ORDINANCE NO. 2477

AN ORDINANCE adding a new Chapter 16.60 regulating wetlands, adding a new Chapter 16.95 regulating fish and wildlife habitat conservation areas, amending Section 16.50.070 by redefining lands subject to critical area regulations, and repealing Sections 18.31.050, 18.31.070, and 18.31.080 of the Camas Municipal Code.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

There is hereby added to the Camas Municipal Code a new chapter regulating wetlands, which chapter is set forth in Exhibit "A", attached hereto and by this reference incorporated herein.

Section II

There is hereby added to the Camas Municipal Code a new chapter regulating fish and wildlife habitat conservation areas, which chapter shall be in the form attached hereto as Exhibit "B", and by this reference incorporated herein.

Section III

Section 16.50.070 is amended to provide as follows:

16.50.070 Critical Areas - Regulated.

A. Critical areas regulated by this chapter include Wetlands (CMC 16.60), critical aquifer recharge areas (CMC Chapter 16.70), frequently flooded areas (CMC Chapter 16.80), geologically hazardous areas (CMC Chapter 16.90), and Fish and Wildlife Habitat Conservation Areas (CMC Chapter 16.95).

B. All areas within the City meeting the definition of one or more critical area, regardless of any formal identification, are designated critical areas and are subject to these provisions.

Section IV

Section 18.31.050, 18.31.070, and 18.31.080 of the Camas Municipal Code are repealed.

Section V

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 2nd day of January, 2007.

.SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

_____
City Attorney

Chapter 16.60 Wetlands

Sections:

16.60.010 Purpose, applicability and exemptions

A. Purpose

1. Wetlands constitute important natural resources which provide significant environmental functions including: the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of groundwater, and provision of significant habitat areas for fish and wildlife. Uncontrolled urban-density development in and adjacent to wetlands and designated buffer 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 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.

3. Reasonable Use Exceptions. The following exceptions shall apply in implementing the standards of this chapter, although the standards shall be applied to the maximum extent practicable to avoid and minimize impacts on wetland functions and values. Mitigation for unavoidable adverse impacts shall be required. The standards of this chapter shall not be used to preclude the following activities in wetland areas:
   a. The placement of a single-family residence and normal accessory structures on an otherwise legally buildable lot of record. Standards may be applied on established properties to limit the proposed location and size of structures, and proposed removal of vegetation.
      (1) The expansion of a home on a lot that does not show building or development envelopes, wetlands or wetland buffers on the recorded plat, not to exceed twenty-five percent (25%) of the existing building footprint;
      (2) The replacement of single-wide mobile home with another dwelling and normal accessory structures; and
      (3) Fire hazard clearing recommended by the fire marshal, or consistent with written fire marshal or fire chief guidelines.
   b. The standards of this chapter shall not be used to deny all reasonable economic use of private property. The following criteria must be met in order to verify that all reasonable economic use of the property has been denied:
      (1) The application of this chapter would deny all reasonable economic use of the property;
      (2) No other reasonable economic use of the property has less impact on the wetland and buffer area;
      (3) Any wetland or buffer alteration is the minimum necessary to allow for reasonable economic use of the property; and
      (4) The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the date of adoption of the ordinance codified in this chapter.
   c. The application of this chapter shall not be used to deny a development proposal for a linear facility from a public agency or public utility, provided the agency or utility meets the following criteria:
      (1) There is no practical alternative to the proposed project with less impact on the wetland and buffer area; and
      (2) The application of this chapter would unreasonably restrict the ability to provide public utility services to the public.

4. Approval of a development permit application pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

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 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:

      (1) 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;

      (2) Changes in agricultural practices within the same "footprint" as the existing agricultural activities in subsection (C)(1)(c)(1) of this section, including reconstruction of existing agricultural structures, or construction of new agricultural structures, are exempt from regulation under this chapter;

      (3) 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 CMC Chapter 16.95.

   d. The removal or eradication of noxious weeds so designated in Title 7 of this code or other exotic nuisance plants including non-native 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.

k. Clearing, as minimally necessary, for stream bank restoration, for native replanting or enhancements in wetlands and wetland buffers.

l. 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.

m. Clearing, as minimally necessary, for creating a four (4) foot or narrower path using natural, wood-based or vegetated pervious surfacing in wetlands and wetland buffers.

n. Land disturbance in wetlands and wetland buffers cumulatively less than five (5) cubic yards in volume and three hundred (300) square feet in area; provided, that the wetland hydroperiod is not significantly affected.

