-21-2012; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#).)

DRAFT AMENDMENTS TO TITLE 18 - ZONING

18.03.050 - Environmental definitions.

In addition to the definitions found in Title 16, the following definitions shall also apply to this title:

"Adverse environmental impact" means an impact caused by vegetation removal which creates a risk of landslide or erosion, or which alters or damages wetlands, wetland buffers, wildlife habitat, streams, or watercourses.

"Alteration of watercourse" Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

"Area of shallow flooding" A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

"Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

"Base flood" means the flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

"Base Flood Elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Best available information" means, in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources; provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience. Flood data from existing flood events may be used where flood events are considered more accurate indicators of past base flood conditions. Any variance from adopted flood insurance rate maps must be of a more restrictive nature.

"Buffer" means either: (1) an area adjacent to hillsides which provides the margin of safety through protection of slope stability, attenuation of surface water flows, and landslide, seismic, and erosion hazards reasonably, necessary to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters; or (2) an area adjacent to a stream or wetland which is an integral part of the stream or wetland ecosystem, providing shade; input of organic debris and coarse sediments; room for variation in stream or wetland boundaries; habitat for wildlife; impeding the volume and rate of runoff; reducing the amount of sediment, nutrients, and toxic materials entering the stream or wetland; and protection from harmful intrusion to protect the public from losses suffered when the functions and values of stream and wetland resources are degraded.

"Critical root zone" is the area of soil around a tree trunk where roots are located that provide stability and uptake of water and minerals required for tree survival.

"Diameter at breast height (DBH)" means the diameter of the tree measured at four feet six inches above soil grade.

"Drainage facility" means the system of collecting and storing surface and stormwater runoff. Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions, infiltration facilities, retention/detention facilities, and other drainage structures and appurtenances, both natural and man-made.

"Environmentally sensitive area(s)" or "sensitive lands" means areas within the city that are characterized by, or support unique, fragile or valuable natural resources, or that are subject to natural

hazards. Sensitive areas include wetlands and wetland buffers, streams and watercourses, steep slopes, and areas with potentially unstable soils, as those areas are defined and identified pursuant to this title and Title 16.

“Flood or Flooding” means

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition

“Flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

“Flood Insurance Rate Map (FIRM)” means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

“Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

“Floodplain or flood prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway.”

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

“Hazard tree.” A hazard tree is any tree with a combination of structural defect and/or disease, which makes it subject to a high probability of failure and a proximity to persons or property which makes it an imminent threat.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Hillsides" means geological features of the landscape having slopes of fifteen percent or greater. To differentiate between levels of hillside protection and the application of development standards, the city categorizes hillsides into four groups: hillsides of at least fifteen percent but less than forty percent; hillsides with unstable slopes; hillsides of forty percent slope and greater; hillsides which are ravine sidewalls or bluffs.

"Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or
2. Directly by the Secretary of the Interior in states without approved programs.

"Mean Sea Level" For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mitigation" means the use of any combination of, or all of the following actions:

1. Avoid impacts to environmentally sensitive areas by not taking a certain action, or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environmentally sensitive area;
4. Reducing or eliminating the impact over time by reservation and maintenance operations during the life of the development proposal;
5. Compensating for the impact by replacing or enhancing environmentally sensitive areas, or providing substitute resources.

"New construction" For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"Open space" means land set aside and maintained in a natural state, providing air, light, and habitat for wildlife, and/or containing significant trees and vegetation. Open space may contain environmentally sensitive lands, which include but are not limited to steep slopes and areas with unstable soils, wetlands, and streams and watercourses. Open space may also provide for active and passive recreation use. There are two general categories of open space, which are as follows:

1. "Natural open space" means land devoted to protecting environmentally sensitive lands as defined in this title and CMC Title 16. Natural open space generally has no developed areas, with

the exception of trails as identified in the comprehensive parks, recreation, open space plan, or by a condition of development approval.

2. "Recreational open space" means land set aside for recreational opportunities, which may contain trails, sports fields, playgrounds, swimming pools, tennis courts, and picnic areas. Recreational open space is generally limited in size and intensity, proportionate to the development, and is intended for the enjoyment of the residents of the development.

"Open space connectors" means tracts of land with typically no sensitive lands that connect parcels of land to form the open space network.

"Open space network" means a network of open space composed of mostly wooded areas, steep slopes, ravines, streams and waterways, as areas identified in the comprehensive parks, recreation, and open space plan.

"Protective mechanism" means a method of providing permanent protection to open space, and shall include conservation easements, dedication to the city, conveyance to a public or private land trust, conveyance to a homeowner's association, restrictive covenants, or any combination of such mechanisms.

"Ravine sidewall" means a steep slope which abuts and rises from the valley floor of a stream, and which was created by the wearing action of the stream. Ravine sidewalls contain slopes predominantly in excess of forty percent, although portions may be less than forty percent. The toe of a ravine sidewall is the stream valley floor. The top of a ravine sidewall is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in slope, the top is where the slope diminishes to less than fifteen percent. Minor natural or man-made breaks in the slope of ravine sidewalls shall not be considered as the top. Benches with slopes less than fifteen percent, and containing developable areas, shall be considered as the top.

Sensitive Areas. See "Environmentally sensitive areas."

"Sensitive area(s) map(s)" means those maps adopted, and/or incorporated by reference, by the city to identify the general location of environmentally sensitive or valuable areas. In case of questions as to map boundaries or mapping errors, the presence or absence of a sensitive area shall be determined in the field by a qualified professional, experienced in a discipline appropriate to evaluation of the appropriate feature, and shall determine the applicability of this chapter.

"Significant trees" means evergreen trees eight inches DBH, and deciduous trees twelve inches DBH. Does not include hazard trees or invasive species.

"Steep slopes" or "area with potential unstable soils" means any land potentially subject to landslides, severe erosion, or seismic activity (earthquake faults). Steep slopes are generally characterized by slopes of fifteen percent or greater, impermeable subsurface material (sometimes interbedded with permeable subsurface material), and/or springs or seeping groundwater during the wet season. Seismic areas are those lying along or adjacent to identified earthquakes faults.

"Stream" or "watercourse" means those areas where surface waters produce a defined channel or bed. The channel or bed need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water conveyance devices, or other entirely artificial watercourses. Streams are further categorized as Class 1 through 5 in accordance with the classifications used by WAC 222-16-030.

"Structure" For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Tree protection zone" is an arborist-defined area surrounding the trunk intended to protect roots and soil within the critical root zone and beyond, to ensure future tree health and stability. Tree protection zones may be calculated based on multiplying the tree's DBH by a factor of twelve depending on the tree's species and tolerance of root disturbance.

"Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

"Water dependent" means a use or portion of a use that cannot exist in a location which is not adjacent to the water, and which is dependent on the water by reason of the intrinsic nature of its operations. Examples include, but are not limited to: aquaculture, marinas, or float plane facilities.

"Wetland bond" insures the satisfactory installation, maintenance, and monitoring of wetland creation or enhancement as may be required as part of the SEPA or wetland mitigation plans. The bond has a beginning and ending date, and shall be in the amount as specified in CMC Section 17.21.050(B)(3).

"Wetland buffer" means a naturally vegetated and undisturbed, enhanced or revegetated area surrounding wetland that is part of a wetland ecosystem and protect a wetland from adverse impacts to its function, integrity, and value. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from human activities.

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those artificial wetlands intentionally created to mitigate conversions of wetlands.

"Wildlife habitat" means areas that provide food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of wildlife, or other wildlife species of special concern. "Wildlife habitat" shall also mean areas that are the location of threatened, endangered, sensitive, monitor, or priority species of plants, or other plant species of special concern.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2648, § I, 5-21-2012; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#))

DRAFT AMENDMENTS TO TITLE 16 - ENVIRONMENT

Chapter 16.57 - FREQUENTLY FLOODED AREAS

16.57.010 - Applicability.

- A. **Frequently Flooded Areas.** Frequently flooded areas include: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clark County, Washington, and incorporated areas" dated September 5, 2012, and any revisions thereto, **are hereby adopted by reference and declared to be part of this ordinance**, with accompanying Flood Insurance Rate Maps (FIRM). The study is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood. The study and FIRM are on file at the City of Camas **{616 NE 4th Avenue, Camas WA} and the City website {www.cityofcamas.us}**. The best available information for flood hazard area identification as outline in Section 16.57.050(C) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized. The flood insurance study and accompanying rate maps are hereby adopted by reference, and declared part of this chapter. These are minimum designations; the director may identify additional areas.
- B. Use of Additional Information. The director may use additional flood information that is more restrictive than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.
- C. Flood Elevation Data. When the base flood elevation data is not available (Zone A), the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter.
- D. For the purposes of this chapter, definitions are generally found in CMC Section 18.03.
- E. **Compliance.** **All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.**
- F. **Penalties for Noncompliance.** **No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall be subject to the enforcement provisions of Camas Municipal Code Sections 18.55.400-18.55.460.**

Commented [LH1]: Mandatory, per (44 CFR 60.3 (preamble) and 44 CFR 60.2(h)). Section 3.2 WA Model Ordinance.

Commented [LH2]: Recommended, per Section 3.3 WA Model Ordinance.

Commented [LH3]: Mandatory, per 44 CFR 60.2(h). Section 3.4 WA Model Ordinance.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#))

16.57.020 - Uses and activities prohibited.

- A. **Critical Facilities.** Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one hundred year flood), or to the height of the five hundred-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. Certification by a registered professional engineer is required.
- B. Wells.

- C. On-site sewage or waste disposal systems.
- D. Lots (Includes residential and non-residential). There shall be no increase in lots within frequently flooded areas. No additional lots shall be created within a frequently flooded area. Divisions of land shall have the frequently flooded areas designated as separate tract(s) and not included within any additional lot.
- E. Development in Floodways.
 - 1. New Development Requires Certification by an Engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Small projects that are solely to protect or create fish habitat, and designed by a qualified professional, may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the City by a qualified professional in the field of hydraulics.
 - 2. Residential Construction and Reconstruction Prohibited. Construction and reconstruction of residential structures is prohibited within floodways, except for:
 - a. Maintenance or repairs to a structure that do not increase the ground floor area; and
 - b. Repairs, reconstruction, or improvements to a structure for which the cost does not exceed fifty percent of the market value of the structure either:
 - i. Before the repair or reconstruction is started; or
 - ii. If the structure has been damaged and is being restored, before the damage occurred.
 - c. Improvement to a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the City, and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.
 - 3. If Section E(1) above is satisfied, all new construction and substantial improvements must also comply with all applicable flood hazard reduction provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.030 - Critical area report—Additional requirements.

In addition to the items listed in CMC 16.51.140 Critical Area Reporting, the following is required:

- A. Prepared by a Qualified Professional. A frequently flooded areas report shall be prepared by a qualified professional who is a hydrologist, or engineer, who is licensed in the state of Washington, with experience in preparing flood hazard assessments.
- B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for frequently flooded areas:
 - 1. The site area of the proposed activity;
 - 2. All areas of a special flood hazard area, as indicated on the flood insurance rate map(s), within three hundred feet of the project area; and
 - 3. All other flood areas indicated on the flood insurance rate map(s) within three hundred feet of the project area.

- C. **Flood Hazard Assessment Required.** A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment, including the following site- and proposal-related information at a minimum:
1. **Site and Construction Plans.** A copy of the site and construction plans for the development proposal showing:
 - a. Floodplain (one hundred-year flood elevation), ten- and fifty-year flood elevations, floodway, other critical areas, management zones, and shoreline areas;
 - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
 - c. Clearing limits; and
 - d. Elevation of the lowest floor (including basement) of all buildings, and the level to which any building has been floodproofed;
 2. **Floodproofing Certificate (FEMA Form 81-65, most current edition).** When floodproofing is proposed for a non-residential building, a certification by a registered professional engineer or architect that the floodproofing methods meet the requirements in CMC Section 16.57.050(F); and
 3. **Watercourse Alteration.** When watercourse alteration is proposed, the critical area report shall include:
 - a. **Extent of Watercourse Alteration.** A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of proposal, and
 - b. **Maintenance Program Required for Watercourse Alterations.** A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished.
- D. **Information Regarding Other Critical Areas.** Potential impacts to wetlands, fish and wildlife habitat, and other critical areas shall be addressed in accordance with the applicable sections of these provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.040 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purpose and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This chapter does not imply that land outside frequently flooded areas, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of City of Camas, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.050 - Performance standards—General requirements.

All Elevation Certificates (FEMA Form 81-31), Floodproofing Certificates for non-residential structures (FEMA Form 81-65), documents, and records pertaining to the provisions of this ordinance shall be maintained by the City for public inspection.

- A. All Necessary Permits Shall be Obtained. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required. A development permit shall be obtained before construction or development begins within any frequently flooded area established in Section 16.57.010. The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions," and for all development, including fill and other activities, also as set forth in the "Definitions."
- B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
 2. Elevation in relation to mean sea level to which any structure has been floodproofed;
 3. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 16.57.060(B);
 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
 5. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation, and
 6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.
- C. Designation of the Floodplain Administrator. The Community Development Director, or designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- D. Duties of the Floodplain Administrator. Duties of the (Floodplain Administrator) shall include, but not be limited to:
- E. Permit Review. Review all development permits to determine that:
1. The permit requirements of this ordinance have been satisfied;
 2. All other required state and federal permits have been obtained;
 3. The site is reasonably safe from flooding;
 4. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of CMC Section 16.57.020(E)(1) are met.
 5. Notify FEMA when annexations occur in the Special Flood Hazard Area.
- F. Information to be Obtained and Maintained.
1. Where base flood elevation data is provided through the FIS, FIRM, or required as in CMC Section 16.57.010(C), obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

Commented [LH4]: Mandatory, per Subsection 44CFR 60.3(B)(1). Section 4.1 WA Model Ordinance.

Commented [LH5]: Mandatory, per 44 CFR 59.22(b)(1). Section 4.2 WA Model Ordinance.

Commented [LH6]: Mandatory per 44 CFR 60.1 (b). Section 4.3 WA Model Ordinance.

Commented [LH7]: Mandatory per 44 CFR 60.1 (b). Section 4.3-1 WA Model Ordinance.

Commented [LH8]: Mandatory, Per 44 CFR 60.3(b)(4). Section 4.3-3 WA Model Ordinance.

2. For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in CMC Section 16.57.010(C).
 - a. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed.
 - b. Maintain the flood proofing certifications required in CMC Section 16.57.050(B)(3).
 3. Certification required by CMC Section 16.57.020(E)(1) (No-Rise Standard).
 4. Records of all variance actions, including justification for their issuance.
 5. Improvement and damage calculations (give an example).
 6. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- G. Changes to Special Flood Hazard Area.
1. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
 2. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.
- BH. Area of Special Flood Hazards with Base Flood Elevation. When the base flood elevation is provided, but a regulatory floodway has not been designated, new construction, substantial improvements, or other development, including fill, shall not be permitted within frequently flooded areas, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- GI. Areas Without Base Flood Elevation Data. Where base flood elevation data is not available (Zone A), and there is insufficient data then a report shall be submitted by a qualified professional that includes analysis of historical data and field surveys **to ensure the proposed structure is reasonably safe from flooding.** The reports shall include reasonable mapping to ensure proposed buildings are safe from flooding and to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- DJ. Construction Materials and Methods.
1. Methods that Minimize Flood Damage. All new construction and substantial improvements shall be constructed using flood resistant materials and utility equipment, and with methods and practices that minimize flood damage.
 2. Buildings shall be located outside the floodplain. For sites with no buildable area out of the floodplain, buildings may be allowed provided they are placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the City detects any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.
 3. Utilities Shall be Protected. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Commented [LH9]: Recommended, per Section 4.3-7 WA Model Ordinance.

Commented [LH10]: Mandatory 44 CFR 60.3(a)(3).
Section 4.3-6 WA Model Ordinance.

EK. Elevation Certificate Required Following Construction. Following construction of a building within the floodplain where the base flood elevation is provided, the applicant shall obtain a "finished construction" elevation certificate (FEMA Form 81-31, most current edition) from a registered professional engineer or architect that records the elevation of the lowest floor.

FL. Floodproofing (Non-Residential Only).

1. When a building is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
 - a. Watertight Building. The building shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;
 - b. Hydrostatic and Hydrodynamic Resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Certified by a Registered Professional Engineer or Architect. The building shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
2. Floodproofing Certificate Required Following Construction. Following construction of the building, the applicant shall obtain a floodproofing certificate (FEMA Form 81-65, most current edition) from a registered professional engineer or architect that records the actual (as-built) elevation to which the building was floodproofed.

3. Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.

GM. Anchoring. All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the building resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames tied to ground anchors.

HN. Fill and Grading. Fill and grading within the floodplain shall only occur upon a determination from a registered professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the City has delineated such zones as of the time of the application. If fill or grading is located in a floodway, CMC Section 16.57.020 applies.

O. ~~Storage of Materials and Equipment.~~

1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#); [Ord. No. 18-002, § I, 1-16-2018](#))

16.57.060 - Performance standards—Specific uses.

Commented [LH11]: Mandatory, per CFR 60.3(c)(3) and (4). Section 5.2-2 WA Model Ordinance.

Commented [LH12]: Recommended, Section 5.1-3 WA Model Ordinance

In all special flood hazard areas the following provisions are required:

A. Residential Units.

1. Must be Above Base Flood Elevation. ~~In AE zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new~~ New construction or placement of residential units and substantial improvement of any residential building shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. ~~Mechanical equipment and utilities shall be waterproof or elevated at least one foot above the BFE.~~
2. ~~New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.~~
23. Areas Below the Lowest Floor. Fully enclosed areas below the lowest floor that are subject to flooding ~~are prohibited, or~~ shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. ~~A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.~~
34. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames ties to ground anchors. If the manufactured home is placed on a permanent footing/foundation with stem walls, CMC Section 16.57.060(A)(2) applies.

Commented [LH13]: Mandatory, per 44 CFR 60.3(c)(2) and (5). Section 5.2-1 WA Model Ordinance.

Commented [LH14]: Mandatory, per 44 CFR 60.3(c)(2) and (5). Section 5.2-1 WA Model Ordinance.

Commented [LH15]: Mandatory, per 44 CFR 60.3(b)(2). Section 5.2-1 WA Model Ordinance.

Commented [LH16]: Mandatory, per 44 CFR 60.3(c)(5). Section 5.2-1 WA Model Ordinance.

Commented [LH17]: Mandatory, per 44 CFR 60.3(c)(5). Section 5.2-1 WA Model Ordinance.

B. Nonresidential Construction. ~~New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:~~

1. Must be Above Base Flood Elevation. ~~In AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new~~ New construction and substantial improvement of any commercial, industrial, or other nonresidential building shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, shall be floodproofed in accordance with floodproofing (Section 16.57.050(FL)). Unavoidable impacts to flooded areas (from fill) need to be mitigated.
2. Areas Below the Lowest Floor. If floodproofed, areas shall be in accordance with floodproofing (Section 16.57.050(FL)). If elevated and not floodproofed, fully enclosed areas below the lowest floor ~~are prohibited, or~~ shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

Commented [LH18]: Mandatory, per 44 CFR 60.3(C)(3) and (4). Section 5.2-2 WA Model Ordinance.

Commented [LH19]: Mandatory, per 44 CFR 60.3(C)(3) and (4). Section 5.2-2 WA Model Ordinance.

Commented [LH20]: Mandatory, per 44 CFR 60.3(C)(3) and (4). Section 5.2-2 WA Model Ordinance.

- a. A minimum of three openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot above grade; and
- c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

- 3. **Unnumbered A Zones.** If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.

Commented [LH21]: Mandatory, per 44 CFR 60.3(C)(3) and (4). Section 5.2-2 WA Model Ordinance.

C. Utilities.

- 1. Shall be Designed to Minimize Infiltration of Floodwaters. All new and replacement water supply systems shall be designed to preclude infiltration of floodwaters into the systems.
- 2. Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- 3. On-site Waste Disposal Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. New on-site sewage disposal systems are prohibited for uses and activities prohibited from frequently flooded areas.

- 4. **Water wells shall be located on high ground that is not in the floodway.**

Commented [LH22]: Mandatory, per 44CFR 60.3(a)(5) and (6) and WAC 173-160-171. Section 5.1-4 WA Model Ordinance.

D. Subdivision/Land Division Proposals.

- 1. All land division proposals shall:
 - a. Minimize Flood Damage. Subdivisions, short subdivisions, planned developments, and binding site plans shall be designed to minimize or eliminate flood damage to proposed buildings; and public utilities and facilities that are installed as part of such subdivisions. Sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate "flood protection" changes.
 - b. Have Adequate Drainage. Subdivisions, short subdivisions, planned developments, and binding site plans shall have adequate natural surface water drainage in accordance with City requirements to reduce exposure to flood hazards; and
 - c. Show Flood Areas on Plat Maps. Subdivisions, short subdivisions, planned developments, and binding site plans shall show the one hundred-year floodplain, floodway, and channel migration zone on the preliminary and final plat maps.

- d. **Where other proposed developments contain greater than 5 acres, base flood elevation data shall be included as part of the application.**

Commented [LH23]: Mandatory, per (44 CFR 60.3(a)(4) and (b)(3). Section 51-5 WA Model Ordinance.

- 2. Lots. No lot or portion of lot after the effective date of the ordinance codified in this title shall be established within the boundaries of a frequently flooded area.

E. Alteration of Watercourses.

- 1. Shall be in Accordance with Habitat Regulations. Watercourse alterations shall only be allowed in accordance with the fish and wildlife habitat conservation areas (Chapter 16.61).
- 2. Shall Not Result in Blockage. Watercourse alteration projects shall not result in blockage of side channels.
- 3. Notification Required. The City shall notify adjacent communities, the Washington State Department of Ecology, and the Federal Insurance Administration of a proposed watercourse alteration at least fifteen days prior to permit issuance.

4. Maintenance of Alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished. Maintenance shall be bonded for a period of five years, and be in accordance with an approved maintenance program.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.070 - Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- A. Be on the site for fewer than one hundred eighty consecutive days; or
- B. Be fully licensed and ready for highway use on its wheels, or the jacking system is attached to the site only by quick disconnect type utilities and securities devices, and has no permanently attached additions; or
- C. Meet the requirements of CMC Section 16.57.060(A)(3) and the elevation and anchoring requirements for manufactured homes.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.080 - Variations—Additional considerations for frequently flooded areas. The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Camas to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

- A. Additional Variation Considerations. In review of variation requests for activities within frequently flooded areas, the City shall consider all technical evaluations, relevant factors, standards specified in this chapter, and:
 1. The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;
 2. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the proposed use;
 3. The importance of the services provided by the proposed use to the community;

Commented [LH24]: Recommended, per Section 6.0 WA Model Ordinance.

4. The necessity of a waterfront location and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 5. The safety of access to the property for ordinary and emergency vehicles;
 6. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
 7. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- B. Variations shall only be issued upon a determination that the granting of a variation will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- C. Variations shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

DRAFT AMENDMENTS TO TITLE 16 - ENVIRONMENT

Chapter 16.57 - FREQUENTLY FLOODED AREAS

16.57.010 - Applicability.

- A. Frequently Flooded Areas. Frequently flooded areas include: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clark County, Washington, and incorporated areas" dated September 5, 2012, and any revisions thereto, are hereby adopted by reference and declared to be part of this ordinance, with accompanying Flood Insurance Rate Maps (FIRM). The study is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood. The study and FIRM are on file at the City of Camas {616 NE 4th Avenue, Camas WA} and the City website {www.cityofcamas.us}. The best available information for flood hazard area identification as outline in Section 16.57.050(C) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized. The flood insurance study and accompanying rate maps are hereby adopted by reference, and declared part of this chapter. These are minimum designations; the director may identify additional areas.
- B. Use of Additional Information. The director may use additional flood information that is more restrictive than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.
- C. Flood Elevation Data. When the base flood elevation data is not available (Zone A), the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter.
- D. For the purposes of this chapter, definitions are generally found in CMC Section 18.03.
- E. Compliance. All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.
- F. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall be subject to the enforcement provisions of Camas Municipal Code Sections 18.55.400-18.55.460.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012; Ord. No. 2691, § I(Exh. A), 1-21-2014)

16.57.020 - Uses and activities prohibited.

- A. Critical Facilities. Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one hundred year flood), or to the height of the five hundred-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. Certification by a registered professional engineer is required.
- B. Wells.

- C. On-site sewage or waste disposal systems.
- D. Lots (Includes residential and non-residential). There shall be no increase in lots within frequently flooded areas. No additional lots shall be created within a frequently flooded area. Divisions of land shall have the frequently flooded areas designated as separate tract(s) and not included within any additional lot.
- E. Development in Floodways.
 - 1. New Development Requires Certification by an Engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Small projects that are solely to protect or create fish habitat, and designed by a qualified professional, may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the City by a qualified professional in the field of hydraulics.
 - 2. Residential Construction and Reconstruction Prohibited. Construction and reconstruction of residential structures is prohibited within floodways, except for:
 - a. Maintenance or repairs to a structure that do not increase the ground floor area; and
 - b. Repairs, reconstruction, or improvements to a structure for which the cost does not exceed fifty percent of the market value of the structure either:
 - i. Before the repair or reconstruction is started; or
 - ii. If the structure has been damaged and is being restored, before the damage occurred.
 - c. Improvement to a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the City, and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.
 - 3. If Section E(1) above is satisfied, all new construction and substantial improvements must also comply with all applicable flood hazard reduction provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.030 - Critical area report—Additional requirements.

In addition to the items listed in CMC 16.51.140 Critical Area Reporting, the following is required:

- A. Prepared by a Qualified Professional. A frequently flooded areas report shall be prepared by a qualified professional who is a hydrologist, or engineer, who is licensed in the state of Washington, with experience in preparing flood hazard assessments.
- B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for frequently flooded areas:
 - 1. The site area of the proposed activity;
 - 2. All areas of a special flood hazard area, as indicated on the flood insurance rate map(s), within three hundred feet of the project area; and
 - 3. All other flood areas indicated on the flood insurance rate map(s) within three hundred feet of the project area.