2. Exempted Wetlands. This chapter shall not apply to the following wetlands:

a. Small. Isolated Category III wetlands less than two thousand five hundred (2,500) square feet in area and isolated Category IV wetlands less than four thousand three hundred and fifty (4,350) square feet in area;

b. Artificial. Wetlands created from non-wetland 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;

c. Riparian. Wetlands fully within five (5) feet, measured horizontally, of bank-full width for streams and the ordinary high water mark for lakes which are regulated under the State Shorelines Management Act (Chapter 90.58 RCW) or under CMC Chapter 16.95, are exempt.

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.

16.60.020 Rating System

A. **Designating wetlands.** Wetlands are those areas, designated in accordance with the *Washington State Wetland Identification and Delineation Manual* or *Corps of Engineers Delineation Manual, Environmental Laboratories, 1987,* or most current editions, 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 state *Identification and Delineation Manual*, 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*, (Ecology publication #04-06-025, August 2004). The rating system document contains the definitions and methods for determining if the criteria below are met:

1. **Wetland Rating Categories**
   a. Category I. Category I wetlands are those that meet one or more of the following criteria:

      i. Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality wetlands;
      ii. Bogs larger than ½ acre;
      iii. Mature and old growth forested wetlands larger than 1 acre;
      iv. Wetlands that perform many functions well, as indicated by scoring 70 points (out of 100) 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 that meet one or more of the following criteria:

      i. Wetlands identified by the Washington Natural Heritage Program as containing "sensitive" plant species;
      ii. Bogs between ¼ and ½ acre in size;
      iii. Wetlands with a moderately high level of functions, as indicated by scoring 51-69 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 30-50 in the Ecology rating system. Generrally, 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 less than thirty (30) on 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.

16.60.030 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 CMC Chapter 16.50, 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 (300) feet of the project area within the subject parcel or parcels;
3. All shoreline areas, water features, flood plains, and other critical areas, and related buffers within three hundred (300) feet of the project area within 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.
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 likely exist on the parcel, wetland delineation is required.

D. **Wetland Delineation.**

1. Methodology. The location of a wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the Wetlands Delineation Manual. If a wetland is located off-site and is inaccessible, the best available information shall be used to determine the wetland boundary and category.

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 (1) inch equals one hundred (100) feet (1" = 100', a scaling ratio of 1:1,200), if practical, showing the following information:
   (1) Wetland boundaries,
   (2) Sample sites and sample transects,
   (3) Boundaries of forested areas,
   (4) Boundaries of wetland classes if multiple classes exist;
f. Discussion of methods and results with special emphasis on technique used from the Wetlands Delineation Manual;
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 Wetlands Delineation Manual, numbered to correspond to each sample site.

E. **Wetland analysis.** In addition the to minimum required contents of Section (D) above, and in addition to CMC 16.50.170, 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.

16.60.040 Standards

A. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this Chapter.

B. **Wetland buffers**

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

1. All buffers shall be measured horizontally outward from the delineated wetland boundary or, in the case of a stream with no adjacent wetlands, the ordinary high water mark as surveyed in the field.
2. Buffer widths are established by comparing the wetland rating category and the intensity of land uses proposed on development sites per Table 16.60.040-1, 16.60.040-2, 16.60.040-3 and 16.60.040-4. For Category IV wetlands, the required water quality buffers, per Table 16.60.040-1, are adequate to protect habitat functions.

Table 16.60.040-1 Buffers Required to Protect Water Quality Functions

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

Table 16.60.040-2 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
19 points or less	See Table 16.60.040-1	See Table 16.60.040-1	See Table 16.60.040-1
20	60 ft.	75 ft.	100 ft.
21	70	85	100
22	80	95	120
23	90	105	140
24	100	115	160
25	110	125	180
26	120	135	200
27	130	145	220
28	140	165	240
29	150	185	260
30	150	205	280

31 points or greater	150	225	300

Table 16.60.040-3. 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
20 points or less	See Table 16.60.040-1	See Table 16.60.040-1	See Table 16.60.040-1
21	45 ft.	65 ft.	90 ft.
22	50	70	100
23	55	80	110
24	60	90	120
25	65	100	130
26	70	105	140
27 points or greater	75 ft.	110 ft.	150 ft.