- C. Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment, including the following site- and proposal-related information at a minimum:
1. Site and Construction Plans. A copy of the site and construction plans for the development proposal showing:
 - a. Floodplain (one hundred-year flood elevation), ten- and fifty-year flood elevations, floodway, other critical areas, management zones, and shoreline areas;
 - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
 - c. Clearing limits; and
 - d. Elevation of the lowest floor (including basement) of all buildings, and the level to which any building has been floodproofed;
 2. Floodproofing Certificate (FEMA Form 81-65, most current edition). When floodproofing is proposed for a non-residential building, a certification by a registered professional engineer or architect that the floodproofing methods meet the requirements in CMC Section 16.57.050(F); and
 3. Watercourse Alteration. When watercourse alteration is proposed, the critical area report shall include:
 - a. Extent of Watercourse Alteration. A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of proposal, and
 - b. Maintenance Program Required for Watercourse Alterations. A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished.
- D. Information Regarding Other Critical Areas. Potential impacts to wetlands, fish and wildlife habitat, and other critical areas shall be addressed in accordance with the applicable sections of these provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.040 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purpose and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This chapter does not imply that land outside frequently flooded areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of City of Camas, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.050 - Performance standards—General requirements.

All Elevation Certificates (FEMA Form 81-31), Floodproofing Certificates for non-residential structures (FEMA Form 81-65), documents, and records pertaining to the provisions of this ordinance shall be maintained by the City for public inspection.

- A. All Necessary Permits Shall be Obtained. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required. A development permit shall be obtained before construction or development begins within any frequently flooded area established in Section 16.57.010. The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions," and for all development, including fill and other activities, also as set forth in the "Definitions."
- B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
 - 2. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - 3. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 16.57.060(B);
 - 4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
 - 5. Where development is proposed in a floodway, an engineering analysis indicating no rise of the Base Flood Elevation, and
 - 6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.
- C. Designation of the Floodplain Administrator. The Community Development Director, or designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.
- D. Duties of the Floodplain Administrator. Duties of the (Floodplain Administrator) shall include, but not be limited to:
- E. Permit Review. Review all development permits to determine that:
 - 1. The permit requirements of this ordinance have been satisfied;
 - 2. All other required state and federal permits have been obtained;
 - 3. The site is reasonably safe from flooding;
 - 4. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of CMC Section 16.57.020(E)(1) are met.
 - 5. Notify FEMA when annexations occur in the Special Flood Hazard Area.
- F. Information to be Obtained and Maintained.
 - 1. Where base flood elevation data is provided through the FIS, FIRM, or required as in CMC Section 16.57.010(C), obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved flood proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in CMC Section 16.57.010(C).
 - a. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was flood proofed.
 - b. Maintain the flood proofing certifications required in CMC Section 16.57.050(B)(3).
 3. Certification required by CMC Section 16.57.020(E)(1) (No-Rise Standard).
 4. Records of all variance actions, including justification for their issuance.
 5. Improvement and damage calculations (give an example).
 6. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- G. Changes to Special Flood Hazard Area.
1. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
 2. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.
- H. Area of Special Flood Hazards with Base Flood Elevation. When the base flood elevation is provided, but a regulatory floodway has not been designated, new construction, substantial improvements, or other development, including fill, shall not be permitted within frequently flooded areas, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- I. Areas Without Base Flood Elevation Data. Where base flood elevation data is not available (Zone A), and there is insufficient data then a report shall be submitted by a qualified professional that includes analysis of historical data and field surveys to ensure the proposed structure is reasonably safe from flooding. The reports shall include reasonable mapping to ensure proposed buildings are safe from flooding and to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- J. Construction Materials and Methods.
1. Methods that Minimize Flood Damage. All new construction and substantial improvements shall be constructed using flood resistant materials and utility equipment, and with methods and practices that minimize flood damage.
 2. Buildings shall be located outside the floodplain. For sites with no buildable area out of the floodplain, buildings may be allowed provided they are placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the City detects any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.
 3. Utilities Shall be Protected. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- K. Elevation Certificate Required Following Construction. Following construction of a building within the floodplain where the base flood elevation is provided, the applicant shall obtain a "finished construction" elevation certificate (FEMA Form 81-31, most current edition) from a registered professional engineer or architect that records the elevation of the lowest floor.
- L. Floodproofing (Non-Residential Only).
 - 1. When a building is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
 - a. Watertight Building. The building shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;
 - b. Hydrostatic and Hydrodynamic Resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. Certified by a Registered Professional Engineer or Architect. The building shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
 - 2. Floodproofing Certificate Required Following Construction. Following construction of the building, the applicant shall obtain a floodproofing certificate (FEMA Form 81-65, most current edition) from a registered professional engineer or architect that records the actual (as-built) elevation to which the building was floodproofed.
 - 3. Applicants who are flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as one foot below). Flood proofing the building an additional foot will reduce insurance premiums.
- M. Anchoring. All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the building resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames tied to ground anchors.
- N. Fill and Grading. Fill and grading within the floodplain shall only occur upon a determination from a registered professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the City has delineated such zones as of the time of the application. If fill or grading is located in a floodway, CMC Section 16.57.020 applies.
- O. Storage of Materials and Equipment.
 - 1. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
 - 2. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012; Ord. No. 2691, § I(Exh. A), 1-21-2014 ; Ord. No. 18-002, § I, 1-16-2018)

16.57.060 - Performance standards—Specific uses.

In all special flood hazard areas the following provisions are required:

A. Residential Units.

1. Must be Above Base Flood Elevation. In AE zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction or placement of residential units and substantial improvement of any residential building shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation. Mechanical equipment and utilities shall be waterproof or elevated at least one foot above the BFE.
2. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
3. Areas Below the Lowest Floor. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.
4. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames ties to ground anchors. If the manufactured home is placed on a permanent footing/foundation with stem walls, CMC Section 16.57.060(A)(2) applies.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:

1. Must be Above Base Flood Elevation. In AE or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any commercial, industrial, or other nonresidential building shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, shall be floodproofed in accordance with floodproofing (Section 16.57.050(L)). Unavoidable impacts to flooded areas (from fill) need to be mitigated.
2. Areas Below the Lowest Floor. If floodproofed, areas shall be in accordance with floodproofing (Section 16.57.050(L)). If elevated and not floodproofed, fully enclosed areas below the lowest floor are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

- a. A minimum of three openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - 3. Unnumbered A Zones. If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- C. Utilities.
- 1. Shall be Designed to Minimize Infiltration of Floodwaters. All new and replacement water supply systems shall be designed to preclude infiltration of floodwaters into the systems.
 - 2. Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - 3. On-site Waste Disposal Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. New on-site sewage disposal systems are prohibited for uses and activities prohibited from frequently flooded areas.
 - 4. Water wells shall be located on high ground that is not in the floodway.
- D. Subdivision/Land Division Proposals.
- 1. All land division proposals shall:
 - a. Minimize Flood Damage. Subdivisions, short subdivisions, planned developments, and binding site plans shall be designed to minimize or eliminate flood damage to proposed buildings; and public utilities and facilities that are installed as part of such subdivisions. Sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate "flood protection" changes.
 - b. Have Adequate Drainage. Subdivisions, short subdivisions, planned developments, and binding site plans shall have adequate natural surface water drainage in accordance with City requirements to reduce exposure to flood hazards; and
 - c. Show Flood Areas on Plat Maps. Subdivisions, short subdivisions, planned developments, and binding site plans shall show the one hundred-year floodplain, floodway, and channel migration zone on the preliminary and final plat maps.
 - d. Where other proposed developments contain greater than 5 acres, base flood elevation data shall be included as part of the application.
 - 2. Lots. No lot or portion of lot after the effective date of the ordinance codified in this title shall be established within the boundaries of a frequently flooded area.
- E. Alteration of Watercourses.
- 1. Shall be in Accordance with Habitat Regulations. Watercourse alterations shall only be allowed in accordance with the fish and wildlife habitat conservation areas (Chapter 16.61).
 - 2. Shall Not Result in Blockage. Watercourse alteration projects shall not result in blockage of side channels.
 - 3. Notification Required. The City shall notify adjacent communities, the Washington State Department of Ecology, and the Federal Insurance Administration of a proposed watercourse alteration at least fifteen days prior to permit issuance.

4. Maintenance of Alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished. Maintenance shall be bonded for a period of five years, and be in accordance with an approved maintenance program.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.070 - Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- A. Be on the site for fewer than one hundred eighty consecutive days; or
- B. Be fully licensed and ready for highway use on its wheels, or the jacking system is attached to the site only by quick disconnect type utilities and securities devices, and has no permanently attached additions; or
- C. Meet the requirements of CMC Section 16.57.060(A)(3) and the elevation and anchoring requirements for manufactured homes.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

16.57.080 - Variations—Additional considerations for frequently flooded areas. The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Camas to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

- A. Additional Variation Considerations. In review of variation requests for activities within frequently flooded areas, the City shall consider all technical evaluations, relevant factors, standards specified in this chapter, and:
 1. The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;
 2. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the proposed use;
 3. The importance of the services provided by the proposed use to the community;

4. The necessity of a waterfront location and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 5. The safety of access to the property for ordinary and emergency vehicles;
 6. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
 7. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- B. Variations shall only be issued upon a determination that the granting of a variation will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- C. Variations shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

Floodplain Development Permit

Application for «Community»

OFFICE USE ONLY

Date Received:

File Number:

SECTION I: Applicant and Project Information**GENERAL INFORMATION**

1. No work of any kind may begin in a floodplain until a floodplain development permit is issued.
2. The permit may be revoked if any false statements are made in this application.
3. If revoked, all work must cease until a permit is re-issued.
4. The development may not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within 6 months of the date of issue.
6. The permit will not be issued until any other necessary local, state or federal permits have been obtained.

By signing and submitting this application, the Applicant gives consent to the local Floodplain Administrator or his/her representative to make reasonable inspections prior to the issuance of a Certificate of Compliance.

By signing and submitting this application, the Applicant certifies that all statements contained in SECTION I of the application, and in any additional attachments submitted by the Applicant, are true and accurate.

OWNER INFORMATION

Property Owner: _____

Mailing Address: _____

Telephone Number: _____

Email Address: _____

Signature of Property
Owner: _____

Date: _____

APPLICANT INFORMATION

Applicant: _____

Brief project description:

Telephone Number: _____

Email Address: _____

Signature of Applicant: _____

PROJECT INFORMATION

Project Address: _____

Subdivision: _____

Lot: _____

Block: _____

PROJECT INFORMATION (continued)**Type of Structure:**

- ☐ Residential
- ☐ Garage/Shop
- ☐ Non-Residential
- ☐ Elevated
- ☐ Floodproofed
- ☐ Combined Use (Residential and Non-Residential)
- ☐ Manufactured Home

Type of Structural Activity:

- ☐ New Structure
- ☐ Addition to Existing Structure*
- ☐ Alteration of Existing Structure*
- ☐ Relocation of Existing Structure **
- ☐ Demolition of Existing Structure
- ☐ Replacement of Existing Structure**

*** Substantial Improvement**

If the fair market value of an addition or alteration to a structure equals or exceeds 50% of the value of the structure before the addition or alteration, the entire structure must be treated as a substantially improved structure.

Substantial Improvement Evaluation:

Cost of Improvement (a): \$ _____

Market Value of the Building (b) : \$ _____

Percent of Value Change (a/b): _____ %

Disclaimer: Substantial Improvement Evaluation must be supported by project cost documentation and approved market evaluation. Attach supporting documentation.

**** Relocation or Replacement**

A relocated structure or a structure being replaced must be treated as new construction.

Other Development Activities

- | | |
|---|---|
| <input type="checkbox"/> Excavation (not related to a structural development) | <input type="checkbox"/> Dredging |
| <input type="checkbox"/> Clearing | <input type="checkbox"/> Watercourse alteration |
| <input type="checkbox"/> Placement of Fill Material | <input type="checkbox"/> Drainage improvement (including culvert work) |
| <input type="checkbox"/> Grading | <input type="checkbox"/> Individual water or sewer system (not included to a structural development listed above) |
| <input type="checkbox"/> Mining | <input type="checkbox"/> Roadway or bridge construction |
| <input type="checkbox"/> Drilling | <input type="checkbox"/> Specify other development not listed above: _____ |

PROPERTY OWNER SIGNATURE

I certify that to the best of my knowledge the information contained in the application is true and accurate.

Signature of Property Owner:

Date:

SECTION II: (To be completed by Floodplain Administrator)**FLOOD INFORMATION**

1. The proposed development is located on FIRM map panel: _____ (number and suffix)
2. Effective date on the FIRM: _____
3. The proposed development is located in Zone _____
4. Is the proposed development located within the regulatory floodway: ☐ No ☐ Yes
*(New residential structures, additions, and substantial improvements prohibited;
Non-residential: Attach Completed Engineer's Hydraulic Analysis for a No-Rise Certificate)*

Structural Development

For structures, the provisions of the flood ordinance specify that the lowest floor be elevated one foot or more above the base flood elevation (BFE).

Base Flood Elevation: _____ ☐ NGVD 29 ☐ NAVD 88 ☐ Unknown (Zone A)

Lowest Floor Elevation for the proposed development is: _____ ☐ NGVD 29 ☐ NAVD 88

Source of Base Flood Elevation: ☐ FIRM ☐ FIS or ☐ other: _____

The following documents are required:

- ☐ An Elevation Certificate (Finished Construction) *
- ☐ Site Plan (Showing location of SFHA and development)

The following documents may be required:

- ☐ Floodproofing Certificate * – required if floodproofing a non-residential structure
- ☐ A No-Rise Certificate * – if any of the proposed non-residential development is in a "regulatory floodway"
- ☐ An elevation study showing BFEs on developments/ subdivisions exceeding 50 lots or 5 acres in Zone A

** Certificates require completion by a Professional Land Surveyor or Registered Professional Engineer as indicated.*

SECTION III: (To be completed by Floodplain Administrator)**Permit Determination**

I have determined that the proposed development: ☐ IS ☐ IS NOT (non-conformance described in separate document) in conformance with the local Flood Damage Prevention Ordinance.

The Floodplain Development Permit: ☐ IS ☐ IS NOT (denials are described in separate document) issued subject to any conditions attached to and made part of this permit.

Signature of Floodplain Administrator: _____ Date: _____

CONDITIONS:

1. All enclosures below the BFE shall have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area. The bottom of all openings shall be no higher than one foot above grade.
2. All mechanical devices, plumbing, and electrical systems shall be installed above the BFE.
3. An updated Elevation Certificate with the as-built elevations is required upon project completion.
4. Enclosures below the BFE shall be used only for parking, building access, and limited storage.
- 5.
- 6.

Administrative

Final documentation verifying compliance with ordinance

☐ Elevation Certificate attached (Finished Construction)

As-Built lowest floor elevation: _____ ☐ NGVD 29 ☐ NAVD 88

Work Inspected by: _____

Certificate of Compliance

Certificate of Compliance is issued and the development is found to be in compliance with all applicable ordinances.

Signature of Floodplain Administrator

Date

**NATIONAL FLOOD INSURANCE PROGRAM
FLOOD DAMAGE PREVENTION ORDINANCE
WASHINGTON MODEL (REVISED 12/09/2019)**

Close to 300 towns, cities, counties, and tribes within the State of Washington participate in the National Flood Insurance Program (NFIP). As a condition of participation in the NFIP, communities are required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP; however, there are occasionally additional requirements identified by state law that are more restrictive. In these cases, the Federal Emergency Management Agency (FEMA) will require that communities meet those standards as well.

This model identifies the basic requirements and cross references them to appropriate Code of Federal Regulations (CFR), Revised Code of Washington (RCW), or Washington Administrative Code (WAC) requirements. It also encourages community officials to consider the direct insurance implications of certain building standards that, if adopted, can reduce (or increase) annual flood insurance premiums for local citizens. This ordinance, as developed by FEMA and the Washington Department of Ecology, supersedes previous versions and includes all the minimum standards required as a condition of participation in the NFIP. It will be used by FEMA and state staff as the basis for providing technical assistance and compliance reviews during the Community Assistance Contact (CAC) and Community Assistance Visit (CAV) process to ensure federal and state law are met.

The model identifies the basic minimum federal and state regulation requirements that must be contained in local flood regulations, as well as suggestions for stronger measures, but notes these measures are *recommended*, not required. Additionally, it outlines several specific floodplain development practices and regulations that can reduce insurance premium. Adopting this model flood hazard reduction ordinance verbatim can ensure compliance with FEMA; however, *it should be emphasized that its adoption is not a mandatory requirement per NFIP regulation*. Some sections of this document are included for clarity and are not required by federal or state law. For instance, as indicated in SECTION 1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES, it is not mandatory to adopt this entire section, but by doing so, it will make your community's ordinance more legally enforceable.

Certain commentary is highlighted in the model ordinance. The highlighted commentary does not need to be included in the local ordinances.

Please note: Section 1612.4 of the 2015 International Building Code (IBC) and Section 1612.2 of the 2018 International Building Code incorporate the design and construction standards of ASCE 24 published by the American Society of Civil Engineers. ASCE 24-14 tables 1-1, 2-1, 4-1, and 6-1 contain specific building elevation requirements which

exceed minimum NFIP standards.

Please Note: RCW 86.16.190 requires that:

Local governments that have adopted floodplain management regulations pursuant to this chapter shall include provisions that allow for the establishment of livestock flood sanctuary areas at a convenient location within a farming unit that contains domestic livestock. Local governments may limit the size and configuration of the livestock flood sanctuary areas, but such limitation shall provide adequate space for the expected number of livestock on the farming unit and shall be at an adequate elevation to protect livestock. Modification to floodplain management regulations required pursuant to this section shall be within the minimum federal requirements necessary to maintain coverage under the national flood insurance program.

While state law requires that local governments make provision for critter pads, it is extremely important to note that RCW 86.16.190 does not relax NFIP standards, including the no rise standard in floodways, in any way.

This document may also serve as a foundation upon which communities can craft their own additional measures. The ordinance can be modified to accommodate local standards, provided they are not less restrictive than the minimum standards identified in this model. Areas on the model that exceed those minimum standards are clearly marked. The model ordinance is in a modular format.

Appendix A: Ordinance Standards for Communities with Shallow Flooding Identified as AO zones on Flood Insurance Rate Maps (FIRMs). These standards are mandatory in communities that have mapped AO zones.

Appendix B: Ordinance Standards for Communities with Coastal Flooding Identified as V zones on Flood Insurance Rate Maps (FIRMs). These standards are mandatory in communities that have mapped V or VE zones.

NOTE: A community may wish to use a numbering system that differs from this model ordinance. In such cases, special care should be taken to correctly identify internal code citations within the Flood Damage Prevention Ordinance.

Section 1.0 - Statutory Authorization, Findings of Fact, Purpose, and Objectives *(Not mandatory to adopt section 1.0)*

1.1 Statutory Authorization

The Legislature of the State of Washington has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the **{Decision Making Body}** of **{Community Name}**, does ordain as follows:

1.2 Findings of Fact

The flood hazard areas of {Community Name} are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

1.3 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare; reduce the annual cost of flood insurance; and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 1) Protect human life and health;
- 2) Minimize expenditure of public money for costly flood control projects;
- 3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) Minimize prolonged business interruptions;
- 5) Minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood hazard areas;
- 6) Help maintain a stable tax base by providing for the sound use and development

of flood hazard areas so as to minimize blight areas caused by flooding;

- 7) Notify potential buyers that the property is in a Special Flood Hazard Area;
- 8) Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- 9) Participate in and maintain eligibility for flood insurance and disaster relief.

1.4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- 1) Restricting or prohibiting development that is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Requiring that development vulnerable to floods be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- 4) Controlling filling, grading, dredging, and other development, which may increase flood damage; and
- 5) Preventing or regulating the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards in other areas.

Section 2.0 – Definitions *(44 CFR 59.1, not mandatory to adopt all definitions as shown. However, definitions needed for implementation of NFIP standards in a specific community can be required in the community's Flood Damage Prevention Ordinance.)*

Terms with 1 asterisk trigger a specific minimum requirement and must be adopted. Unless specifically defined below, terms or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

***Alteration of watercourse:** Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

***Area of shallow flooding:** A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

***Area of special flood hazard:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

ASCE 24: The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

***Base flood:** The flood having a 1% chance of being equaled or exceeded in any given year (also referred to as the "100-year flood").

***Base Flood Elevation (BFE):** The elevation to which floodwater is anticipated to rise during the base flood.

***Basement:** Any area of the building having its floor sub-grade (below ground level) on all sides.

Building: See "Structure."

Building Code: The currently effective versions of the International Building Code and the International Residential Code adopted by the State of Washington Building Code Council.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-30, VE or V.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police,

fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

***Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

Elevation Certificate: An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Elevated Building: For insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Essential Facility: This term has the same meaning as “Essential Facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Farmhouse: A single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

***Flood or Flooding:**

- 1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a) The overflow of inland or tidal waters.

- b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- 2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

***Flood elevation study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

***Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

***Floodplain or flood-prone area:** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

***Floodplain administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain management regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

***Flood proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

***Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

***Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

***Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Historic structure:** Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

***Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

***Mean Sea Level:** For purposes of the National Flood Insurance Program, the vertical datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

One-hundred-year flood or 100-year flood: See “Base flood.”

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations adopted by the community.

Reasonably Safe from Flooding: Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, reasonably safe from flooding means that the lowest floor is at least two feet above the Highest Adjacent Grade.

***Recreational Vehicle: A vehicle,**

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and

- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

***Start of construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

***Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

***Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

***Substantial improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

***Variance:** A grant of relief by a community from the terms of a floodplain management regulation.

Water surface elevation: The height, in relation to the vertical datum utilized in the applicable flood insurance study of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Dependent: A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 3.0 – General Provisions

3.1 Lands to Which This Ordinance Applies (44 CFR 59.22(a))

This ordinance shall apply to all special flood hazard areas within the boundaries of {Community Name}.

3.2 Basis for Establishing the Areas of Special Flood Hazard

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for {exact title of study}” dated {date}, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) dated {date}, and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The FIS and the FIRM are on file at {community address}.

The best available information for flood hazard area identification as outlined in Section 4.3-2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Section 4.3-2.

Note: In some communities, the phrase “and any revisions thereto” is not considered legally binding and should not be adopted.

3.3 Compliance

All development within special flood hazard areas is subject to the terms of this ordinance and other applicable regulations.

3.4 Penalties For Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this

ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than _____ or imprisoned for not more than ___ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the _____ from taking such other lawful action as is necessary to prevent or remedy any violation.

3.5 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.6 Interpretation (Not mandatory)

In the interpretation and application of this ordinance, all provisions shall be:

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes.

3.7 Warning And Disclaimer of Liability (Not mandatory)

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of {Community Name}, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

3.8 Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 4.0 – Administration

4.1 Establishment of Development Permit

4.1-1 Development Permit Required (44 CFR 60.3(b)(1))

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the “Definitions,” and for all development including fill and other activities, also as set forth in the “Definitions.”

4.1-2 Application for Development Permit

Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator.
- 2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- 3) Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in Section 5.2-2;
- 4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
- 5) Where a structure is proposed in a V, V1-30, or VE zone, a V-zone design certificate;
- 6) Where development is proposed in a floodway, an engineering analysis indication no rise of the Base Flood Elevation, and
- 7) Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

Note: The format of section 4.1-2 is not mandatory but the elevation information in subsection 1 and the information in subsections 2 through 7 is mandatory. Elevation Certificates are not mandatory outside of Community Rating System communities but highly recommended.

4.2 Designation of the Floodplain Administrator (44 CFR 59.22(b)(1))

The {job title of the appropriate administrative official} is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

4.3 Duties & Responsibilities of the Floodplain Administrator

Duties of the (*Floodplain Administrator*) shall include, but not be limited to:

4.3-1 Permit Review

Review all development permits to determine that:

- 1) The permit requirements of this ordinance have been satisfied;
- 2) All other required state and federal permits have been obtained;
- 3) The site is reasonably safe from flooding;
- 4) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met;
- 5) Notify FEMA when annexations occur in the Special Flood Hazard Area.

4.3-2 Use of Other Base Flood Data (In A and V Zones) (44 CFR 60.3(b)(4))

When base flood elevation data has not been provided (in A or V zones) in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer Sections 5.2, SPECIFIC STANDARDS, and 5.4 FLOODWAYS.

4.3-3 Information to be Obtained and Maintained (The following language is required and should be adopted verbatim per 44 CFR)

- 1) Where base flood elevation data is provided through the FIS, FIRM, or required as in Section 4.3-2, obtain and maintain a record of the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (44 CFR 60.3(b)(5)(i) and (iii))
- 2) Obtain and maintain documentation of the elevation of the bottom of the lowest horizontal structural member in V or VE zones. (44 CFR 60.3(e)(2)(i) and (ii))
- 3) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 4.3-2:
 - a) Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed. (44 CFR 60.3(b)(5)(ii))
 - b) Maintain the floodproofing certifications required in Section 4.1-2(3). (44 CFR 60.3(b)(5)(iii))
- 4) Certification required by Section 5.4.1 {or the numbering system used by the community} (floodway encroachments). (44 CFR 60.3(d)(3))
- 5) Records of all variance actions, including justification for their issuance. (44 CFR 60.6(a)(6))
- 6) Improvement and damage calculations.
- 7) Maintain for public inspection all records pertaining to the provisions of this ordinance. (44 CFR 60.3(b)(5)(iii))

4.3-4 Alteration of Watercourse

Whenever a watercourse is to be altered or relocated:

- 1) Notify adjacent communities and the Department of Ecology prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means, (44CFR 60.3(b)(6))
- 2) Assure that the flood carrying capacity of the altered or relocated portion of

said watercourse is maintained. (44 CFR 60.3(b)(7))

4.3-5 Interpretation of FIRM Boundaries *(This section is not required, but if the Local Administrators are performing this task on a regular basis, it should be adopted.)*

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP (44 CFR 59-76).