Table 16.60.040-4. Land Use Intensity Matrix[1]

	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 detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	Density at or lower than 1 unit per 5 acres
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density between 1 unit per acre and higher than 1 unit per 5 acres

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 16.06.060-4.*

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

3. In residential plats and subdivisions, wetlands and wetland buffers shall be placed within a nonbuildable tract with the following exceptions:
   a. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
   b. The responsible official determines a tract is impractical.
   c. Where the responsible official determines the exceptions in subsection (a) or (b), above are applicable, residential lots may extend into wetlands and wetland buffers; provided, that all the requirements of Section 16.60.040 (C) are met.

4. Adjusted Buffer Width.

   a. Adjustments Authorized by Wetland Permits. Adjustments to the required buffer width are authorized by Section 16.60.050 (D) upon issuance of a wetland permit.

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

      (1) Pre-existing roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter;

      (2) Distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater than twenty (20) points shall not be subject to the habitat function buffers designated in Table 16.60.040-2 and Table 16.60.040-3 if all of the following criteria are met:

         (a) The area of reduced habitat function is at least one (1) acre in size;

(b) The area supports less than five (5) native plant species and does not contain special habitat features;
(c) The area of reduced habitat function has low or no interspersion of habitats as defined in Section H1.4 of the rating form;
(d) The area does not meet any WDFW priority habitat or species criteria; and
(e) The required habitat function buffer is provided for all portions of the wetland that do not have reduced habitat function.

C. 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 (1) per lot or every one hundred (100) feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:
Wetland and Buffer – Please retain in a natural state.

3. A conservation covenant shall be recorded in a form approved by the Prosecuting Attorney 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 cases 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 Section 16.60.040(C)(3).

D. Standard Requirements – Waivers. The responsible official shall waive the requirements of Sections 16.60.030 (D) and 16.60.040(B) 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.

16.60.050 Wetland Permits

A. General.

1. A wetland permit is required for any development activity that is not exempt pursuant to Section 16.60.010(C) within wetlands and wetland buffers.
2. Standards for wetland permits are provided in Sections 16.60.050(B), (C) and (D).
3. All wetland permits require approval of a preliminary and final enhancement/mitigation plan in accordance with the provisions of Section 16.60.050(E) unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of Section 16.60.050(E)(2).
4. Wetland permit application, processing, preliminary approval, and final approval procedures are set out in Sections 16.60.050(F) through (I).
5. Provisions for programmatic permits are provided by Section 16.60.050(K).
6. Provisions for emergency wetland permits are provided by Section 16.60.050(L).

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:

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 100-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 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 wetlands professional.

    * If Priority Habitats are not present in the vicinity of the proposed land use, criterion (ii) is sufficient for buffer width reductions. The development of these measures and their review by the City, which may include referral to

independent qualified professionals, shall be at the applicant's expense. If proposed future land uses are more intense, they are not eligible to maintain this reduction.

b. Restoration. Buffer widths may be reduced up to twenty-five (25) 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 (100) 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 CMC 16.60.050 (D) for a mitigation plan and CMC 16.60.050 for a critical area report.

c. Combined reductions. Buffer width reductions allowed under a) and (b) above may be added provided that minimum buffer widths shall never be less than fifty (50) feet for all Category I, Category II and Category III wetlands, and twenty-five (25) 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 above in CMC 16.60.050 (C)(1))provided that minimum buffer widths listed in CMC 16.60.050(C)(1)(c) 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; and

c. The averaged buffer, at its narrowest point, shall not result in a width less than seventy-five (75) percent of the required width, provided that minimum buffer widths shall never be less than fifty (50) feet for all Category I, Category II and Category III wetlands and twenty-five (25) feet for all Category IV wetlands.