4.3-6 Review of Building Permits *(44 CFR 60.3(a)(3))*

Where elevation data is not available either through the FIS, FIRM, or from another authoritative source (Section 4.3-2), applications for floodplain development shall be reviewed to assure that proposed construction will be *reasonably safe from flooding*. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

(Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.)

4.3-7 Changes to Special Flood Hazard Area

- 1) If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
- 2) If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

Section 5.0 – Provisions for Flood Hazard Reduction

5.1 General Standards *(Section 5.0 is required)*

In all areas of special flood hazards, the following standards are required:

5.1-1 Anchoring *(44 CFR 60.3(a) and (b))*

- 1) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. (44 CFR 60.3(a)(3)(i))
- 2) All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (44 CFR 60.3(b)(8)). For more detailed information, refer to guidebook, FEMA-85, "Manufactured Home Installation in Flood Hazard Areas."

5.1-2 Construction Materials and Methods *(44 CFR 60.3(a)(3)(ii-iv))*

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-3 Storage of Materials and Equipment

- 1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas **(recommended)**.

- 2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

5.1-4 Utilities (44 CFR 60.3(a)(5) and (6))

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
- 2) Water wells shall be located on high ground that is not in the floodway (WAC 173-160-171);
- 3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- 4) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-5 Subdivision Proposals and Development (44 CFR 60.3(a)(4) and (b)(3))

All subdivisions, as well as new development shall:

- 1) Be consistent with the need to minimize flood damage;
- 2) Have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- 3) Have adequate drainage provided to reduce exposure to flood damage.
- 4) Where subdivision proposals and other proposed developments contain greater than 50 lots or 5 acres (whichever is the lesser) base flood elevation data shall be included as part of the application.

5.2 Specific Standards (44 CFR 60.3(c)(1))

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or Section 4.3-2, USE OF OTHER BASE FLOOD DATA. The following provisions are required:

5.2-1 Residential Construction (44 CFR 60.3(c)(2)(5))

- 1) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one foot above the BFE.
- 2) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A.
- 3) New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- 4) New construction and substantial improvement of any residential structure in a V, V1-30, or VE zone shall meet the requirements in Appendix B.
- 5) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:
 - a) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - b) The bottom of all openings shall be no higher than one foot above grade.
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
 - d) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

5.2-2 Nonresidential Construction (44 CFR 60.3(c)(3) and (4))

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection 1 or 2, below.

- 1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

- a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one foot above the BFE, or as required by ASCE 24, whichever is greater.

- b) If located in an AO zone, the structure shall meet the requirements in Appendix A.
- c) If located in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the Highest Adjacent Grade.
- d) If located in a V, V1-30, or VE zone, the structure shall meet the requirements in Appendix B.
- e) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - ii) The bottom of all openings shall be no higher than one foot above grade.
 - iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

- iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of flood waters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

- 2) If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a) Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;
 - b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4.3-3(2);
 - d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2-1(5);

Note: Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below). Floodproofing the building an additional foot will reduce insurance premiums significantly.

5.2-3 Manufactured Homes (44 CFR 60.3(c)(6)(12))

- 1) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(If the above phrase is applied to all manufactured homes in the floodplain, then the remaining verbiage is not necessary to adopt.)

This applies to manufactured homes:

- a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on a site which a manufactured home has incurred “substantial damage” as the result of a flood; and
- 2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions be elevated so that either:
- a) The lowest floor of the manufactured home is elevated one foot or more above the base flood elevation, or
 - b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5.2-4 Recreational Vehicles (44 CFR 60.3(c)(14))

- 1) Recreational vehicles placed on sites are required to either:
- 2) Be on the site for fewer than 180 consecutive days, or
- 3) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

Meet the requirements of 5.2-3 above.

5.2-5 Enclosed Area Below the Lowest Floor

If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

5.2-6 Appurtenant Structures (Detached Garages & Small Storage Structures)

For A Zones (A, AE, A1-30, AH, AO):

- 1) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a) Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - b) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
 - c) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d) Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
 - e) The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1;
 - f) The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 5.2-1(5).
 - g) The structure shall have low damage potential,
 - h) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use, and
 - i) The structure shall not be used for human habitation.
- 2) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.

- 3) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

5.3 AE and A1-30 Zones with Base Flood Elevations but No Floodways (44 CFR 60.3(c)(10))

In areas with BFEs (but a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

5.4 Floodways *(Note the more restrictive language for floodway development per RCW 86.16)*

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

5.4-1 No Rise Standard

Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge. (44 CFR 60.3(d)(3))

5.4-2 Residential Construction in Floodways

Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure that do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions, or to structures identified as historic

places, may be excluded in the 50 percent.

1) Replacement of Farmhouses in Floodway

Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and that are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 may be permitted subject to the following:

- a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;
- b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
- c) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;
- d) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;
- e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;
- f) For substantial improvements and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one foot higher than the BFE;
- g) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
- h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and
- i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

2) Substantially Damaged Residences in Floodway

- a) For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the

local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

- b) Before the repair, replacement, or reconstruction is started, all requirements of the NFIP, the state requirements adopted pursuant to 86.16 RCW, and all applicable local regulations must be satisfied. In addition, the following conditions must be met:
 - i) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
 - ii) A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
 - iii) Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
 - iv) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the BFE.
 - v) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.
 - vi) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.
 - vii) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

5.4-3 All Other Building Standards Apply in the Floodway

If Section 5.4-1 is satisfied or construction is allowed pursuant to section 5.4-2, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.0, Provisions For Flood Hazard Reduction.

5.5 General Requirements for Other Development *(Optional Provision)*

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the state building codes with adopted amendments and any {community name} amendments, shall:

- 1) Be located and constructed to minimize flood damage;
- 2) Meet the encroachment limitations of this ordinance if located in a regulatory floodway;
- 3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- 4) Be constructed of flood damage-resistant materials;
- 5) Meet the flood opening requirements of Section 5.2-1(5), and
- 6) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

5.6 Critical Facility *(Optional Provision)*

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

5.7 Livestock Sanctuaries

Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to

protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter.

Note: To be “elevated sufficiently to protect livestock” typically means to be elevated at least one foot above the BFE.

Section 6.0 - Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the **{governing body}** to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

6.1 Requirements for Variances

- 1) Variances shall only be issued:
 - a) Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - b) For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

- c) Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - d) Upon a showing of good and sufficient cause;
 - e) Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - f) Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 {or the numbering system used by the community} of this ordinance in the definition of “Functionally Dependent Use.”
- 2) Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
 - 3) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of Sections 4.0 and 5.0 {or the numbering system used by the community} of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

6.2 Variance Criteria

In considering variance applications, the **{Governing Body}** shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- 1) The danger that materials may be swept onto other lands to the injury of others;
- 2) The danger to life and property due to flooding or erosion damage;
- 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- 4) The importance of the services provided by the proposed facility to the community;
- 5) The necessity to the facility of a waterfront location, where applicable;

- 6) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- 7) The compatibility of the proposed use with existing and anticipated development;
- 8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- 10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- 11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

6.1 Additional Requirements for the Issuance of a Variance

- 1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a) The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
 - b) Such construction below the BFE increases risks to life and property.
- 2) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- 3) The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
- 4) Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

**APPENDIX A
STANDARDS FOR SHALLOW FLOODING
AREAS (AO ZONES)
(44 CFR 60.3(c)7, 8 and 11)**

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above* the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above* the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in section 5.2-2(3).
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO zones on the community's FIRM either:
 - a) Be on the site for fewer than 180 consecutive days, or

- b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).

APPENDIX B
STANDARDS FOR COASTAL HIGH HAZARD AREAS (V ZONES)
44 CFR 60.3(e)(2 – 8)

Located within areas of special flood hazard established in Section 3.2 are Coastal High Hazard Areas, designated as zones V1-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:

1. All new construction and substantial improvements in zones V1-30 and VE (V if base flood elevation data is available) on the community's FIRM shall be elevated on pilings and columns so that:
 - a) Elevation:
 - i) Residential Buildings

The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level.
 - ii) Nonresidential buildings

The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level or meets the elevation requirements of ASCE 24, whichever is higher; and
 - b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (1)(a)(i) and (2)(a)(ii).
2. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new

and substantially improved structures in zones V1-30, VE, and V on the community's FIRM and whether or not such structures contain a basement. The (Floodplain Administrator) shall maintain a record of all such information.

3. All new construction within zones V1-30, VE, and V on the community's FIRM shall be located landward of the reach of mean high tide.
4. Provide that all new construction and substantial improvements within zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:
 - a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

5. Prohibit the use of fill for structural support of buildings within zones V1-30, VE, and V on the community's FIRM.
6. Prohibit man-made alteration of sand dunes within zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.
7. All manufactured homes to be placed or substantially improved within zones V1-30, V, and VE on the community's FIRM on sites:

- a) Outside of a manufactured home park or subdivision,
 - b) In a new manufactured home park or subdivision,
 - c) In an expansion to an existing manufactured home park or subdivision, or
 - d) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood; shall meet the standards of paragraphs (1) through (6) of this section and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the FIRM shall meet the requirements of Section 5.2-3.
8. Recreational vehicles placed on sites within V or VE zones on the community’s FIRM shall either:
- a) Be on the site for fewer than 180 consecutive days, or
 - b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
 - c) Meet the requirements of subsections (1) and (3) above and the anchoring requirements for manufactured homes (Section 5.1-1(2)).

Camas Municipal Code (CMC)

Chapter 16.57 *Frequently Flooded Areas* and
Section 18.03.050 *Environmental Definitions*

City Council Public Hearing February 16, 2021

- Staff Report
- Proposed Amendments
- WA State Model Ordinance
- New Flood Improvement Permit application form

Schedule



Nov. 17, 2020

Planning Commission
Workshop



Dec. 3, 2020

SEPA DNS issued



Dec. 15, 2020

Commerce Review granted



Dec. 15, 2020

Planning Commission
Public Hearing



Jan. 19, 2021

City Council Workshop



February 16, 2021

City Council Public Hearing



This Photo by Unknown Author is licensed under CC BY



CMC 16.57.010 Applicability

- City Hall physical address and city website for FIS
- Penalties for Non-compliance
 - **...shall be subject to the enforcement provisions of CMC Sections 18.55.400-18.55.460.**
 - VS.
 - ~~....shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction therefore be fined not more than ____ or imprisoned for not more than ____ days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case.~~

CMC 16.57.050 Performance standards – General requirements

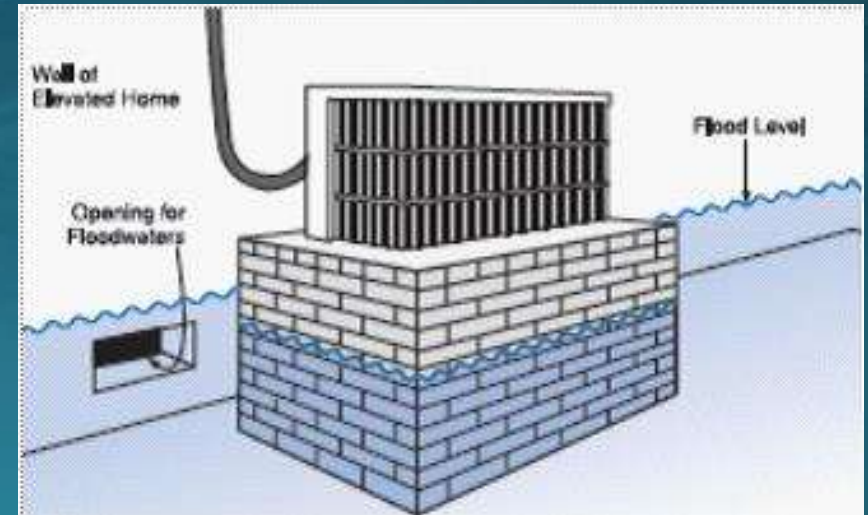
- New Floodplain development application form
- Designation and duties of Floodplain Administrator
- Obtain information
- Flood insurance premiums
- Storage of materials and equipment

The image shows a 'Floodplain Development Permit Application for Community' form. It includes sections for 'GENERAL INFORMATION' (with numbered instructions 1-6), 'OWNER INFORMATION' (with fields for Property Owner, Telephone Number, Email Address, Signature of Property Owner, and Mailing Address), 'APPLICANT INFORMATION' (with fields for Applicant, Telephone Number, Email Address, Signature of Applicant, and Brief project description), and 'PROJECT INFORMATION' (with fields for Project Address, Subdivision, Lot, and Block). There is also a 'CHECK USE ONLY' box for Date Received and File Number.



CMC 16.57.060 Performance standards – Specific Uses

- Residential
 - Mechanical equipment and utilities elevated/floodproofed
 - Attached Garages – automatic entry/exit of floodwaters
- Residential and Non-residential
 - A Zones- lowest floor 2 feet above HAG
- Utilities
 - Located on high ground, not in floodway
- Subdivisions
 - Developments greater than 5 acres, identify BFE



CMC 16.57.080 Variations

➤ Variances

- Rare and only granted for parcels with unusual physical land characteristics and when the requirements of this ordinance would create an exceptional hardship.

16.57.040 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purpose and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This chapter does not imply that land outside frequently flooded areas, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of City of Camas, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

Discussion/Questions?

ORDINANCE NO. 21-002

AN ORDINANCE amending Ordinance 2529 by authorizing the execution of an amendment to Covenant Rezone Agreement identified in Section I of said Ordinance.

WHEREAS, on December 15, 2008, the City adopted Ordinance 2529 related to revisions to the Comprehensive Land Use Map and Zoning Map of the City of Camas; and

WHEREAS, Section I of Ordinance 2529 related to property situated west of NW Parker and north and south of NW 38th Avenue (“property”); and

WHEREAS, the rezone of the property as identified was subject to execution of a concomitant agreement limiting specific uses; and

WHEREAS, accordingly a Covenant Rezone Agreement was recorded on April 30, 2010, applicable to the property; and

WHEREAS, the owner of Clark County tax parcel numbers 986028-434 and 986028-435 otherwise subject to the terms of the recorded Covenant Rezone Agreement apply for a modification to the terms thereof; and

WHEREAS, concomitant rezone agreements are procedurally addressed consistent with the terms of RCW 36.70B.170-.210; and

WHEREAS, the City Council has conducted a public hearing on the requests for modification to the Covenant Rezone Agreement; and,

WHEREAS, the City Council has approved execution of the amendment to Covenant Rezone Agreement as presented,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Ordinance No.

Page - 2

The amendment to Covenant Rezone Agreement as set for in the attached Exhibit "A" is hereby approved.

Section II

Ordinance 2529 is hereby amended to reflect the modifications to the Covenant Rezone Agreement otherwise recorded on April 20, 2010, as identified in Section I of said Ordinance but in no respects shall the Comprehensive Land Use Map or the Zoning Map of the City of Camas be revised as otherwise set forth within Ordinance 2529.

Section III

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this ____ day of _____, 2021.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

LeAnne M. Bremer
Miller Nash Graham & Dunn, LLP
500 Broadway, Suite 400
P.O. Box 694
Vancouver, Washington 98666

Grantor : Daniel P. MacKay and William A. Mackay, as Co-Trustees of the
Donald G. MacKay Remainder Trust; Kates Heath, LLC
Grantee : City of Camas, Washington
Abbreviated Legal : SE ¼ Section 32 and SW ¼ of Section 33, T2N, R3E
Assessor's Tax Parcel Nos.: 986028-434; 986028-435
Prior Excise Tax No. : NA
Other Reference No. : AFN 4661127

AMENDMENT TO COVENANT REZONE AGREEMENT

THIS AMENDMENT TO COVENANT REZONE AGREEMENT is made this ____ day of _____, 2021, by Daniel P. MacKay and William A. Mackay, as Co-Trustees of the Donald G. MacKay Remainder Trust, and Kates Heath, LLC, as owners ("Owners") and the City of Camas, Washington.

RECITALS:

- A. Owners, and their predecessors, recorded the Covenant Rezone Agreement on April 30, 2010, under Clark County Auditor's File No. 4661127 ("Rezone Agreement") applicable to the property legally described in **Exhibit A**, attached and incorporated by reference ("Property").
- B. The Rezone Agreement implements the conditions contained in Ordinance No. 2529.
- C. One of the conditions of Ordinance No. 2529 limits the uses on the Property, which is in the LI zone.

D. Section 2.A. of the Rezone Agreement lists some Permitted and Not Permitted Uses applicable to the Property, but it is unclear if other uses permitted in the LI zone are allowed on the Property.

E. The Owners, or their predecessors, executed the Rezone Agreement nearly 10 years ago, and it applied to approximately 52 acres. Since then, a 4.75-acre parcel has approval for a storage facility, and the remaining approximate 47 acres contains 9 usable acres after taking into account land set aside for mitigation and critical areas.

F. By this Amendment the Rezone Agreement shall be clarified to prohibit additional mini or vehicular storage facilities.

G. Section 4 of the Rezone Agreement allows it to be modified by action of the City of Camas.

H. The parties desire to amend the Rezone Agreement to clarify the Permitted and Not Permitted Uses on the Property.

NOW, THEREFORE, Owners agree as follows:

1. Clarification of Permitted and Not Permitted Uses. The Permitted and Conditionally Permitted Uses are all of those uses allowed in the current LI zone listed in Table 18.07.030 of the Camas Municipal Code set forth in **Exhibit B**, attached and incorporated into the Rezone Agreement and this Amendment by reference except mini-storage/vehicular storage (which exception does not include the previously approved project on Tax Parcel No. 125195-000). The table in **Exhibit B** fully replaces the table in Section 2.A. of the Rezone Agreement except that any Permitted or Conditional Use in the table in Section 2.A will continue to be a Permitted Use or Conditional Use applicable to the Property, even if prohibited in the table in **Exhibit B**.

2. Ordinance No. 2529. The City of Camas agrees to take all necessary steps to amend Ordinance No. 2529, if necessary, to be consistent with this Amendment.

3. Binding. This Covenant shall remain in full force and effect until amended, modified or terminated by the action of the City of Camas in zoning proceedings appropriate for that purpose. Nothing in this Covenant shall be construed as limiting in any way the authority of the City of Camas, or its governmental successors, from approving amendments or modifications to this Covenant. It is expressly provided that this Covenant may be amended, modified or terminated with the approval of the City of Camas, or its governmental successors, and under no circumstances shall any approval by any other person or entity be required in order for the Owners to seek amendment, modification or termination of this Covenant in whole or in part.

4. Amendatory. Except as otherwise amended by this Amendment, the Rezone Agreement remains in full force and effect.

Daniel P. MacKay and William A. Mackay, as Co-Trustees of the Donald G. MacKay Remainder Trust

By: Daniel P. MacKay

Title: Trustee

Date: _____

By: William A. MacKay

Title: Trustee

Date: _____

State of Washington)
)
County of Clark) ss.

On this ____ day of _____, 2021, before me personally appeared Daniel P. Mackay, to me known to be the Trustee of the Donald G. MacKay Remainder Trust that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

Dated: _____, 2021.

Notary Public for _____

(Printed or Stamped Name of Notary)

Residing at _____

My appointment expires: _____

State of Washington)
)
 County of Clark) ss.

On this ____ day of _____, 2021, before me personally appeared Daniel P. Mackay, to me known to be the Trustee of the William P. MacKay Remainder Trust that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

Dated: _____, 2021.

 Notary Public for _____

 (Printed or Stamped Name of Notary)
 Residing at _____
 My appointment expires: _____

Kates Heath, LLC:

 By: _____
 Title: _____
 Date: _____

State of Washington)
)
 County of Clark) ss.

On this ____ day of _____, 2021, before me personally appeared David Lugliani, to me known to be the Manager of Kates Heath, LLC that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

Dated: _____, 2021.

 Notary Public for _____

 (Printed or Stamped Name of Notary)
 Residing at _____
 My appointment expires: _____

City of Camas, Washington:

 By: _____
 Title: _____
 Date: _____

State of Washington)
)
 County of Clark) ss.

On this ____ day of _____, 2021, before me personally appeared _____, to me known to be the _____ of the City of Camas, Washington that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

Dated: _____, 2021.

 Notary Public for _____

 (Printed or Stamped Name of Notary)
 Residing at _____
 My appointment expires: _____

Exhibit A to Amendment
Legal Description of Property



*LAND SURVEYORS
ENGINEERS
(360) 695-1385
222 E. Evergreen Blvd.
Vancouver, WA
98660*

LEGAL DESCRIPTION FOR KATE'S HEATH LLC
ADJUSTED ASN 986028-435 & ASN 986028-434

September 21, 2016

A parcel of land in a portion of the Henry M. Knapp Donation land Claim and a portion of Government Lot 1 in the Southeast quarter of Section 32 and Government Lot 2 in the Southwest quarter of Section 33, Township 2 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington described as follows:

COMMENCING at the Section corner common to Section 4 and Section 5, Township 1 North, Range 3 East and Section 32 and Section 33, Township 2 North, Range 3 East of the Willamette Meridian as shown in that survey recorded in Book 59 of Surveys, at Page 152, records of said county;

THENCE North 01° 11' 03" East, along the West line of the Southwest quarter of said Section 33, a distance of 1043.26 feet the TRUE POINT OF BEGINNING;

THENCE continuing North 01° 11' 03" East, a distance of 85.26 feet;

THENCE South 88° 43' 25" East, a distance of 1145.23 feet to a point on the Westerly right-of-way line of NW Parker Street, said point being 55.00 feet from, when measured perpendicular to, the centerline thereof, said point also being on a non-tangent 1055.00 foot radius curve to the right;

THENCE along said right-of-way line, and along said 1055.00 foot radius curve to the right (the long chord of which bears North 12° 33' 04" East, a distance of 113.46 feet), an arc distance of 113.51 feet to a point on a 945.00 foot radius curve to the left;

THENCE continuing along said right-of-way, and along said 945.00 foot radius curve to the left (the long chord of which bears North 14° 44' 18" East, a distance of 29.52 feet) an arc distance of 29.52 feet;

THENCE continuing along said right-of-way, North 76° 09' 23" West, a distance of 10.00 feet to a point 65.00 feet from, when measured perpendicular to, the centerline thereof, said point also being on a non-tangent 935.00 foot radius curve to the left;

THENCE continuing along said right-of-way, and along said 935.00 foot radius curve to the left (the long chord of which bears North 07° 50' 06" East, a distance of 195.75 feet) an arc distance of 196.11 feet to a point on the South line of Lot 2 of that Short Plat recorded in Book 3 of Plats, Page 262, records of said county;

THENCE leaving said right-of-way, and along the South, West and North lines of said Lot 2 the following courses:

Z:\0008\3098370\8372\BLA\Legal Descriptions\8372.001-ADJ986628
JMB

Page 1 of 3



LAND SURVEYORS
ENGINEERS

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222 E. Evergreen Blvd.
Vancouver, WA
98660

THENCE North $86^{\circ} 38' 30''$ West, a distance of 49.67 feet to a point on a 425.00 foot radius curve to the left;

THENCE along said 425.00 foot radius curve to the left (the long chord of which bears South $86^{\circ} 10' 40''$ West, a distance of 106.25 feet) an arc distance of 106.53 feet to a point on a 375.00 foot radius curve to the right;

THENCE along said 375.00 foot radius curve to the right (the long chord of which bears South $86^{\circ} 10' 40''$ West, a distance of 93.75 feet) an arc distance of 94.00 feet;

THENCE North $86^{\circ} 38' 30''$ West, a distance of 234.22 feet;

THENCE North $01^{\circ} 14' 32''$ East, a distance of 300.22 feet;

THENCE South $79^{\circ} 18' 23''$ East, a distance of 303.72 feet;

THENCE North $85^{\circ} 11' 38''$ East, a distance of 184.39 feet to a point on the West right-of-way line of said NW Parker Street, said point being 65.00 feet from, when measured perpendicular to, the centerline thereof;

THENCE leaving the perimeter of said Lot 2, and along said right-of-way line, North $01^{\circ} 14' 32''$ East, a distance of 76.99 feet;

THENCE continuing along said right-of-way line, South $88^{\circ} 45' 28''$ East, a distance of 25.00 feet, to a point 40.00 feet from, when measured perpendicular to, the centerline thereof;

THENCE continuing along said right-of-way line, North $01^{\circ} 14' 32''$ East, a distance of 45.49 feet to a point 780.00 feet South of, when measured perpendicular to, the North line of said Government Lot 2, said point being on the South line of that parcel described in Exhibit "G" of Auditor's File No. 4629567 BLA, records of said county;

THENCE leaving said right-of-way line, North $89^{\circ} 05' 01''$ West, along said South line, a distance of 1213.93 feet to a point 780.00 feet South of, when measured perpendicular to, the North line of said Government Lot 1;

THENCE continuing along said South line, North $88^{\circ} 23' 30''$ West, a distance of 1316.66 feet to the West line of said Government Lot 1;

THENCE South $01^{\circ} 14' 55''$ West, along said West line, a distance of 535.00 feet to the Southwest corner thereof;

THENCE South $88^{\circ} 33' 11''$ East, along the South line of said Government Lot 1, a distance of 387.60 feet to a point on the West line of the Henry M. Knapp Donation Land Claim;

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JMB

Page 2 of 3



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98660

THENCE South $01^{\circ} 02' 10''$ West, along said West line, a distance of 697.63 feet to a point on the North line of that parcel conveyed to the City of Camas, recorded under Auditor's File No. 5058006, records of said county, said point bears North $01^{\circ} 02' 10''$ East, a distance of 616.31 feet from the intersection of the West line of the Henry M. Knapp Donation Land Claim with the South line of said Township 2 North, Range 3 East as shown in said survey recorded in Book 59 of Surveys, at Page 152, records of said county;

THENCE along the North line of said City of Camas parcel the following courses:

THENCE South $88^{\circ} 57' 50''$ East, a distance of 30.00 feet to an angle point;

THENCE South $01^{\circ} 02' 10''$ West, parallel with the West line of said Henry M. Knapp Donation Land Claim, a distance of 32.64 feet to an angle point;

THENCE South $28^{\circ} 54' 08''$ East, a distance of 89.34 feet to an angle point;

THENCE North $80^{\circ} 13' 58''$ East, a distance of 291.77 feet to an angle point;

THENCE South $33^{\circ} 02' 05''$ East, a distance of 92.00 feet to an angle point;

THENCE South $72^{\circ} 30' 23''$ East, a distance of 101.15 feet to an angle point;

THENCE South $83^{\circ} 17' 23''$ East, a distance of 108.64 feet to an angle point;

THENCE North $05^{\circ} 06' 47''$ West, a distance of 292.34 feet to an angle point;

THENCE North $22^{\circ} 54' 17''$ East, a distance of 226.79 feet to an angle point;

THENCE North $80^{\circ} 19' 30''$ East, a distance of 133.51 feet to an angle point;

THENCE South $45^{\circ} 55' 23''$ East, a distance of 174.20 feet to a point on the West line of the Southwest quarter of said Section 33, said point bears South $01^{\circ} 11' 03''$ West, from the TRUE POINT OF BEGINNING;

THENCE leaving the North line of said City of Camas parcel, and along said West line, North $01^{\circ} 11' 03''$ East, a distance of 186.84 feet to the TRUE POINT OF BEGINNING.