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 twenty (20) 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 (4) inches diameter at four and one-half (4-1/2) feet above the ground or greater than twenty (20) 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 (4:1) 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 (3) months of the date the activity begins;
    b. The activity will not result in a permanent structure in or under the buffer;
    c. The activity will not result in a reduction of buffer acreage or function;
    d. The activity will not result in a reduction of wetland acreage or function.

D. Standards – Wetland Activities. The following additional standards apply to the approval of all activities permitted within wetlands under this section:

1. Sequencing. Applicants shall demonstrate that a range of project alternatives have been given substantive consideration with the intent to avoid or minimize impacts to wetlands. Documentation must demonstrate that the following

hierarchy of avoidance and minimization has been pursued:

a. Avoid impacts to wetlands unless the responsible official finds that:

(1) For Category I and II wetlands, avoiding all impact is not in the public interest or will deny all reasonable economic use of the site;
(2) For Category III and IV wetlands, avoiding all impact will result in a project that is either:
(a) Inconsistent with the 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:

(1) Seeking easements or agreements with adjacent land owners or project proponents where appropriate;
(2) Seeking reasonable relief that may be provided through application of other city zoning and design standards;
(3) Site design; and
(4) Construction techniques and timing.

c. Compensate for wetland impacts that will occur, after efforts to minimize have been exhausted. The responsible official must find that:

(1) The affected wetlands are restored to the conditions existing at the time of the initiation of the project;
(2) Unavoidable impacts are mitigated in accordance with this subsection; and
(3) The required mitigation is monitored and remedial action is taken when necessary to ensure the success of mitigation activities.

2. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:

a. On-site. Locate mitigation according to the following priority:
(1) Within or adjacent to the same wetland as the impact;
(2) Within or adjacent to a different wetland on the same site;
b Off-site. Locate mitigation within the same watershed or use an established wetland mitigation bank; the service area determined by the mitigation bank review team and identified in the executed mitigation bank instrument;
c. In-kind. Locate or create wetlands with similar landscape position and the same hydro-geomorphic (HGM) classification based on a reference to a naturally occurring wetland system; and
d. Out-of-kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.

3. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference.

a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

   (1) Re-establishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
   (2) Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a degraded wetland. Re-establishment results in a gain in wetland function, but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

b. Creation (Establishment). The manipulation of the physical, chemical, or biological characteristics of a site with the goal of developing a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydro-period, create hydric soils, and support the growth of hydrophytic plant species.

c. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve the specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydro-periods, or some combination of these activities.

d. Protection/Maintenance (Preservation). Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation.

   Preservation does not result in a gain of wetland acres, but may result in improved wetland functions.

4. **Wetland Mitigation Ratios.**

a. Standard Wetland Mitigation Ratios. The following mitigation ratios for each of the mitigation types described in Section 16.60.050(D)(3)(a) through (c) apply:

Table 16.60.050-1. 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:

(1) The wetland area being preserved is a Category I or II wetland or is within a WDFW priority habitat or species area;

(2) The preservation area is at least one (1) acre in size;

(3) The preservation area is protected in perpetuity by a covenant or easement that gives the city clear regulatory and enforcement authority to protect existing wetland and wetland buffer functions with standards that exceed the protection standards of this chapter;

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

(5) The following preservation/mitigation ratios apply:

Table 16.60.050-2. Wetland Preservation Ratios for Category 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 (<20 points)	10:1	14:1	20:1	30:1
Moderate (20 – 30 points)	13:1	17:1	30:1	40:1
High (>30 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:

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

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

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

(4) In wetlands where several HGM classifications are found within one (1) delineated wetland boundary, the areas of the wetlands within each HGM classification can be scored and rated separately and the mitigation ratios adjusted accordingly, if all the following apply:
   (a) The wetland does not meet any of the criteria for wetlands with "Special Characteristics," as defined in the rating system;
   (b) The rating and score for the entire wetland is provided as well as the scores and ratings for each area with a different HGM classification;
   (c) Impacts to the wetland are all within an area that has a different HGM classification from the one used to establish the initial category; and
   (d) The proponents provide adequate hydrologic and geomorphic data to establish that the boundary between HGM classifications lies at least fifty (50) feet outside of the footprint of the impacts.