Containing 46.53 acres, more or less.

Z:\8000\8300\8370\8372\BLA\Legal Descriptions\8372.001-AD\986028
JMB



Page 3 of 3

Exhibit B to Amendment
 Permitted and Conditionally Permitted Uses
 Table 18.07.030

18.07.030 - Table 1—Commercial and industrial land uses.

KEY: P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Commercial Uses									
Animal kennel, commercial boarding ⁶	X	X	X	P ¹¹	X	P ₁₁	X	P ₁₁	P ₁₁
Animal shelter ⁶	X	X	X	C	X	C	X	C	P
Antique shop ⁶	P	P	P	P	P	C	X	X	P
Appliance sales and service ⁶	X	P	P	P	P	P	X	C	P
Automobile repair (garage) ⁶	X	P	C	P	X	P	X	P	P
Automobile sales, new or used ⁶	X	P	X	P	X	P	X	P	P
Automobile service station ⁶	X	P	C	P	X	P	X	P	P
Automobile wrecking ⁶	X	X	X	X	X	X	X	X	C
Bakery (wholesale) ⁶	X	X	X	P	X	P	P ⁵	P	P
Bakery (retail) ⁶	P	P	P	P	P	P	P ⁵	P	P
Banks, savings and loan	X	P	P	P	P	P	P ⁵	P	P

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Barber and beauty shops ⁶	P	P	P	P	P	P	P ⁵	P	P
Boat building ⁶	X	X	X	C	X	C	X	C	P
Boat repair and sales ⁶	X	P	X	P	X	P	X	P	P
Book store ⁶	C	P	P	P	P	P	P ⁵	P	P
Bowling alley/billiards ⁶	X	P	X	P	P	P	X	P	P
Building, hardware and garden supply store ⁶	X	P	C	P	P	P	X	P	P
Bus station ⁶	X	C	C	P	C	P	X	P	P
Cabinet and carpentry shop ⁶	X	P	C	P	C	P	P ⁵	P	P
Candy; confectionery store ⁶	P	P	P	P	P	P	P ⁵	P	P
Cemetery ⁶	X	X	X	C	X	X	X	C	P
Clothing store ⁶	C	P	P	P	P	P	X	P	P
Coffee shop, cafe ⁶ or kiosk	P	P	P	P	P	P	P ⁵	P	P
Convention center ⁶	X	P	X	C	C	P	P	C	X
Day care center ⁶	C	P	P	C	P	C	P ⁵	C	C
Day care, adult	P	P	P	P	P	P	P	P	P
Day care, family home ⁶	P	P	P	P	P	X	P ⁵	P	X
Day care, mini-center ⁶	P	P	P	P	P	P	P ⁵	P	X

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Delicatessen (deli) ⁶	P	P	P	P	P	P	P ⁵	P	P
Department store ⁶	X	P	C	P	P	P	X	P	X
Electric vehicle battery charging station and rapid charging stations	P	P	P	P	P	P	P	P	P
Equipment rental ⁶	C	P	C	C	C	P	P ⁵	P	P
Event center	X	P	C	P	C	P	P	P	P
Feed store ⁶	X	X	X	P	X	C	X	P	P
Fitness center/sports club ⁶	X	P	P	P	P	P	P ⁵	P	P
Florist shop ⁶	P	P	P	P	P	P	P ⁵	P	X
Food cart/food truck/ food delivery business ⁶	C	P	C	P	C	P	C	P	X
Furniture repair; upholstery ⁶	X	P	C	P	P	P	X	P	P
Furniture store ⁶	X	P	C	P	P	P	X	P	X
Funeral home ⁶	X	P	C	P	P	X	X	X	X
Gas/fuel station ⁶	X	P	C	P	X	P	X	P	P
Gas/fuel station with mini market ⁶	X	P	C	P	X	P	X	P	P
Grocery, large scale ⁶	X	P	C	P	P	C ⁸	X	P	P
Grocery, small scale ⁶	P	P	C	P	P	P	X	P	P
Grocery, neighborhood scale ⁶	P	P	P	P	P	P	P ⁵	P	X

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Hospital, emergency care ⁶	X	C	P	P	P	P	X	P	X
Hotel, motel ⁶	X	C	C	P	P	P	X	P	X
Household appliance repair ⁶	X	P	C	P	P	P	X	P	P
Industrial supplies store ⁶	X	P	X	C	C	C	X	C	P
Laundry/dry cleaning (industrial)	X	X	X	P	X	X	X	P	P
Laundry/dry cleaning (retail) ⁶	P	P	P	P	P	P	P ⁵	P	P
Laundry (self-serve)	P	P	P	P	P	P	X	P	P
Liquor store ⁶	X	P	C	P	C	C	X	C	C
Machine shop ⁶	X	X	C	C	C	C	P ⁵	C	P
Marijuana processor	X	X	X	X	X	X	X	X	X
Marijuana producer	X	X	X	X	X	X	X	X	X
Marijuana retailer	X	X	X	X	X	X	X	X	X
Medical or dental clinics (outpatient) ⁶	C	P	P	P	P	P	P ⁵	P	P
Mini-storage/vehicular storage ⁶	X	X	X	X	X	X	X	P	P
Manufactured home sales lot ⁶	X	X	X	P	X	X	X	P	P
Newspaper printing plant ⁶	X	P	C	C	X	X	X	P	P
Nursery, plant ⁶	X	P	C	C	C	C	X	C	P

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Nursing, rest, convalescent, retirement home ⁶	C	P	P	P	P	X	X	X	X
Office supply store ⁶	X	P	P	P	P	X	P ⁵	P	P
Pawnshop ⁶	X	X	X	X	X	X	X	C	C
Parcel freight depots ⁶	X	P	X	P	X	P	P ⁵	P	P
Pet shops ⁶	X	P	P	P	P	P	X	P	C
Pharmacy ⁶	X	P	P	P	P	P	P ⁵	P	P
Photographic/electronics store ⁶	X	P	P	P	P	P	P ⁵	P	P
Plumbing, or mechanical service ⁶	X	X	X	P	C	P	X	P	P
Printing, binding, blue printing ⁶	C	P	P	P	P	P	P ⁵	P	P
Professional office(s) ⁶	C	P	P	P	P	P	P	P	P
Public agency ⁶	C	P	P	P	P	P	P	P	P
Real estate office ⁶	C	P	P	P	P	P	T	P	P
Recycling center ⁶	X	X	X	X	X	X	X	P	P
Recycling collection point ⁶	T or C	P	T or C	T or C	C	C	P ⁵	P	P
Recycling plant ⁶	X	X	X	X	X	X	X	C	P
Research facility ⁶	X	P	C	C	X	P	P	P	P
Restaurant ⁶	C	P	P	P	C	P	P ⁵	P	P

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Restaurant, fast food ⁶	X	P	C	P	C	P	P ⁵	P	P
Roadside produce stand ⁶	T	T	T	T	C	X	T	T	T
Sand, soil, gravel sales and storage ⁶	X	X	X	X	X	X	X	C	P
Second-hand/consignment store ⁶	C	P	P	P	P	P	X	P	P
Sexually oriented business ^{1,5}	X	X	X	X	X	X	P	X	X
Shoe repair and sales ⁶	P	P	P	P	P	P	X	P	P
Smoke shop/head shop ⁹	X	X	P	P	X	X	X	X	X
Stock broker, brokerage firm	P	P	P	P	P	P	P	P	P
Specialty goods production (e.g. brew pub)	P	P	P	P	P	P	P	P	P
Taverns ⁶	X	P	C	P	C	P	X	P	P
Theater, except drive-in ⁶	X	P	C	P	P	P	X	P	P
Truck terminals ⁶	X	C	X	C	X	X	X	C	P
Veterinary clinic ⁶	X	P	C	P	P	P	X	P	P
Warehousing, wholesale and trade ⁶	X	X	X	C	C	P	P ⁵	P	P
Warehousing, bulk retail ⁶	X	X	X	C	C	X	X	P	P
Manufacturing and/or processing of the following:									
Cotton, wool, other fibrous material	X	X	X	X	X	P	X	P	P

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Food production or treatment	X	X	X	C	C	P	X	P	C
Foundry	X	X	X	X	X	X	X	C	C
Furniture manufacturing	X	P	X	X	C	C	X	P	P
Gas, all kinds (natural, liquefied)	X	X	X	X	X	X	X	X	C
Gravel pits/rock quarries	X	X	X	X	X	X	X	C	P
Hazardous waste treatment—Off-site	X	X	X	X	X	X	X	X	P
Hazardous waste treatment—On-site	X	X	X	X	X	X	X	X	P
Junkyard/wrecking yard	X	X	X	X	X	X	X	X	C
Metal fabrication and assembly	X	X	X	X	X	C	X	X	P
Hazardous waste treatment—On-site	X	X	X	X	X	X	X	X	P
Paper, pulp or related products	X	X	X	X	X	X	X	X	P
Signs or other advertising structures	X	X	X	C	C	C	P	C	P
Electronic equipment	X	P	X	X	X	X	P	P	P
Industrial Uses									
High-tech industry	X	P	X	X	P	P	P ²	X	X
Manufacturing of miscellaneous goods (e.g. musical instruments, toys, vehicle parts)	X	X	X	X	C	X	X	P	P
Optical goods	X	C	C	C	C	P	P ⁵	P	P

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Packaging of prepared materials	X	X	C	P	C	C	P ⁵	C	P
Scientific and precision instruments	X	P	X	X	X	P	P	P	P
Recreational, Religious, Cultural Uses									
Auditorium ⁶	C	P	P	P	P	P	X	P	P
Community club ⁶	C	P	P	P	P	P	X	P	P
Church ⁶	P	P	P	P	P	P	X	P	P
Golf course/driving range ⁶	P	X	P	P	X	P	P ⁵	P	P
Library ⁶	C	P	P	P	P	P	X	P	P
Museum ⁶	C	P	P	P	P	P	X	P	P
Recreational vehicle park ⁶	X	X	X	C	X	X	X	P	P
Open space ⁶	P	P	P	P	P	P	P	P	P
Park or playground	P	P	P	P	P	P	P	P	P
Sports fields ⁶	C	X	P	P	P	P	X	P	P
Trails	P	P	P	P	P	P	P	P	P
Educational Uses									
College/university ⁶	P	P	P	P	P	P	X	P	P
Elementary school ⁶	P	P	P	P	P	P	X	P	P

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Junior or senior high school ⁶	P	P	P	P	P	P	X	P	P
Private, public or parochial school ⁶	P	P	P	P	P	P	X	P	P
Trade, technical or business college ⁶	P	P	P	P	P	P	P	P	P
Residential Uses									
Adult family home	C	P	P	X	P	X	X	X	X
Assisted living	C	P	P	X/P 10	P	X	X	X	X
Bed and breakfast	P	P	P	X	P	X	X	X	X
Designated manufactured home	X	X	X	X	P	X	X	X	X
Duplex or two-family dwelling	X	C/P 7	X	X	P	X	X	X	X
Group home	C	P	P	X	P	X	X	X	X
Home occupation	P	P	P	X/P 10	P	X	X	X	X
Housing for the disabled	P	P	P	X/P 10	P	X	X	X	X
Apartment, multifamily development, row houses	X	C/P 7	X/P 10	X/P 10	C	X	X	X	X
Residence accessory to and connected with a business	P	P	P	X/P 10	P	X	X	X	X

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Single-family dwelling	X	X	X	X	P	X	X	X	X
Communication, Utilities and Facilities									
Electrical vehicle infrastructure	P	P	P	P	P	P	P	P	P
Wireless communications facility	Refer to Chapter 18.35								
Facilities, minor public	P	P	P	P	C	P	P	C	P
Facility, essential ⁶	X	X	C	C	C	C	P	C	C
Railroad tracks and facilities ⁶	C	X	C	C	C	X	X	C	C
Temporary Uses									
Temporary sales office for a development ⁴	T	T	T	T	T	T	T	T	T

Notes:

1. See CMC Chapter 5.36 Sexually Oriented Businesses for additional regulations for siting sexually oriented business facilities.
2. Similar uses are permitted in the zone district only at the discretion of the community development director or designee.
3. Reserved.
4. See CMC Chapter 18.47 "Temporary Uses" for additional regulations.
5. See secondary use provisions of LI/BP zone.
6. See CMC Chapter 18.19 "Design Review" for additional regulations. CMC Chapter 18.19 is not applicable to development in the LI/BP zone.