5. Alternate Wetland Mitigation.
   a. Wetland Mitigation Banking.
      (1) Construction, enhancement or restoration of wetlands to use as mitigation for future wetland development impacts is permitted subject to the following:

(a) A wetland permit shall be obtained prior to any mitigation banking. If a wetland permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. On projects proposing off-site wetland banking in addition to required wetland mitigation, a separate wetland permit shall be required for each activity. The performance and maintenance bond requirements of Section 16.60.050(H)(3)(c) and (d) shall not be applicable, provided there are no requests for mitigation credit prior to the city determining the mitigation banking is successful. If mitigation banking is not fully functioning, as defined in the wetland permit, at the time mitigation credit is requested, Section 16.60.050(H)(3)(c) and (d) shall apply;

(b) Federal and state wetland regulations, if applicable, may supersede city requirements;

(2) The mitigation credit allowed will be determined by the city, based on the wetland category, condition and mitigation ratios as specified in Section 16.60.050(D)(4). Prior to granting mitigation banking credit, all wetland mitigation banking areas must comply with Section 16.60.040(E)(4)(b) and (c), and, if applicable, Section 16.60.050(H)(3);

(3) On projects proposing off-site wetland banking in addition to required wetland mitigation, a separate permit fee will be required for each activity;

(4) Purchase of banked wetland credits is permitted to mitigate for wetland impacts in the same watershed provided the applicant has minimized wetland impacts, where reasonably possible, and the following requirements are met:

(a) Documentation, in a form approved by the Prosecuting Attorney, adequate to verify the transfer of wetland credit shall be submitted, and

(b) A plat note along with information on the title shall be recorded in a form approved by the Prosecuting Attorney as adequate to give notice of the requirements of this section being met by the purchase of banked wetland credits;

b. Cumulative Effects Fund. The city may accept payment of a voluntary contribution to an established cumulative effects fund for off-site watershed scale habitat and wetland conservation in lieu of wetland mitigation of unavoidable impacts in the following cases:

(1) Residential building and home business permits where on-site enhancement and/or preservation is not adequate to meet the requirements of Section 16.60.050(D)(4);

(2) Approved reasonable use exceptions where sufficient on-site wetland and wetland buffer mitigation is not practical;

(3) Small impacts affecting less than 0.10 acre of wetland where on-site enhancement and/or preservation is not adequate to meet the requirements of Section 16.60.050(D)(4); or
(4) As an additional mitigation measure when all other mitigation options have been applied to the greatest extent practicable.

6. Stormwater Facilities. Stormwater facilities are allowed in wetlands with habitat scores less than twenty (20) on the rating form, in compliance with the following requirements:

   a. Stormwater detention and retention necessary to maintain wetland hydrology is authorized; provided, that the responsible official finds that wetland functions will not be degraded; and
   b. Stormwater runoff is treated for water quality in accordance with the requirements of Chapter 17.19.040 (C)(3)(d) prior to discharge into the wetland.

7. Utility Crossings. Crossing wetlands by utilities is allowed, provided the activity is not prohibited by Section 16.60.050(D)(1), and provided all the following conditions are met:

   a. The activity does not result in a decrease in wetland acreage or classification;
   b. The activity results in no more than a short-term six (6) month decrease in wetland functions; and
   c. Impacts to the wetland are minimized.

8. Other Activities in a Wetland. Activities not involving stormwater management, utility crossings, or wetland mitigation are allowed in a wetland, provided the activity is not prohibited by Section 16.60.050(D)(1), and provided all the following conditions are met:

   a. The activity shall not result in a reduction of wetland acreage or function; and
   b. The activity is temporary and shall cease or be completed within three (3) months of the date the activity begins.

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 Section 16.60.050(F)(1).