7. Residential uses may be outright permitted if part of a mixed use building, where residential use is not located on the ground level; otherwise it shall be a conditional use.

8. If grocery store is less than one hundred thousand square feet then use is outright permitted. If one hundred thousand square feet or over then a conditional use permit is required.

9. A. Must be sited a minimum one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or game arcade to which is not restricted to persons twenty-one years or older as defined in WAC 314-55-010 on June 20, 2015;

B. The business shall post clear signage in a conspicuous location near each public entrance stating no person under the age of twenty-one may enter the premises; and

C. No smoke shop/head shop subject to this note shall be located within five miles of an existing lawfully established smoke shop/head shop. All measurements under (A) and (C) shall be measured from the nearest property line of the property on which the use is proposed to the nearest property line of an existing business utilizing Clark County GIS.

10. On tracts ten acres or more, subject to approval by city council of a master plan and development agreement, a mixed use development may be approved provided no less than fifty-one percent of the net developable acreage is committed to commercial uses.

11. Conditional use permit is required if facilities for kennels are proposed outdoors.



Staff Report – Ordinance 21-002

February 16th, 2021 / Regular Meeting

Ordinance No. 21-002 An Ordinance amending Ordinance 2529 to modify a Covenant Rezone Agreement

Presenter: Robert Maul, Planning Manager

Phone	Email
360.817.1568	rmaul@cityofcamas.us

BACKGROUND: The City Council conducted a public hearing on January 4th, 2021 regarding the proposed changes to the existing Rezone Agreement. Council then approved the agreement and directed the City Attorney to draft an adoptive ordinance for consideration, which is contained in this agenda.

SUMMARY: The owner of parcel numbers 986028-434 and 986028-435 is seeking a modification to an existing concomitant rezone agreement that was entered into with the City of Camas back in April of 2010. The site in question consists of two tax parcels located in the Grass Valley area of Camas at the northwest corner of NW 38th Avenue and NW Parker Road (See Figure 1). The site is undeveloped and carries a comprehensive plan designation of Industrial with a zoning designation of Light Industrial (LI). The total acreage is approximately 47 acres and includes some wetlands on site. The applicant lists that roughly 9 acres is usable. Access to the property is via a private road just south of the Fire Station off of Parker Road. The property is largely covered in trees, grasses and other vegetation. No development proposal is before the city at this time.

The applicant and current owner, David Lugliani, is seeking a modification to an existing recorded Concomitant Rezone Agreement that is between the owners of the property and the City of Camas. The original agreement was recorded back on April 30th, 2010. The zoning of the subject parcels at the time was Light Industrial/Business Park (LI/BP). The original intent behind the rezone agreement was to have allowed uses from the Light Industrial (LI) Zone apply to the subject property to allow for some flexibility. As it was recorded the agreement listed restricted uses, rather than the whole list of uses which has led to some degree of interpretation. As such, the applicant is seeking clarity by proposing to add the entire list of uses for the LI zone to the agreement. The one exception is to strike out mini storage as an allowed use. The proposed modification to the agreement does not apply to the Camas Self Storage site, which was subject to the original agreement.

Staff has reviewed the proposed changes to the modified agreement. Legal has also reviewed and approved as to form. The listed use table in the modified agreement is consistent with the

current Camas Municipal Code table of uses with the exception of mini storage being stricken as a use in the proposal.



Figure 1: Current Location Map.

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item? Staff is seeking direction from Council to return with a final version for action.

What's the data? What does the data tell us? Staff referred to the existing agreement, Camas Municipal Code, and GIS mapping data. The proposed changes would be consistent with adopted policies and codes in Camas.

How have communities been engaged? Are there opportunities to expand engagement? This is a site specific request that does not have a direct impact of neighboring property owners. Once any formal development application is submitted then the established public process associated with land development will allow for formal engagement.

Who will benefit from or be burdened by this agenda item? The owner of the property in question will have more certainty in what allowed uses are permitted on site for future development.

What are the strategies to mitigate any unintended consequences? The City Council does have the ability to modify or terminate the agreement as listed in the recitals within the current and proposed agreement.

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact. N/A

Will this agenda item improve ADA accessibility for people with disabilities? Adopted city codes and policies require full compliance with ADA accessibility when site development is proposed.

What potential hurdles exists in implementing this proposal (include both operational and political)? Having clear, and consistent development standards help alleviate potential for implementing without having to use interpretation and assumption.

How will you ensure accountability, communicate, and evaluate results? The use and adherence to adopted city policies for development activities helps provide consistency and accountability.

BUDGET IMPACT: There is no direct impact to the City's budget with the proposed amendments to the rezone amendment. Long term budget implications include, but are not limited to, revenues from future application fees, tax revenue increases from developed property value increases and other permit related impact fees and system development charges. Long term budget impacts to city services and expenditures include, but are not limited to, public works maintenance, emergency service calls, and other services provided by the city staff once the property is developed.

RECOMMENDATION: Staff recommends that Council adopt Ordinance 21-002.

RESOLUTION NO. 21-001

A RESOLUTION designating the City Clerk as the agent of the City of Camas to receive any claim for damages made under Chapter 4.96, Revised Code of Washington.

WHEREAS, RCW 4.96.020, requires the governing body of each local government to appoint an agent to receive any claim for damages made under Chapter 4.96, Revised Code of Washington; and

WHEREAS, the Council desires to designate the City Clerk as the agent for the City of Camas.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF CAMAS, AS FOLLOWS:

I.

The City Clerk is hereby designated as the agent for the City of Camas to receive any claim for damages under Chapter 4.96, Revised Code of Washington.

II.

The address for the City Clerk is 616 NE Fourth Avenue, Camas, Washington 98607.

III.

A certified copy of this resolution shall be recorded with the Clark County Auditor.

IV.

Pursuant to RCW 4.96.020(2) this Resolution shall be recorded with the Clark County Auditor and shall be effective from and after the date of recording, superseding as of that date the terms of Resolution No. 920 heretofore adopted.

ADOPTED at a regular meeting of the Council of the City of Camas, this ____ day of _____, 2021.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney

PROCLAMATION OF CIVIL EMERGENCY

CITY OF CAMAS, WASHINGTON

Whereas, Camas Municipal Code Section 2.48.020 provides that in the event an emergency occurs which causes or is tending to cause danger or injury to persons or damage to property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare then the Mayor may proclaim a civil emergency to exist; and

Whereas, in the interest of public safety and welfare, Washington state law under Chapter 38.52 RCW sets forth certain powers exercisable by municipalities in the event of emergencies; and

Whereas, Camas Municipal Code Chapter 8.56 sets forth additional procedures and powers related to Emergency Management; and

Whereas, on February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (hereafter COVID-19); and

Whereas, on March 13, 2020, the Clark County Council announced a state of emergency resolution for Clark County regarding COVID-19. Similar emergency declarations have been issued in Washington, Multnomah, and Clackamas counties in the Portland metropolitan area; and

Whereas, on March 13, 2020, Governor Inslee ordered all K-12 public and private schools in Washington State to close by no later than March 17, 2020 and remained closed through April 24, 2020, further ordering on March 16, 2020 a statewide emergency proclamation to temporarily shut down restaurants, bars and entertainment and recreational facilities and ban all gatherings with over 50 participants, with all gatherings under 50 participants to be prohibited unless previously announced criteria for public health and social distancing are met; and

Whereas, on March 13, 2020, President Donald Trump declared a national emergency in the United States of America related to the COVID-19 outbreak; and

Whereas, as of March 14, 2020, the Washington State Department of Health reported a total of 642 confirmed cases of COVID-19 with 40 resulting deaths. As of March 14, 2020, at least 3 confirmed cases of COVID-19 have been reported in Clark County; and

Whereas, as reported by the Washington State Department of Health:

Public health experts agree that the true number of people who have been infected with COVID-19 in Washington greatly exceeds the number of COVID-19 infections that have been laboratory-confirmed. It is very difficult to know exactly how many people in Washington have been infected to date since most people with COVID-19 experience mild illness and the ability to get tested is still not widely available; and

Whereas, as Mayor of the City of Camas I have determined that it is necessary to proclaim the existence of a civil emergency and to take such actions as may be required to effectively utilize city resources in the protection of the public health, safety and welfare;

NOW, THEREFORE I, Barry McDonnell, Mayor of the City of Camas, Proclaim as follows:

1. I declare there is a civil emergency caused by COVID-19 in the City of Camas.
2. The civil emergency requires the implementation of those powers delineated in Chapter 2. 48 and 8.56 of the Camas Municipal Code and Chapter 38.52 RCW.
3. To the extent of such powers as granted by law, the City may enter into contracts and incur obligations, and take any other appropriate action necessary to address and respond to the emergency to protect the health and safety of persons and properties and to provide emergency assistance to persons affected by this emergency.
4. These powers will be exercised in light of the exigencies of the situation without regard to the formalities prescribed by State statutes and rules, or by City ordinance (except for mandatory constitutional requirements). These include but are not limited to budget law limitations, requirements for competitive bidding, publication of notices related to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and equipment, and the appropriation and expenditure of funds.
5. I delegate to the Department heads and their designees the authority to solicit quotes and estimates for contracts necessary to combat the emergency. Department heads may enter into contracts in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000). Contracts over this amount will be signed by the Mayor.
6. Department heads are further authorized to reassign staff from their ordinary duties to work deemed necessary to address the emergency outside their normal job duties and to require work beyond normal working hours in the performance of duties deemed necessary to respond to the emergency.
7. Pursuant to Camas Municipal Code sections 2.48.020 and 8.56.080 a copy of this Proclamation shall be filed with the City Clerk, a copy delivered to the Director of Emergency Management, State Emergency Management, and the Governor and the news media within the City shall be advised, with copies of this Proclamation posted at public places as may heretofore be designated.
8. This Proclamation will take effect upon my signature and will remain in effect until modified or terminated pursuant to Camas Municipal Code Section 2.48.040.

DATED AND SIGNED THIS 18th DAY OF MARCH, 2020.

City of Camas



Mayor Barry McDonnell

SUPPLEMENT TO PROCLAMATION OF CIVIL EMERGENCY
ISSUED MARCH 18, 2020
CITY OF CAMAS, WASHINGTON

The recitals as set forth in the Proclamation of Civil Emergency, City of Camas, Washington issued March 18, 2020 are hereby adopted by reference.

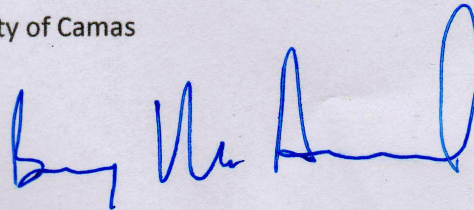
For and as supplement to said Proclamation, as Mayor of the City of Camas, do Proclaim as follows:

1. The City hereby implements a moratorium on the hiring of new employees with exceptions to be granted on a case-by-case basis by the Mayor.
2. City employee accrual of overtime shall be limited to emergency and unavoidable circumstances.
3. The City hereby implements a moratorium on the hiring of any seasonal staff with exceptions to be granted by the Mayor.
4. No employee or elected official business travel, conference attendance, or training shall be occur except as required by law, with limited exceptions as may be otherwise approved in advance.
5. All City departments shall maintain their ongoing strict adherence to established budgets.
6. City capital projects deemed non-essential will be placed on hold.

This Supplement to Proclamation of Civil Emergency shall take effect upon my signature and will remain in effect until modified or terminated pursuant to Camas Municipal Code 2.48.040.

DATED AND SIGNED THIS 15TH DAY OF APRIL, 2020

City of Camas



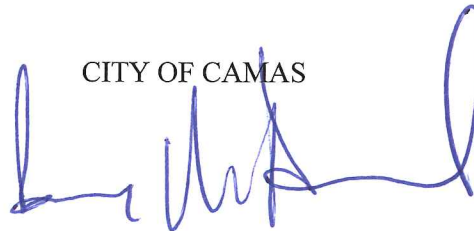
Mayor Barry McDonnell

FIRST AMENDMENT TO PROCLAMATION OF CIVIL EMERGENCY

Pursuant to Camas Municipal Code Section 2.48.040, the Supplement to Proclamation of Civil Emergency issued April 15, 2020 is amended to strike section 6 thereof.

DATED AND SIGNED THIS 16TH DAY OF JUNE, 2020.

CITY OF CAMAS



Mayor Barry McDonnell