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 16.60.010(B). The preliminary mitigation plan consists of two (2) 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:

(1) Wetland delineation report as described in Section 16.60.030(D)(2);
(2) 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.;
(3) Description and maps of vegetative conditions at the site;
(4) Description and maps of hydrological conditions at the site;
(5) Description of soil conditions at the site based on a preliminary on-site analysis;
(6) A topographic map of the site; and
(7) A functional assessment of the existing wetland and buffer.
  (a) Application of the rating system in Section 16.60.020 (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:
(1) Goals and objectives of the proposed project;
(2) A wetland buffer width reduction plan, if width reductions are proposed, that includes:
  (a) The land use intensity, per Table 16.60.040-4, of the various elements of the development adjacent to the wetlands;
  (b) The wetland buffer width(s) required by Table 16.60.040-1, 16.60.040-2 and 16.60.040-3;
  (c) The proposed buffer width reductions, including documentation that proposed buffer width reductions fully protect the functions of the wetland in compliance with Section 16.60.050(C);

(3) 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;

(4) Map showing proposed wetland and buffer. This map should include the existing and proposed buffers and all proposed wetland impacts regulated under this chapter;
(5) Site plan;
(6) Discussion and map of plant material to be planted and planting densities;
(7) Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features (e.g., swales);
(8) Discussion of water sources for all wetlands on the site;

(9) Project schedule;
(10) Discussion of how the completed project will be managed and monitored; and
(11) 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 Sections 16.60.050.

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.
(1) 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 (5) years. Creation and forested wetland mitigation projects shall be monitored for a period of at least ten (10) years;

(2) 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;

(3) A monitoring protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the project;

(4) Monitoring reports shall be submitted annually, or on a pre-arranged alternate schedule, for the duration of monitoring period;

(5) 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:

(1) Engineering construction plans;
(2) Final site plan or proposed plat;
(3) Final landscaping plan;
(4) Habitat permit;
(5) WDFW HPA;
(6) USACE Section 404 permit; and
(7) 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 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 16.60.030.

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 shall be processed using the application procedures in Chapter 18.55 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:

      (1) Buffer modification only;
      (2) Wetland impacts resulting in less than 0.10 acre of direct wetland impact;
      (3) Wetland permits associated with residential building permits, regardless of impact;
      (4) Wetland permits associated with home business permits, regardless of impact;
      (5) Re-authorization of approved wetland permits;
      (6) Programmatic wetland permits that are SEPA exempt.

   b. Type II Wetland Permit. The following wetland permits shall be reviewed under the Type II review process in accordance with CMC Chapter 18.55:

      (1) Wetland impacts resulting in 0.10 acre, or more, of direct wetland impact, other than residential building and home business permits;
      (2) Programmatic wetland permits that require SEPA review;
      (3) Programmatic permit applications subject to Type II review shall not be subject to the notice requirements of Chapter 18.55. Within fourteen (14) calendar days after the date an application is accepted as fully complete, the city shall publish in a newspaper of general circulation a summary of the notice, including the date, time and manner of making comments, the nature and location of the proposal and instructions for obtaining further information.

   c. Type III Wetland Permit. Reasonable use exceptions, other than residential and home occupation permits, made under Section 16.60.010(B)(3), shall be reviewed under the Type III review process described in Chapter 18.55.

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 Chapter 18.55.

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 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 Section 16.60.050(E)(3);
   c. Posting of a performance assurance pursuant to Section 16.60.050(J); and
   d. Posting of a maintenance assurance pursuant to Section 16.60.050(J).

4. Duration. Wetland permit preliminary approval shall be valid for a period of three (3) 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 (1) 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 Section 16.60.050(E)(3);
   b. Installation and approval of field markings as required by Section 16.60.040(C)(2);
   c. The recording of a conservation covenant as required by Section 16.60.040(C)(3) and included on the plat, short plat or site plan as required by 16.60.040 (C)(4);
   d. The posting of a performance assurance as required by Section 16.60.050(H)(3);

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 ($5,000);

   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 (150%);
   b. All other estimates shall be multiplied by one hundred ten percent (110%).

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:

      (1) Completion of construction and planting specified in the approved compensatory mitigation plan;
      (2) Submittal of an as-built report documenting changes to the compensatory mitigation plan that occurred during construction;
      (3) Field inspection of the completed site(s); and
      (4) 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:

(1) Completion of the specified monitoring and maintenance program;

(2) 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 mitigations 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 Section 16.60.050(K)(2), 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:
      (1) Procedures for identification of wetlands and wetland buffers;
      (2) Maintenance practices proposed to be used;
      (3) Restoration measures;
      (4) Mitigation measures and assurances;
      (5) 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;
      (6) 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;
      (7) Responding to any department requests for information about specific work or projects;
      (8) Procedures for reporting and/or addressing activities outside the scope of the approved permit; and
      (9) 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 that duration of the permit.

4. Duration and Re-authorization.

   a. The duration of a programmatic permit is for five (5) years, unless:
      (1) An annual performance based re-authorization program is approved within the permit; or
      (2) 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.
      (1) Re-authorization is reviewed and approved through the process described in Section 16.60.050(K)(1).

(2) Permit conditions and performance standards may be modified through the re-authorization process.
(3) 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 (90) days; and

   b. Require, within this ninety (90) day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the ninety (90) 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 published in a newspaper having general circulation in the City of Camas not later than ten (10) 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 Title 18 of the Camas Municipal Code, 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 CMC Chapter 18.55, 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 (6) years provided:

    a. The city has the authority to apply the permit moratorium to the property; and
    b. The city records the permit moratorium;
    c. The responsible official may reduce or wave the permit moratorium duration upon approval of a wetland permit under Section 16.60.050.

2. Compensatory mitigation requirements under Sections 16.60.050(C) and (D) 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 16.95 Fish and Wildlife Habitat Conservation Areas

Sections:

16.95.010 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 NMFS and 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 Parks and Open Space Plan as natural open space, or as listed below:**

   a. Oregon White Oaks:
      i. Individual Oregon White Oak trees with a 20 inch diameter at breast height (20 dbh).
      ii. Stands of Oregon White Oak trees greater than one (1) acres, when they are found to be valuable to fish and wildlife (i.e, may include trees with cavities, large diameter breast height (12 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 Lilly: To the extent practicable, Camas lily field of a significant concentration (1/4 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: (a) maintaining Camas lily concentrations as they currently exist on site and (b) 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 options (a) and (b) have

been explored, that it is not possible to maintain significant concentrations of Camas lily onsite.

4. **Naturally occurring ponds under twenty (20) acres.** Naturally occurring ponds are those ponds under twenty (20) 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-swales that have been created from areas not meeting the definition of waters of the state. Furthermore, wetlands designation and protection are regulated under CMC 16.60.

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.

16.95.020 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 (300) feet of the project area within the subject parcel or parcels;

3. All shoreline areas, water features, flood plains, and other critical areas, and related buffers within three hundred (300) feet of the project area within 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 16.50.170]; 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 director 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.

16.95.030 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 onsite 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 instream and riparian habitat and should be guided by the Washougal River Subbasin chapter of the Lower Columbia Salmon Recovery Plan.

   b. If onsite 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 find 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.
      (1) 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;

      (2) 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 16.50.

      (3) On projects proposing off-site habitat banking in addition to required habitat mitigation, a separate permit fee will be required for each activity;

      (4) 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 Prosecuting Attorney, 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 Prosecuting Attorney 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 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 publication 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 publication 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 chemicalsin habitat areas; and/or

t. Avoiding topsoil removal and minimizing topsoil compaction;

B. **Non-indigenous 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 director 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 (50%) in any location; and
   f. The buffer area width is not less than twenty-five (25) 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 5 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.

16.95.040 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 endangered, threatened, or sensitive species have a documented presence.
   2. Activities proposed adjacent to a habitat conservation area with which state or federally 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 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 *Wetlands* [Chapter 16.60].

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 director 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 fifty percent (50%) in any one location;
   c. The stream buffer area width is not reduced to less than fifteen (15) 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 total 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 director will use the recommendations of the qualified experts in making his/her 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.

E. **Stream buffer areas, ponds, lakes, and waters of the state.** The following specific activities may be permitted within a stream buffer area, pond, lake, and water of the state, or associated buffer when the activity complies with the provisions set forth in the City of Camas Shoreline Master Program and subject to the following standards:

1. **Clearing and Grading.** When clearing and grading is permitted as part of an authorized activity or as otherwise allowed in these standards, the following shall apply:
   a. Grading is allowed only during the dry season, which is typically regarded as beginning on May 1st and ending on October 1st of each year, provided that

the City of Camas may extend or shorten the dry season on a case-by-case basis.

b. Filling or modification of a wetland or wetland buffer is permitted only if it is conducted as part of an approved wetland alteration.
c. Erosion and sediment control that meets or exceeds the standards set forth in the *City of Camas Design Standards Manual* shall be provided.

2. **Streambank stabilization.** Streambank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bioengineering or soft armoring techniques in accordance with an approved critical area report.

3. **Launching ramps – Public or private.** Launching ramps may be permitted in accordance with an approved critical area report that has demonstrated the following:
   a. The project will not result in increased beach erosion or alterations to, or loss of, shoreline substrate within one-quarter (1/4) mile of the site; and
   b. The ramp will not adversely impact critical fish or wildlife habitat areas or associated wetlands.

4. **Docks.** Repair and maintenance of an existing dock or pier may be permitted subject to the following:
   a. There is no increase in the use of materials creating shade for predator species;
   b. There is no expansion in overwater coverage;
   c. There is no increase in the size and number of pilings; and
   d. There is no use of toxic materials (such as creosote) that come in contact with the water.

5. **Roads, trails, bridges, and rights-of-way.** Construction of trails, roadways, and minor road bridging, less than or equal to the city's street standards, may be permitted in accordance with an approved critical area report subject to the following standards:
   a. The crossing minimizes interruption of downstream movement of wood and gravel;
   b. Mitigation for impacts is provided pursuant to a mitigation plan of an approved critical area report;
   c. If applicable, road bridges are designed according to the Department of Fish and Wildlife *Fish Passage Design at Road Culverts*, March 1999, and the National Marine Fisheries Service *Guidelines for Salmonid Passage at Stream Crossings*, 2000; and
   d. Trails and associated viewing platforms shall not be made of continuous impervious materials.

6. **Utility Facilities.** New underground utility lines and facilities may be permitted to cross watercourses in accordance with an approved critical area report if they comply with the following standards:
   a. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone (sediments underlying the surface stream) of the water body;
   b. The utilities shall cross at an angle greater than sixty (60) degrees to the centerline of the channel in streams or perpendicular to the channel

centerline whenever boring under the channel is not feasible and shall be contained within the footprint of an existing road or utility crossing where possible; and

c. The utility route should avoid paralleling the stream or following a down-valley course near the channel; and installation shall not increase or decrease the natural rate of shore migration or channel migration.

7. **Public flood protection measures.** New public flood protection measures and expansion of existing ones may be permitted, subject to the City of Camas's review and approval of a critical area report and the approval of a Federal Biological Assessment by the federal agency responsible for reviewing actions related to a federally listed species.

8. **Instream structures.** Instream structures, such as high flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, and weirs, shall be allowed only as part of an approved watershed basin restoration project approved by the City of Camas and upon acquisition of any required state or federal permits. The structure shall be designed to avoid modifying flows and water quality in ways that may adversely affect habitat conservation areas.

9. **Stormwater conveyance facilities.** Conveyance structures may be permitted in accordance with an approved critical area report subject to the following standards:
   a. Mitigation for impacts is provided;
   b. Instream stormwater conveyance facilities shall incorporate fish habitat features; and
   c. Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.

10. **On-site sewage systems and wells.** All developments subject to review under this section shall be connected to City water and sanitary facilities. Existing private water and sanitary facilities shall be abandoned in a manner consistent with state law.

Appendix A

Water Typing System (WAC 222-16-030, or successor)

"Type S Water" means all waters, within their bankfull width, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW including periodically inundated areas of their associated wetlands.

"Type F Water" means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories:

(a) Waters, which are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type F Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Waters, which are within a federal, state, local, or private campground having more than 10 camping units: Provided, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a fish habitat stream and accessible during some period of the year; and

(ii) The off-channel water must be accessible to fish.

"Type Np Water" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial

flow cannot be identified with simple, nontechnical observations (see board manual, section 23), then Type Np Waters begin at a point along the channel where the contributing basin area is:

(a) At least 13 acres in the Western Washington coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973);

(b) At least 52 acres in other locations in Western Washington;

(c) At least 300 acres in Eastern Washington.

"Type Ns Water" means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters.