

April 5, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

Councilmember Fox was absent from workshops.

4:30-5:30 p.m. Clark County Public Health - COVID-19 Update

Dr. Alan Melnick, Clark County Public Health Director

Summary

Dr. Alan Melnick, Clark County Public Health Director, provide Council with an update on the COVID-19 pandemic, the local and state public health response, and vaccination efforts.

5:30-6:00 p.m. Metro Update

Lynn Peterson, Metro Council President

Summary

Metro Council President Lynn Peterson provided Council with an overview of Metro's current programs and initiatives.

REGULAR COUNCIL MEETING

This meeting was conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony on Consent Agenda and Public Hearing items were also facilitated via the GoToMeeting conference call.

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted remotely over video conference.

Present: Councilmembers Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Absent: Councilmember Fox

Motion by Councilmember Glover, seconded by Councilmember Stober, and carried unanimously to excuse Councilmember Fox.

Also present on the call were the following: Brian Carlson, Deputy City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Hassan Abdalla, Engineering Manager; Bill Bjerke, Operations Superintendent; Brent Boger, Assistant City Attorney; Teresa Brum, Economic Development Division Manager; Linda Carlson, Property Management Specialist; Chris Christofferson, City Traffic Engineer; Cayla Cothron, Associate Planner; Chad Eiken, Community and Economic Development Director; David Galazin, Assistant City Attorney; Sheryl Hale, Senior Engineering Supervisor; Keith Jones, Senior Planner; Rebecca Kennedy, Long Range Planning Manager; Aaron Lande, Program and Policy Manager; Bryan Monroe, Associate Planner; Natasha Ramras, Chief Financial Officer; Cara Rene, Communications Director; Peggy Sheehan, Community Development Programs Manager; Chris Sneider, Senior Civil Engineer; Dan Swensen, Interim Public Works Director; Andrew Westlund, Assistant Planner; and members of the public.

Approval of Minutes

Minutes - March 8, 2021

Motion by Councilmember Glover, seconded by Councilmember Lebowsky, and carried unanimously to approve the meeting minutes of March 8, 2021.

Minutes - March 15, 2021

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of March 15, 2021.

Minutes - March 22, 2021

Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to approve the meeting minutes of March 22, 2021.

Community Communications (Items 1-8)

Mayor McEnerny-Ogle opened Community Communications and, receiving no testimony, closed Community Communications.

Consent Agenda (Items 1-8)

Council requested Items 6 and 7 be pulled from the Consent Agenda for separate discussion, as summarized below.

Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to approve Items 1-5 of the Consent Agenda.

Regarding Item 6, Councilmember Hansen asked whether it would be possible to have the offender labor crews work on picking up trash along the freeway onramps.

Mayor McEnerny-Ogle noted that the Washington State Department of Transportation (WSDOT) had previously said they would not be hiring offender labor crews until the pandemic situation was better.

Bill Bjerke, Public Works Operations Superintendent, stated he had reached out to Clark County, as their crews have been recently reinstated in a limited capacity. He said they sometimes will lend out their crews to other jurisdictions upon request when they have capacity to take on additional work. Mr. Bjerke stated he had also reached out to State officials to determine whether City crews could be authorized to work on clean-up on State property at the freeway onramps, but he is waiting for a response.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to approve Items 6 and 8 of the Consent Agenda.

Regarding Item 7, Councilmember Hansen stated he had watched the Planning Commission discussion about the Shoreline Master Program update, and particularly the issue of the inability to use the Shoreline Management Act to address the adverse impact that unauthorized camping may have on the health of the shorelines. He stated he appreciates staff including the Planning Commission's feedback on this issue in the materials presented to Council. He stated he is concerned that environmentally sensitive areas may be impacted because the

services have not been put in place to assist people who are experiencing homelessness. He stated for that reason he would not be supporting this ordinance at this time.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried 5-1 to approve Item 7 of the Consent Agenda. Councilmember Hansen voted No.

1. Bid Award for the 2021 East Curb Ramps project, per Bid #21-10

Staff Report 047-21

Summary

The City is issuing two separate curb ramp contracts this year as part of its 2021 pavement management program. These contracts include the "2021 East Curb Ramps" and the "2021 West Curb Ramps." The purpose of splitting the work into two contracts is to reduce each contract to a manageable size, which helps expedite ramp construction. From a construction sequencing standpoint, it is far more efficient to construct the new curb ramps in advance of the on-street pavement management resurfacing work.

This staff report and recommended action is to award the 2021 East Curb Ramps contract only. A recommendation for the the west curb ramp project was presented to and awarded by City Council on March 22, 2021.

On March 16, 2021, the City received five bids for the subject project. The bids ranged between \$509,325.00 to \$574,965.00 dollars. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Lee Contractors LLC, Battle Ground, WA	\$509,325.00
Advanced Excavating Specialists (AES), LLC, Longview, WA	\$524,000.00
Clark and Sons Excavating, Inc., Battle Ground, WA	\$532,016.00
Halme Excavating, Inc., Battle Ground, WA	\$537,865.00
NW Construction GC Inc., Battle Ground, WA	\$574,965.00
Engineer's Estimate	\$590,000.00

There is a minimum apprenticeship goal of 3% of the utilized labor hours for this project. Lee Contractors LLC of Battleground, Washington has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 100 hours of apprentice time of the estimated total of

2,140 applicable labor hours for the project.

Request: Award a construction contract for the 2021 East Curb Ramps project to the lowest responsive and responsible bidder, and authorize the City Manager or his designee to sign a contract with Lee Contractors LLC from Battle Ground, WA, at their bid price of \$509,325.00, which includes Washington State sales tax.

Chris Sneider, Senior Civil Engineer, 360-487-8239

Motion approved the request.

2. Bid Award for the 2021 Pavement Repairs, per Bid #21-11

Staff Report 048-21

Summary

The 2021 Pavement Repairs Project is being constructed as part of the pavement management program. This project involves repairing failed pavement on streets that will receive a preservation treatment in 2021. Preservation treatments include microsurfacing, slurry sealing, chip sealing, and cape sealing. Most of the pavement, on the streets selected for preservation, is in fair condition and is ready for a preservation treatment. However, areas of failed pavement need to be repaired before a preservation treatment may be placed on them. This is work that has been done every year to prepare the streets for preservation.

This project also includes streets that are not receiving a preservation treatment this year. Because of the poor pavement condition, the City is incurring excessive maintenance costs for City crews to do maintenance repairs such as filling potholes and ruts on those streets. It will be more cost effective to do pavement repairs than to continue doing maintenance repairs on them.

The attached vicinity map shows where streets will receive pavement repairs. Corridors include W 16th St, Columbia St, Grand Blvd, Falk Rd, Main St, St James Rd, NE 58th St, NE 94th Ave, NE 98th Ave, NE 112th Ave, NE 59th St, NE 137th Ave and various streets in the Green Meadows Neighborhood Association.

On March 16, 2021, the City received five bids for the subject project. The bids ranged from \$668,754.00 to \$833,833.00 dollars. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	

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BIDDER	AMOUNT
<i>Lakeside Industries Inc., Vancouver, WA</i>	<i>\$ 668,754.00</i>
<i>Brix Paving NW, Tualatin, OR</i>	<i>\$ 716,820.00</i>
<i>Central Paving, LLC, Ellensburg, WA</i>	<i>\$ 735,500.00</i>
<i>Clark and Sons Excavating, Battle Ground, WA</i>	<i>\$ 808,738.00</i>
<i>Granite Construction, Vancouver, WA</i>	<i>\$ 833,833.00</i>
<i>Engineer's Estimate</i>	<i>\$ 800,000.00</i>

There is a minimum apprenticeship goal of 3% of the utilized labor hours for this project. Lakeside Industries, Inc. of Vancouver, Washington has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 82 hours of apprentice time of the estimating a total of 2,733 applicable labor hours for the project.

Request: Award a construction contract for the 2021 Pavement Repairs Project to the lowest responsive and responsible bidder, Lakeside Industries Inc., of Vancouver, Washington, at their bid price of \$668,754.00, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Chris Sneider, Senior Civil Engineer, 360-487-8239

Motion approved the request.

3. **Bid Award - Central Vancouver North PH2 Sewer Improvements, per Bid #21-07**

Staff Report 049-21

Summary

The Central Vancouver North Phase 2 project is proposed to be constructed under the Sewer Connection Incentive Program (SCIP). This project will provide reliable sewer service to 37 parcels by installing approximately 2,300 linear feet of 8-inch gravity sewer mains in NE 70th St, NE 63rd Ave, NE 62nd Ave, NE 60th Ave and NE 58th Ave.

On March 9, 2021, the City received 6 bids for the subject project. The bids ranged between \$480,000 and \$550,000 with 2 bids determined to be non-responsive. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Advanced Excavating Specialists, LLC, Longview, WA</i>	<i>\$488,333.33</i>

<i>Nutter Corporation, Vancouver, WA</i>	<i>\$502,424.22</i>
<i>NW Construction General Contracting, Battle Ground, WA</i>	<i>\$524,845.70</i>
<i>Halme Battle Ground, WA</i>	<i>\$540,383.11</i>
<i>Clark County Paving, Battle Ground, WA</i>	<i>Non-responsive</i>
<i>Folden Construction, Vancouver, WA</i>	<i>Non-responsive</i>
<i>Engineer's Estimate</i>	<i>\$480,000.00</i>

Based on the amount of the bid, this project falls under the \$500,000 policy threshold, so there are no contractual requirements for the contractor to deliver apprenticeship hours on this project.

Request: Award a construction contract for the Central Vancouver North Phase 2 Sanitary Sewer Improvement project to the lowest responsive and responsible bidder, Advanced Excavating Specialists of Longview, WA, at their bid price of \$488,333.33, which includes Washington State sales tax.

Sheryl Hale, Senior Engineering Supervisor, 360-487-7151

Motion approved the request.

4. Award of Contracts for On-Call Traffic Engineering Services

Staff Report 050-21

Summary

The City regularly requires the services of professional traffic engineers who are experts in the field of fiber optic design, traffic signal design and street light design. The City has current on-call contracts with firms that provide these professionals to supplement City staff when needed. The current on-call contract will expire on April 17, 2021. Traffic engineering on-call consultants are used for federally funded projects and locally funded projects. Projects include new traffic signals, new fiber optic network design, and new street light installations. In addition to Traffic Engineering and Operations, the following departments will be using the on-call contract: Community & Economic Development, Information Technology, Transportation Development Review, Pavement Management, and Transportation.

The City issued a request for proposals for on-call traffic engineering services on February 3, 2021. On February 24, 2021, the City received three proposals for on-call traffic engineering services. The three firms are: DKS Associates (Portland, OR), Kittelson & Associates, Inc., (Portland,

OR), and Global Transportation Engineering, (Portland, OR).

After reviewing the proposals, staff recommends moving forward with a contract with all three firms. The City intends to execute each contract for five years. Each contract is proposed to not exceed \$1,000,000.00. This will allow other departments to use the on-call contract as needed for large and small projects.

Request: Award contracts to DKS Associates (Portland, OR), Kittelson & Associates, Inc., (Portland, OR), and Global Transportation Engineering, (Portland, OR) for traffic engineering services on an on-call basis. Each contract shall not exceed \$1,000,000.00 for the life of the contract.

Chris Christofferson, City Traffic Engineer, 360-487-7716

Motion approved the request.

5. Amendment to the existing professional services agreement for on-call right-of-way acquisition services with Right-of-Way Associates, Inc.

Staff Report 051-21

Summary

Under Request for Proposals (RFP) #22-13, City Council approved four on-call right-of-way acquisition agreements, each agreement was approved for not-to-exceed \$300,000.00 (Staff Report 076-13, dated August 19, 2013). Under these on-call agreements, transportation staff have been acquiring rights-of-way for street construction projects, which typically require the services of experts in the field of right-of-way acquisition and relocation in order to meet all of the requirements established by the State and Federal granting agencies.

By way of the City Council approved on-call right-of-way agreements roster, Right of Way Associates, Inc. of Beaverton, Oregon, was selected to perform the right-of-way acquisition for the SE 1st Street project. The acquisition negotiations are currently 100% complete; however, due to issues related to the COVID-19 pandemic, it has taken more time and effort than originally projected to complete the acquisitions and certification process. As such, an increase in the contract amount is needed to provide for the work needed to complete the ROW certification process, archiving process, and preparing the the project to move into the construction phase. If approved, the Agreement amount would be increased by \$25,750 for a new total not-to-exceed amount equal to \$325,750.

Request: Approve an amendment to the on-call services agreement with Right of Way Associates, Inc. of Beaverton, OR, and authorize the City Manager or his designee to execute the attached amendment to increase the existing contract by \$25,750 for a total not-to- exceed contract amount of \$325,750.

Leslie Degenhart, Senior Civil Engineer, 360-487-7710

Motion approved the request.

6. Interlocal Agreement for Supervisor Offender Labor Services

Staff Report 052-21

Summary

The City of Vancouver (Public Works/Operations) has contracted with Clark County Corrections for offender labor maintenance services for more than twenty years. This alternative workforce has provided the City with an additional resource to complete non-skilled maintenance tasks at an affordable price.

The attached Interlocal Agreement provides five crews that can be used for up to 988 crew days over the term of the one-year agreement. Activities include, but are not limited to, general litter removal, landscape maintenance and weeding, road right-of-way and median maintenance, general park and recreation area maintenance for four full-time crews. A fifth crew will be assigned to the Greenway Sensitive Lands program for removal of non-native plant species, assistance in plantings, and general shrub bed maintenance generally within the Burnt Bridge Creek Greenway and at other sensitive lands within the City of Vancouver.

Request: Authorize the City Manager or his designee to sign an Interlocal Agreement with Clark County Correction Services for offender crew labor/maintenance services.

Bill Bjerke, Public Works Operations Superintendent, 360-487-8245

Motion approved the request.

7. Periodic review and update to the Vancouver Shoreline Master Program, as required by the Washington State Shoreline Management Act under RCW 90.58.080(4)

Staff Report 053-21

AN ORDINANCE relating to the Shoreline Master Program periodic review as required by Revised Code of Washington (“RCW”) Chapter 90.58, the Shoreline Management Act; amending the City of Vancouver Shoreline Master Program (SMP) Chapter 2 Applicability, Shoreline Permits and Exemptions, Section 2.1 Applicability; Section 2.3 Exemptions from a Shoreline Substantial Development Permit; Chapter 3, Shoreline Master Program Goals and Policies, Section 3.6 Flood Prevention and Flood Damage Minimization; Chapter 4 Shoreline Designations, Section 4.3 Shoreline Designations; Chapter 5 General Shoreline Use and Development Regulations, Section 5.1 General Shoreline Use and Development Regulations; Section 5.3 Critical Areas Protection; Section 5.4 Public Access; Section 5.6 Site Planning and Development; Section 5.7 Vegetation Conservation; Section 5.9 Water Quality and Quantity; Chapter 5A VMC 20.740, Critical Areas Protection; Chapter 6 Specific Shoreline Use Regulations, Section 6.2 Shoreline Use, Modification, and Standards Table 6-1; Section 6.3 Use-specific Development Regulations; Section 6.4 Shoreline Modification Regulations; Chapter 7 Administration and Enforcement, Section 7.1 General Provisions; Section 7.2 Administrative Authority and Responsibility; Section 7.3 Master Program Amendments; Section 7.4 Permitting Procedures; Section 7.5 Enforcement; Section 7.8 Rescission of Permits; Chapter 8, Definitions; and Appendix A Unofficial Shoreline Designation maps; subject to approval by the Washington State Department of Ecology (Ecology); providing for severability; and providing for an effective date.

Summary

The periodic review proposal includes text changes in strikethrough/underline format and associated map changes to ensure the SMP stays current with changes in laws and rules, remains consistent with other city plans and development regulations, and is responsive to changed circumstances, new information, and improved data. The proposed amendments are summarized below, and the full detailed list can be found in the Summary of Proposed Amendments provided as an attachment to this staff report:

State Legislative Amendments

- *Revise cost thresholds for shoreline permit exemptions.*
- *Add new shoreline permit exemption to comply with the Americans with Disabilities Act and state law.*
- *Clarify process, definitions, and/or references to comply with state law.*
- *Update wetlands regulations to align with Ecology’s most recent critical areas guidance.*

Additional Amendments

- *Fix errors and address issues of clarity, consistency, redundant or inaccurate language and/or process and relevancy of regulations.*
- *Expand sections of the SMP related to mitigation for adverse impacts to shallow-water habitat to include creation, enhancement, and/or*

payment of mitigation bank credits.

- Replace existing terms of “extreme edge or bank” with specific and defined terms to clarify under what circumstances revetments can be located partially below the Ordinary High Water Mark (OHWM), that they are not considered fill, and when and how adverse impacts to shallow-water habitat require mitigation.*
- Remove provisions from the frequently flooded areas section not required to be included in the SMP, and include a soft reference to the Title 20 critical areas regulations.*
- Update SMP Chapter 5A to be consistent with VMC Title 20 Critical Areas Protection code updates since 2012, and amend for applicability and permitting in shoreline jurisdiction.*
- For all other shorelines within City limits not included in the area along the Columbia River from Wintler Park to the Vancouver Flushing Channel, maintain the full extent of the 100-year floodplain in shoreline jurisdiction for conservancy designations, and apply minimum jurisdiction (200 feet from ordinary high water mark) in High Intensity and Medium Intensity designations to allow for reasonable use of land and development where intended. Update Shoreline Designation Maps to reflect this proposed change to shoreline jurisdiction.*
- Change structural shoreline stabilizations to a permitted use in High Intensity designations (currently a conditional use) to eliminate undue process on properties that already have developed shorelines.*
- Allow a signage master plan or sign program to be developed through a Special Sign District Process in order to supersede SMP requirements, where appropriate.*
- Clarify the relationship between critical areas regulations and their applicability in shoreline jurisdiction for ease of use by both applicants and planning officials.*
- Only require mailings for shoreline statement of exemptions that require a federal permit.*
- Make height limitation 35' for non-water-oriented commercial uses in Medium and High Intensity designations to be consistent with the allowance for other uses.*
- Change non-water oriented institutional uses in High and Medium Intensity designations to a permitted use to reduce undue process while maintaining provisions that encourage water-oriented uses, where feasible.*
- Include allowances for non-water-oriented commercial uses per state law to provide flexibility where appropriate or where water-oriented uses are not feasible.*
- Defer to the review and approval under federal requirements for disposal of dredging material and encourage environmentally sound beneficial uses, when feasible.*
- Make amendments to address non-substantive items that will improve readability and usability for both applicants and planning officials.*

On February 9, 2021, the Planning Commission held a public hearing on the SMP periodic review and, by a vote of 5-1, forwarded a recommendation to Council to approve the periodic review and proposed amendments to the Vancouver Shoreline Master Program as outlined in this staff report. They requested that staff, in forwarding their recommendation, notify Council about a challenge they have identified with the way shoreline regulations are currently applied to unauthorized camping in shoreline jurisdiction. In summary, they feel that it is difficult to support regulations that are not universally applied to all members of the population, and some Commissioners stated that it is bad policy to enact laws and regulations that are not applied evenly. The Commission acknowledged that the issue of houselessness is not easily resolved, and additionally wished to convey to Council that this note does not dilute the recommendation to approve the proposed amendments or the overall quality of the periodic review process. More detail on Commission deliberation can be referenced in the meeting minutes.

On the issue of unauthorized camping along shorelines, provisions exist in the SMP that give the Shoreline Administrator some enforcement authority for violations in shoreline jurisdiction, and this is generally understood to apply to uses or activities that require a permit under a jurisdiction's Shoreline Master Program. The City has consulted with the Washington State Department of Ecology on this issue, and while they recognize that unauthorized camping is an issue that impacts shoreline health, their guidance is that this is a larger social issue that impacts more than just shorelines and the Shoreline Management Act is not intended to nor is it the appropriate place to address it. In addition, the City Attorney's Office has determined that local jurisdictions are constrained in their ability to address these activities in the same way as other code enforcement issues. The City of Vancouver is bound by the Ninth Circuit Martin v. City of Boise case which restricts clearing houseless encampment sites where the individuals do not have a meaningful alternative, such as a shelter space or legal place to camp. Although project staff have found that the SMP is not the appropriate forum to address this issue, community concerns about adverse environmental impacts caused by unauthorized camping have been raised during the periodic review process.

Request: On Monday, April 5, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, April 19, 2021.

Cayla Cothron, Associate Planner, 360-487-7899

Mayor McEnemy-Ogle read the title of the ordinance into the record.

Motion approved the request.

8. **Approval of Claim Vouchers**

Request: Approve claim vouchers for April 5, 2021.

Motion approved claim vouchers for April 5, 2021, in the amount of \$10,579,885.50.

Public Hearings (Items 9-13)

9. **Approval of Disposition Real Property located at 900 West Evergreen Blvd. and approval of Purchase and Sale Agreement**

Staff Report 054-21

A RESOLUTION of the City of Vancouver authorizing disposition of certain real property located at 900 West Evergreen Blvd.

Summary

Council approved an ordinance (M-3923) which allows for disposition of real property that has been declared surplus. The ordinance has 2 steps; first Council must declare the property as surplus and second Council approves the disposition of the property. This action is step two of the process.

The City of Vancouver utilized this property for public safety (Fire Station) upon its purchase in 1968 until 2018 when a new station was constructed.

With the re-location of Fire Station #1, the property is no longer being put to any municipal use by the City of Vancouver. Disposition of this site to West Evergreen LLC will provide fair market value to the City of Vancouver and further the goal of making downtown a vibrant destination.

The City was approached by Josh Oliva, whose family controls adjacent parcels and other properties in the immediate vicinity of the site, to purchase and renovate the building and property for creative office use, as part of a broader plan to revitalize other properties in their control for offices and residences, resulting in a more active entrepreneurial district.

The City's surplus and disposition regulations permit direct negotiations with abutting property owners of city property to be disposed. City staff is recommending approval of disposition of the property and approval of a purchase and sale agreement with West Evergreen LLC. As part of the due diligence, asbestos was discovered on the site and it was determined that the roof needed replacement. With this information, the appraiser reviewed

the appraisal and reduced the value to \$1,255,000. The negotiated sale price of \$1,325,000 exceeds adjusted appraised value.

The parcel submitted for Council review for approval of disposition is attached in a detailed report and a map is attached. This parcel is identified as City of Vancouver Old Fire Station #1.

Request: On Monday, April 5, 2021, following a public hearing, adopt a resolution approving disposition of the real property located at 900 West Evergreen Blvd. and approve Purchase and Sale Agreement between City of Vancouver and West Evergreen LLC.

Linda Carlson, Property Management Specialist, 360-487-8423; Chad Eiken, Community and Economic Development Director, 360-487-7882

Linda Carlson, Property Management Specialist, provided an overview of the proposed disposition of property and purchase and sale agreement.

Mayor McEnerny-Ogle opened the public hearing and, receiving no testimony, closed the public hearing.

Motion by Councilmember Glover, seconded by Councilmember Paulsen, and carried unanimously to adopt Resolution M-4122 approving the request.

10. Creating a refund process for business license surcharge fees for eligible businesses for 4/1/2021 – 3/31/2022

Staff Report 046-21

AN ORDINANCE regarding the Business License Fee Surcharge (VMC 5.04.095) program; providing for refunds of the business license fee surcharge for new business license applications and annual license renewals for eligible businesses; providing for implementation of such refund program; defining eligibility criteria; providing for an immediate effective date; and providing for a sunset date on March 31, 2022.

Summary

The City generates approximately \$5.5 million annually from the business license fee and surcharge (BLS) program. The revenue is dedicated to funding existing police officer positions and funding the increased level of street pavement management program.

Effective 4/1/2021, all businesses will be required to continue registration

and payment of City business license fees through Washington State Department of Licensing.

From 4/1/2021 through 3/31/2022, businesses in several eligible categories will receive a refund from the City for 2021 fees and surcharges already paid. Eligible businesses will be required to complete a City of Vancouver BLS Refund application form to receive the refund. The State of Washington's application processing system has limited flexibility and cannot accommodate significant deviations from the current program. Refund applications will, therefore, be processed manually by the City of Vancouver Business License division in the Finance department.

The eligibility for this program targets businesses that have traditionally served large numbers of consumers indoors, simultaneously. Specifically:

- Restaurants, Taverns, Breweries, Wineries and Distilleries;*
- Fitness and Training Facilities;*
- Movie Theatres, Theaters & Performing Arts; and*
- Bowling Facilities.*

Specific Washington State Guidance documents that identify which businesses are included in the above categories are identified in attachments A-E to the attached Ordinance.

These businesses are among those most severely impacted by the pandemic, are likely to remain subject to some of the longest restrictions and are particularly well-situated to utilize BLS savings to support increased consumer safety.

Request: On Monday, April 5, 2021, subject to second reading and public hearing, approve the ordinance.

Natasha Ramras, Chief Financial Officer, 360-487-8484

Mayor McEnemy-Ogle read the title of the ordinance into the record.

Natasha Ramras, Chief Financial Officer, provided an overview of the proposed refund process.

Councilmember Stober asked whether any business categories not proposed to be included for refund eligibility had contacted the City since the City announced the program. Ms. Ramras stated dry cleaning businesses had approached the City, but they are not included under the state guidelines as a type of business that serves a large number of customers in an enclosed space.

Mayor McEnemy-Ogle asked how eligible businesses would be notified about

the program. Ms. Ramras explained that all businesses have to complete a renewal application through the State of Washington, and the City would also have a website with a form for businesses to complete to request the refund. She stated the City could put a notification on the State's website that directs businesses to the City's form and information about the refund process.

Councilmember Paulsen asked staff to explore using the City's various communications channels to do more pro-active outreach to eligible businesses as well.

Councilmember Lebowsky left the meeting at 6:59 p.m.

Mayor McEnerny-Ogle opened the public hearing and received the following testimony:

- Glen Yung, Vancouver, thanked the City for offering this program. He stated that those businesses that are in a more stable situation are able to pay their fair share now, but those still struggling are able to get some relief through this program.

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Glover, seconded by Councilmember Paulsen, and carried unanimously to approve Ordinance M-4333.

11. 2021 CDBG / HOME Funding Allocation and Action Plan Approval

Staff Report 055-21

A RESOLUTION relating to the adoption of the City's Community Development Block Grant (CDBG) and HOME Investment Partnerships Annual Action Plan for the 2021 program year; authorizing the City Manager to execute agreements on behalf of the City of Vancouver consistent with the CDBG and HOME Investment Partnerships Annual Action Plan; providing for severability and an effective date.

Summary

The Department of Housing and Urban Development (HUD) requires an annual Action Plan that outlines how the City intends to allocate its CDBG and HOME resources. The proposed draft of the 2021 Action Plan is attached and available at www.cityofvancouver.us/cdbg.

CDBG and HOME awards made through the 2021 Action Plan process must be consistent with the goals and objectives included in the City's

2019-2023 Consolidated Plan related to Affordable Housing, Public Services, Economic Development, and Public Facilities and Infrastructure.

The City allocates the majority of its annual CDBG and HOME funding to community partners through a competitive application process as described in the 5-year Consolidated Plan. The following describes the 2021 Action Plan process and funding recommendations.

Responding to COVID-19

The revised recommendations focus on vulnerable community members and/or the broader economic downturn caused by the pandemic. For a description of how each project contributes to the COVID-19 response, see the project descriptions attached to the resolutions. The agencies have confirmed their ability to implement the projects under the public health emergency conditions in place now and will serve additional people or households where increased funding has been recommended.

Separate from the 2021 CDBG and HOME funds, the City has received an additional \$1,127,065 in CDBG funds (CDBG-CV) from the second round allocated under the federal Coronavirus Aid, Relief and Economic Security (CARES) Act. See the “CDBG Coronavirus Response” staff report dated April 5, 2021 for the proposed use of CDBG-CV funds.

2021 Funds available

An estimated \$1,306,414 in CDBG and \$688,711 in HOME funds is available for the 2021 program year starting July 1, 2021 and ending June 30, 2022. While 2021 entitlement amounts have been confirmed by HUD, available funds are subject to change based on program income and spending from previous years’ projects.

Application and prioritization process

The application process for 2021 CDBG and HOME funds began in October of 2020. A 27-person volunteer committee composed of community representatives and City staff completed the prioritization process. The committee reviewed grant proposals, attended applicant presentations, scored and prioritized the projects, and suggested funding options.

2021 CDBG awards

Proposed funding awards for 2021 CDBG (\$1,306,414) which supports the following priorities. A list of funding awards and project descriptions are attached.

- **Public services (\$200,701, 15%):** Case management for homeless and at-risk youth; homeless outreach; housing intake and diversion services; and financial literacy/first-time homebuyer education.
- **Business assistance (\$77,200, 6%):** Technical assistance, grants and loans for small business owners. (Note: CDBG-CV funding will provide an additional \$390,577)
- **Public Facilities Improvements (\$25,000, 2%).**
- **Housing services (\$124,118, 10%):** Case management to help households experiencing or at risk of homelessness find and maintain rental housing. Paired with HOME-funded rental assistance.
- **Administration and Implementation (\$329,395 25%):** Staff and administrative costs to carry out the CDBG program and projects. The amount of CDBG funds that may be used for administration is capped by federal guidelines.
- **City housing rehab program (\$250,000, 19%):** Loans to low-income homeowners to assist with needed repairs that address health, safety and livability issues.
- **City Set-Aside for Fourth Plain Commons Community Center (\$300,000, 23%).**

2021 HOME awards

Proposed funding awards for 2021 HOME (\$688,711) supports the following priorities. A list of funding awards and project descriptions are attached.

- **Rental assistance (\$499,840, 73%):** Assistance with security deposits, rent and utilities to help households experiencing or at risk of homelessness afford housing. Paired with CDBG-funded housing services.
- **Housing projects (\$120,000, 17%):** Construction of multifamily housing for seniors and low-income families. These projects will now be funded through the Affordable Housing Fund.
- **Administration (\$68,871, 10%):** Staff and administrative costs to carry out the HOME program and projects. The amount of HOME funds that may be used for administration is capped by federal guidelines.

Request: On Monday, April 5, 2021, following a public hearing, adopt a resolution approving and adopting the 2021 Community Development Block Grant and HOME Investment Partnerships Action Plan, and authorizing the City Manager to execute agreements on behalf of the City of Vancouver, consistent with the 2021 CDBG and HOME Council approved funding awards.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Peggy Sheehan, Community Development Programs Manager, provided an overview of the proposed 2021 CDBG, HOME, and Affordable Housing Fund funding package (Items 11-12).

Councilmember Stober stated he appreciates the City sets aside a portion of funding in order to potentially fund additional projects that may come along later in the year. He noted that one of the components of the City's anti-displacement strategy was the creation of a community land bank to ensure the land that homes sit on remains affordable into the future regardless of surrounding redevelopment. He asked how the City is making land bank decisions and creating a framework for that.

Ms. Sheehan stated the Proud Ground project proposed for funding in this cycle follows that land bank model.

Mayor McEnerny-Ogle opened the public hearing for Item 11 and received the following testimony:

- Carmen Castro, representing the Hispanic Metropolitan Chamber of Commerce, thanked the City for its collaboration and described the work the Chamber has done over the past year to help businesses survive the pandemic.
- Lynn Renken, representing Mercy Corps NW, provided the Council with some highlights of the organization's work in Vancouver and Clark County during the pandemic.
- John McDonagh, representing the Greater Vancouver Chamber of Commerce, thanked the Council and staff for consideration of funding the Chamber's proposal.
- Dave White, representing New Life Friends Church/Lord's Gym Recovery Program, summarized the organization's program and talked about the people it has served.

- Adam Neiffer, representing CrossFit Fort Vancouver, spoke in support of the proposed funding awards and also the recent acquisition of the Howard Johnson hotel by the Vancouver Mall to serve as a shelter for people who are experiencing homelessness.
- Meaghann Ande, representing the Clark County Continuum of Care, expressed support for the proposed projects but requested the City require all funded programs coordinate services through the Council for the Homeless Housing Management Information System (HMIS) to ensure the best coordination of services across the community.
- Cindy Muse, representing St. Andrew Lutheran Church, spoke regarding the church's programs in supporting people experiencing homelessness, and echoed the request to require funded programs to coordinate services through the HMIS.

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to adopt Resolution M-4123 approving the request.

12. **2020 and 2021 Affordable Housing Fund Project Awards**

Staff Report 056-21

A RESOLUTION relating to low-income housing; providing for adoption of 2020 and 2021 funding awards for the Affordable Housing Fund and authorizing the City Manager to execute agreements on behalf of the City of Vancouver consistent with Affordable Housing Fund 2020 and 2021 Council approved funding awards; providing for Severability and an Effective Date.

Summary

Council action is requested to approve proposed Affordable Housing Fund awards for three temporary shelter services projects and 11 housing production and preservation projects.

Proposed 2020 and 2021 Temporary Shelter Services Awards

The Affordable Housing Fund Administrative and Financial Plan includes an annual allocation of \$300,000 for temporary shelter projects and services to prevent or address homelessness. The City released a request for applications in October 2020 for eligible projects, combining 2020 and 2021 funds for a total of \$600,000 for temporary shelter projects. These projects provide temporary shelter, case management and services to help participants work toward self-sufficiency.

The City received three applications, from Outsiders Inn, Share's Women's Housing and Transition (WHAT) program and XChange Recovery. A review committee made up of 27 community members and City employees has recommended awards of \$202,277 for Outsiders Inn, \$200,250 for Share and \$197,473 for XChange Recovery. The three projects would serve an estimated 300 individuals in shelter and another 300 through street outreach. See attached summaries for a detailed description of each project.

Proposed 2020 and 2021 Temporary Shelter Services Projects

<i>Project</i>	<i>Sponsor</i>	<i>Award</i>	<i>Individuals Served</i>
<i>Outsiders Inn at St. Paul Shelter</i>	<i>Outsiders Inn</i>	<i>\$202,277</i>	<i>175</i>
<i>Share's WHAT Shelter</i>	<i>Share</i>	<i>\$200,250</i>	<i>75</i>
<i>From Homeless to Recovery and Sustainability</i>	<i>Xchange Recovery</i>	<i>\$197,473</i>	<i>50 housed 300 outreach</i>
<i>Temporary Shelter Award Totals</i>		<i>\$600,000</i>	<i>600</i>

Proposed 2020 and 2021 Housing Production and Preservation Awards

Proposed awards totaling \$5.625 million would support 11 housing production and preservation projects that were prioritized by the prioritization committee.

The \$5.625 million to support these projects is available from 2020 and 2021 levy years. There is also an additional \$2.295 million reserved for eligible low-income housing tax credit projects, project cost over runs due to increased cost and other projects. Mercy-PeaceHealth Family Housing and Central Park Place were selected as Federal Low-Income Housing Tax Credit Projects.

The projected outcome of the Affordable Housing Fund awards is 421 units (279 new, 142 preserved) serving households earning up to 50% AMI. Of these 421 units, 107 will be City covenanted to maintain affordable housing stock. Two of the projects (Mercy-PeaceHealth Family Housing, and Central Park Place) previously received Affordable Housing Fund awards

and require the additional funding to move forward. The City will place affordability covenants on additional 50% AMI units for projects that receive an increased award. See attached summaries for a detailed description of each project.

Proposed 2020 and 2021 Housing Production and Preservation Projects

<i>Project</i>	<i>Sponsor</i>	<i>Award</i>	<i>Total Units</i>	<i>City Units</i>
<i>65th Avenue Apartments</i>	<i>Ginn Gives</i>	<i>\$975,000</i>	<i>50</i>	<i>13</i>
<i>138th Ave Townhomes</i>	<i>Ginn Gives</i>	<i>\$225,000</i>	<i>9</i>	<i>3</i>
<i>Recovery Home for Mothers</i>	<i>Lifeline Connections</i>	<i>\$125,000</i>	<i>9</i>	<i>9</i>
<i>PeaceHealth Family Housing</i>	<i>Mercy Housing</i>	<i>\$200,000</i>	<i>69</i>	<i>3</i>
<i>Permanently Affordable Homeownership</i>	<i>Proud Ground</i>	<i>\$250,000</i>	<i>3</i>	<i>3</i>
<i>Second Step Housing - Acquisition</i>	<i>Second Step Housing</i>	<i>\$900,000</i>	<i>26</i>	<i>26</i>
<i>Property Acquisition for AFH housing SMI homeless individuals</i>	<i>The Minority Coalition</i>	<i>\$300,000</i>	<i>3</i>	<i>3</i>
<i>Fruit Valley Commons- Modernization</i>	<i>Vancouver Housing Authority</i>	<i>\$700,000</i>	<i>18</i>	<i>18</i>
<i>31st St. Tiny Home Project</i>	<i>Vancouver Housing Authority</i>	<i>\$250,000</i>	<i>4</i>	<i>4</i>
<i>Central Park Preservation</i>	<i>Vancouver Housing Authority</i>	<i>\$200,000</i>	<i>124</i>	<i>5</i>
<i>Fourth Plain Commons</i>	<i>Vancouver Housing Authority</i>	<i>\$1,500,000</i>	<i>106</i>	<i>20</i>
<i>Housing Project AHF Fund Totals</i>		<i>\$5,625,000</i>	<i>421</i>	<i>107</i>

Request: On Monday, April 5, 2021, following a public hearing, adopt a resolution adopting the proposed 2020 and 2021 Affordable Housing Fund awards for temporary shelter services, housing production, and housing preservation, and authorizing the City Manager to execute agreements on behalf of the City of Vancouver, consistent with the Affordable Housing Fund 2020

and 2021 Council approved funding awards.

*Peggy Sheehan, Community Development Programs
Manager, 360-487-7952*

Mayor McEnerny-Ogle opened the public hearing and received the following testimony:

- Victor Caesar, representing the Vancouver Housing Authority, thanked the City for consideration of funding VHA's proposed projects.
- Adam Kravitz, representing OutsidersInn, thanked the City for the funding it had received last year and for consideration of funding this year. He provided the Council with details about the organization's work.
- Vicky Smith, representing the xChange Recovery program, provided information about the organization's programs and introduced staff members who had gone through the program.
- Steve Rusk, representing the Salvation Army, spoke regarding the impact this funding has on individual people, and thanked the City for consideration.
- Katie Ullrich, representing Proud Ground, provided a description of the organization's programs and thanked the City for consideration.
- Linda Marousek, representing St. Paul Lutheran Church, spoke in support of the application of OutsidersInn and stated she believes that program has saved lives during the pandemic.

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried unanimously to adopt Resolution M-4124 approving the request.

13. 2020 Action Plan Amendment for CDBG-CV Funds

Staff Report 057-21

A RESOLUTION relating to the adoption of the City of Vancouver Community Development Block Grant COVID-19 (CDBG-CV) funding allocation plan for inclusion in the 2020 Action Plan; authorizing the City Manager to execute agreements on behalf of the City of Vancouver consistent with the CDBG and

HOME Investment Partnerships Annual 2020 Action Plan, providing for severability and an effective date.

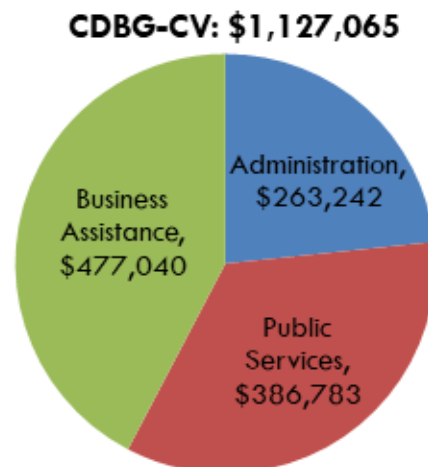
Summary

Separate from the 2021 CDBG and HOME entitlement, the City has received an additional \$1,127,065 in CDBG funds (CDBG-CV) from the second round of funding allocated under the federal Coronavirus Aid, Relief and Economic Security (CARES) Act. The CDBG-CV funds must be used to prevent, prepare for, or respond to COVID-19 and its community impacts.

Staff have completed a competitive application process starting October 16, 2020, and ending December 7, 2020. Applications submitted during that time were reviewed, scored and prioritized by a committee of 27 community members and City staff. The following recommendations are based on those prioritizations.

Proposed CDBG-CV funding priorities

*Based on emerging community needs and feedback from City leadership and external stakeholders, staff is proposing to spend the \$1,127,065 in CDBG-CV funds for public services and small business assistance as described in the chart below. Projects have been reviewed and prioritized to move forward to contracting upon Council approval. The chart below illustrates how CDBG-CV funds will be used. **See attached list of CDBG-CV project recommendations for additional details about each project.***



Award process

The application process for 2021 CDBG, CDBG-CV, HOME and AHF

began in October of 2020. A 27-person volunteer committee composed of community representatives and City staff completed the prioritization process. The committee reviewed grant proposals, attended applicant presentations, scored and prioritized the projects, and suggested funding options. Projects recommended for CDBG-CV are able to move forward with contracting upon Council and HUD approval.

Request: On Monday, April 5, 2021, following a public hearing, adopt a resolution approving and adopting the 2020 Action Plan amendment to include the CDBG-CV funding priorities, and authorizing the City Manager to execute agreements on behalf of the City of Vancouver, consistent with the CDBG-CV Amendment Council approved funding awards.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Mayor McEnerny-Ogle opened the public hearing and received the following testimony:

- Dakima Hicks, owner of Dakima Maria Makeover Studio, spoke regarding the impact of the pandemic on her business and the support she has gotten from Mercy Corps NW. She spoke in support of the organization's funding application.
- Francisco Bueno, representing the Boys & Girls Club of Southwest Washington, thanked the City for considering the organization's funding request and spoke regarding the impact the program has on youth in the community.

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Glover, seconded by Councilmember Hansen, and carried unanimously to adopt Resolution M-4125 approving the request.

Communications

A. From the Council

B. From the Mayor

a. Interstate Bridge Replacement Program - Executive Steering Group Update

Aaron Lande, Program and Policy Manager, and Rebecca Kennedy, Long Range Planning Manager, provided an update on the last meeting of the Interstate Bridge Replacement Program Executive Steering Committee.

C. From the City Manager

Adjournment

8:00 p.m.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Meetings of the Vancouver City Council are electronically recorded on audio and video. The audio files are kept on file in the office of the City Clerk for a period of six years.

HP Master Plan

Section 30



April 19, 2021

Vancouver City Council Workshop

Greg Turner, Land Use Manager

Mark Person, Senior Planner

Presentation Overview

- Overview of the Opportunity
- Master Plan Process to date
- History of Section 30
- Overview of the Section 30 Subarea Plan and Design Guidelines
- HP's Development Agreement
- Proposed Master Plan
- Next Steps

Presentation Purpose

- Council review of proposed HP Master Plan in advance of forthcoming public hearing
- Review of process, including stakeholder and PC comments thus far
- Council questions, discussion, feedback

Process to Date

- Staff determination of Fully Complete application
- Notice to agencies and neighbors within 500 feet
- February 9, 2021 PC Workshop
- February 23, 2021 PC Workshop
- April 13, 2021 PC Public Hearing
 - Unanimously approved by Planning Commission

Public Comment to Date

- Traffic and related safety issues
- Building heights and potential view impacts
- Landscaping
- Sustainability
- Impacts to the English Winery Site

Planning Commission Feedback

- Sustainability and Climate Action
- Circulation onsite for non car users
- Coordination with adjacent jurisdictions/agencies
- Stormwater/opportunity for restoration
- Context of Section 30 outside HP Master Plan site
- Status of the western trail identified in the Section 30 Plan

Master Plan Response to Public/PC Input

- Applicant has engaged immediate neighbors
- Applicant has a demonstrated track record with sustainability
- Transportation staff and applicant have worked together on street and multi-modal design
- Applicant has taken views into consideration in placement of buildings and landscaping
- Potential plant list has been submitted
- Applicant open to dedication of a portion of western berm

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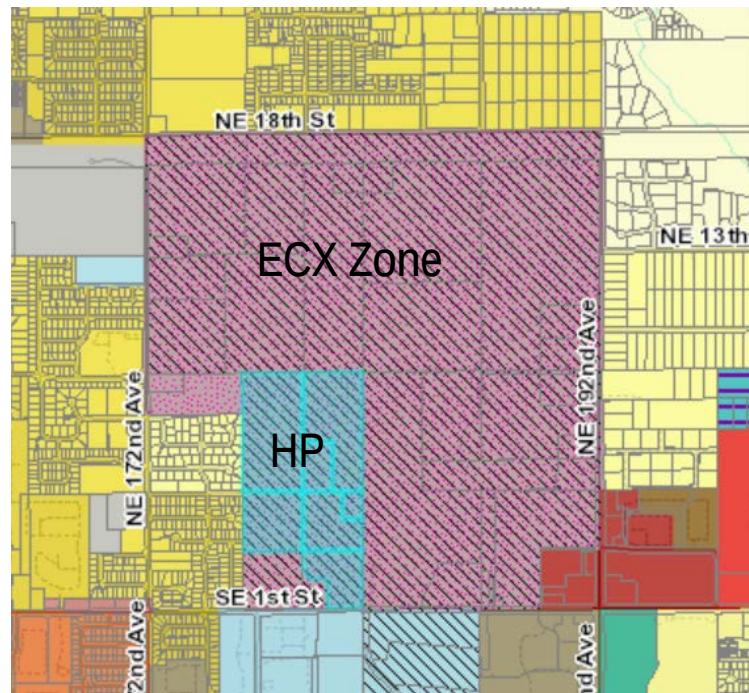


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Section 30 Existing Conditions

- Section 30 carries an ECX zoning designation (with surface mining overlay district)
- Residential uses within the County to the north and west
- Columbia Tech Center to the south
- Residential and commercial uses to the east



Catalyst for Development

- Conceptual layout for the approximate 68-acre site included in the Development Agreement.
- The City's Master Plan process embodies the plan for full site development.
- Infrastructure improvements include creation of a new street network, pedestrian connections, water service, sanitary sewer facilities and stormwater treatment.
- Coordination with other Section 30 property owners to create the HP Master Plan.
- Compliance with design guidelines and Section 30 standards will be reviewed at the time of site plan review.



Redevelopment Opportunity

The development will transform a former aggregate extraction and processing area into a new employment center, with new infrastructure



Existing condition of the HP property looking towards the western property boundary.

Area Development



Conceptual aerial view of HP's Master Plan area in relation to other Section 30 properties.

- Development of the HP property builds upon the framework adopted in the 2009 Section 30 Subarea Plan and Design Guidelines.
- Proposed mix of office, research & development and other uses consistent with ECX zoning and the HP-City of Vancouver Development Agreement.
- Circulation, infrastructure and landscape improvements will be included with each phase of development.
- Sloped banks on the southern and western boundaries will provide a natural buffer between the site and existing neighboring properties.

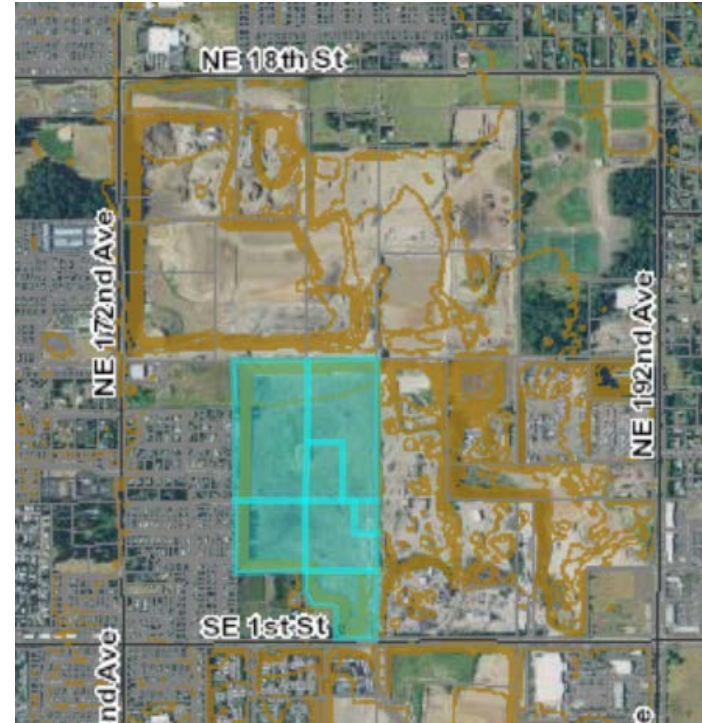
Section 30 Topography

Decades of mining and subsequent reclamation activities have left much of Section 30 as a deep depression from nearby terrain. Some areas of Section 30 are 90 feet below the adjacent street elevation

*10-foot contours shown



Remaining Quarry side slopes



Section 30 Subarea Plan

- Section 30 Subarea Plan, Plan District and Design Guidelines were adopted in late 2009
- Section 30 Vision:
Envisioned as one of Vancouver's largest 21st Century urban employment centers, Section 30 will attract emerging technology and provide for growth in family wage jobs. Unique urban neighborhoods where people live and shop are neatly interwoven with enterprising workplaces. Workers and residents benefit from convenient shopping, available recreation, walking and driving on attractive interconnecting trails and tree lined streets, and the amenities of interesting vistas, public plazas, and green spaces that promote a healthy, prosperous economy and lifestyle.

Section 30 Subarea Plan and Design Guidelines

- City envisions 20-30 year build-out for urban-scale employment uses (office, industrial, and tech/flex) with supporting residential and commercial uses in one or two “centers”
- Development will lead to a well-connected street and public path network and identifies public infrastructure that would be needed
- Approximately 440 acres with redevelopment potential for employment and supporting uses



Review Process

- Per the Section 30 Urban Employment Center Plan District, an approved master plan is required prior to development in the Plan District per VMC 20.690.050.
- The master plan must initially be considered by the Planning Commission with the final decision made by City Council.
- Future development within an approved master plan area will be subject to site plan review.

Existing HP Development Agreement

City and HP signed a development agreement in December of 2019. The goals of the DA as related to the Master Plan are stated as:

- Provide for the mix of uses;
- Reserve transportation capacity for HP's future development of the Project;
- Provide for the availability and use of transportation impact fee reductions;
- Provide a process for Developer to reserve sanitary sewer and associated infrastructure capacity for the Project;

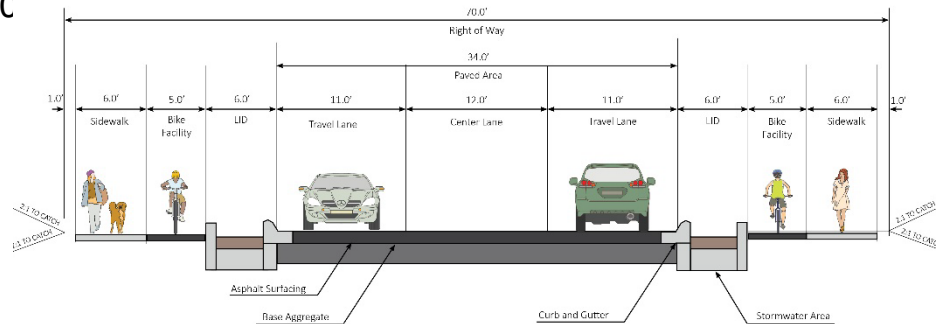
Existing Development Agreement (cont.)

- Reserve Developer's right to connect to any Section 30 public stormwater system for the Project; and
- Vest the Project to Development Standards.

Existing Development Agreement (cont.)

SE 1st Street Improvements

- SE 1st Street Section will feature a single travel lane, protected cycle track and detached sidewalk in each direction
- West Phase of SE 1st Street (164th Ave to 177th Ave) is scheduled to commence construction in Spring 2021
- East Phase of SE 1st Street (177th Ave to 192nd Ave) is scheduled to commence construction in Spring 2022
- Pursuant to the HP DA, all of SE 1st Street will be complete by Fall 2023



Proposed Development



“The Master Plan sets forth HP's vision of a multi-building development comprising up to 1.5 million gross square feet (GSF). Proposed uses will be similar to existing uses in HP's other Vancouver work spaces, including office, research and development, and other uses consistent with the Development Agreement, as well as the potential for occupant-supported small-scale retail, restaurant and accessory uses.”

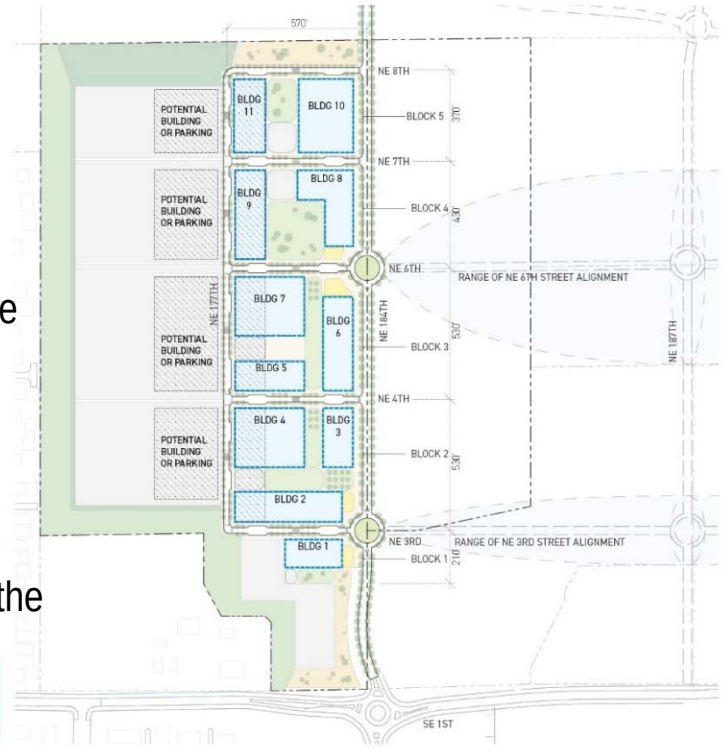
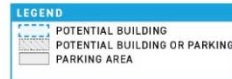
The logo for the City of Vancouver, Washington, featuring the word "Vancouver" in a large, bold, blue sans-serif font, with "CITY OF" in a smaller font above it and "WASHINGTON" in a smaller font below it. A blue wavy line is positioned at the bottom of the logo.

- LEGEND**
- EXISTING STREETS
 - PROPOSED STREETS
 - PROPOSED PRIVATE STREETS
 - POTENTIAL FUTURE STREETS
 - HP PROPERTY LINE
 - PROPERTY LINES



Building Layout

- Access to the site will be from NE 184th Avenue. Private east-west streets and a north-south street approximately parallel to NE 184th create a series of blocks and provide access to building entrances, screened service yards, and parking.
- Buildings are anticipated to be scaled and massed to frame open space and create a human scale frontage along NE 184th and preserve pedestrian orientation.
- Building architecture will take into consideration western property views.
- Development will be phased. Blocks 1 and 2 encompass the area for Phase 1.



Building Scale and Massing

- Buildings will typically be urban in character and designed to be compatible with one another in scale, orientation, and massing.
- Variations in architectural details, materials and colors will be modulated to convey a “family resemblance” between buildings.
- Differences in appearance and grouping buildings will create a distinctive identity for each block within the larger development.



Conceptual view of Block 3 and 4 looking northwest from NE 184th Avenue

Open Space and Plazas

- Gateways along NE 184th Avenue at NE 1st and 9th Streets will be landscaped and provide welcoming entrances from both the south and north.
- A public multi-use trail on the west side of NE 184th Avenue will connect the HP development to the neighborhood, future street and open space networks, and other features planned for Section 30.
- A dedicated monument marker describing the heritage of the site will be installed on the NW corner of the roundabout at 184th Avenue and 3rd Street



Outdoor Plazas

- Buildings will be interspersed with open spaces and plazas providing occupants with outdoor opportunities.
- Plazas and site open space will connect to the sidewalk network, private streets and multi-modal recreational trail along 184th Avenue.



Conceptual view of Block 2 looking northwest from NE 184th Avenue

Gateways



Conceptual view of southern gateway looking north from SE 1st Street.

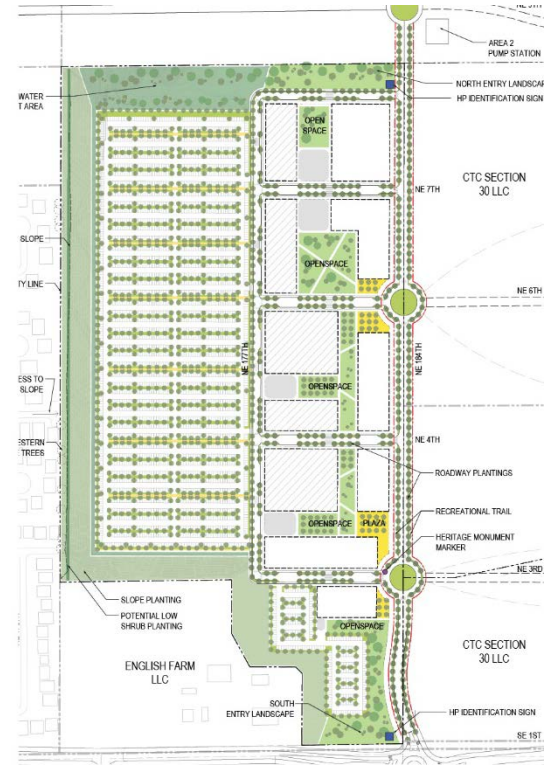
The entry gateway landscaping will include a mix of large and medium canopy trees and will provide gateways to the property utilizing the natural topography and man-made forms to create a unifying entry to the HP Property



Conceptual view of northern gateway looking south from SE 9th Street.

Landscape Planning

- Landscape design will include ample use of trees across the site, and along streets and in parking lots to achieve the City's canopy goals.
- Raingardens, swales, and other landscaped areas will be designed in conjunction with stormwater treatment.
- Preserving views to the east for the existing residences is one Subarea Plan goal, while tree canopy along HP's western boundary is a separate goal. In order to resolve the competing goals, HP proposes an evergreen hedge screening layer on the western boundary at the top of the slope.



Tree Canopy

- HP worked with City Forester to develop the Master Landscape Plan.
- As specified in the Master Landscape Plan, over 1500 trees will be planted to help achieve the City's canopy goals.
- Gateway entry landscape will include a mix of large and medium canopy trees.
- Shrubs and groundcovers will surround the main entry features and the surrounding landscape areas will utilize a mix of drought tolerant low maintenance grasses.
- The slopes will be planted with adaptive native grass seed mix to provide a green seasonal variety buffer and provide erosion control to the slopes.



Summary

- Master Plan helps implement the Section 30 vision of a vibrant urban employment center
- The HP Section 30 Master implements Goal 9 of the Strategic Plan by building a resilient economy and job creation
- New infrastructure will comply with the City's Complete Streets Policy by providing separated bike and pedestrian facilities that are safe for all users, ages and abilities

Next Steps/Timeline

- May 17, 2021 City Council Public Hearing

Questions and Discussion

- Greg Turner, greg.turner@cityofvancouver.us
- Mark Person, mark.person@cityofvancouver.us



TO: Mayor and City Council

FROM: Greg Turner, Land Use Manager; Mark Person, Senior Planner

DATE: 4/19/2021

SUBJECT Workshop - HP Master Plan Update

Key Points

- In December 2019, the Vancouver City Council entered into a Development Agreement (DA) with HP, Inc. for a new 68-acre campus that includes up to 1,500,000 square feet of development over multiple buildings with a mix of office, research and development and other uses
- The HP Master Plan is located within the Section 30 Subarea Plan boundary and Plan District, which requires new development to go through a Master Plan process prior to development to ensure it is consistent with the Section 30 Employment Center Subarea Plan and associated implementing regulations. Master Plan review is a Type IV application that is considered by the Planning Commission with final decisions made by the City Council.

Strategic Plan Alignment

- The Section 30 Urban Employment Center Subarea Plan applies to approximately 553 acres located in the northeast corner of the City, and provides vision and policies related to the future development of properties within the Section, as it transitions from aggregate resource extraction and processing uses to an urban employment-focused mixed use center.
- The Section 30 Subarea Plan is implemented through the Section 30 Plan District, located in Chapter 20.690 of the Vancouver Municipal Code, and associated Section 30 Urban Employment Center Design Guidelines.

Prior Council Review

No prior Council Review, this item has had two workshops with Planning Commission and a hearing was held on April 13.

Action Requested

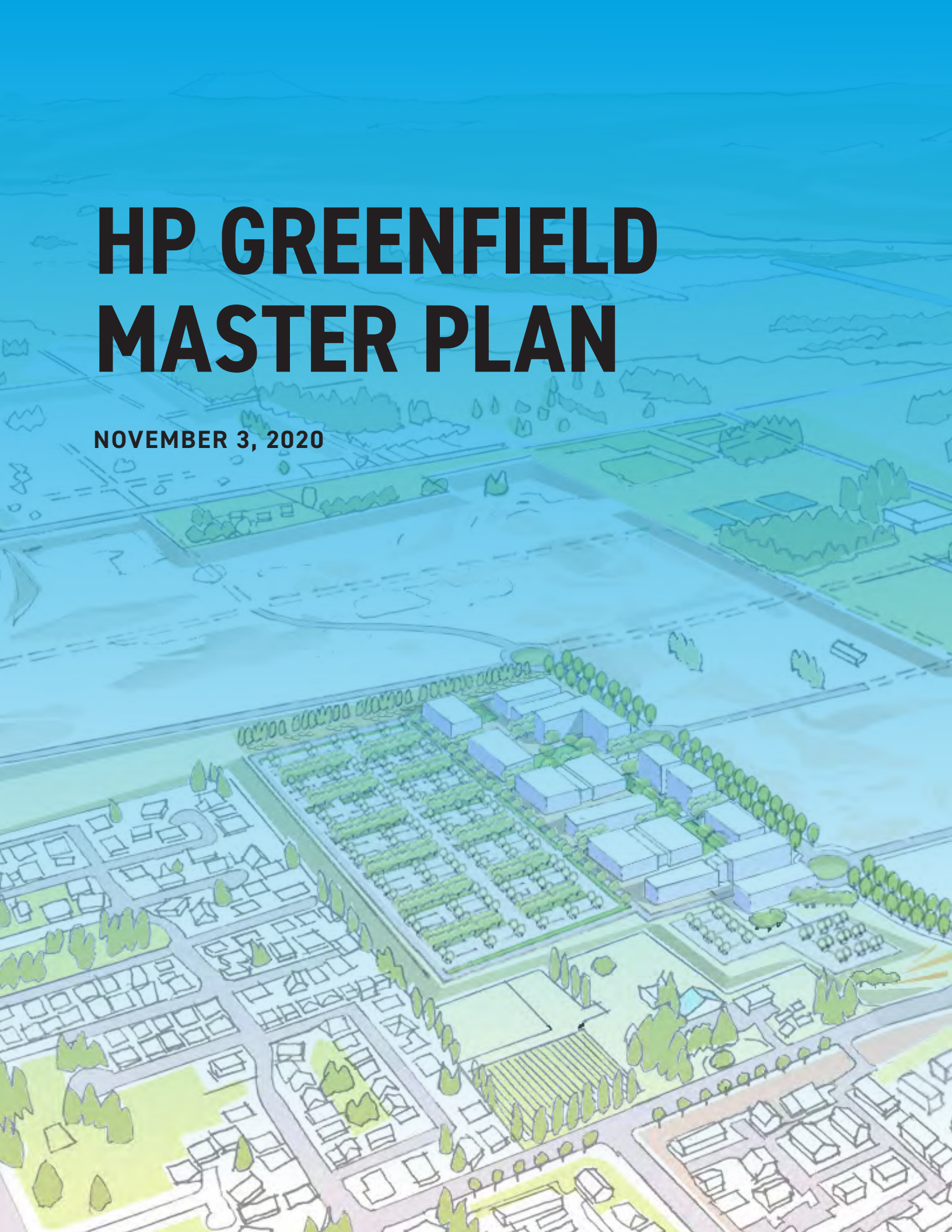
No action at this time. A public hearing with Council on this item is tentatively scheduled for May 17, 2021

ATTACHMENTS:

- ▣ Applicant Narrative
- ▣ Master Plan Diagrams
- ▣ Development Agreement
- ▣ Section 30 Plan
- ▣ Section 30 Design Guidelines

HP GREENFIELD MASTER PLAN

NOVEMBER 3, 2020



CONTENTS

01 INTRODUCTION

1.1	A Community Partner	6
1.2	Background	8
1.3	A Catalyst for Development in East Vancouver	10
1.4	Master Plan Purpose	12
1.5	Regulatory Context	14

02 AREA PLANNING

2.1	Vision for the HP Property	18
2.2	Site Grading and Elevations	20
2.3	Building Location and Orientation	24
2.4	Scale and Building Massing	28
2.5	Open Space and Plazas	32
2.6	Gateway Streets	34
2.7	Service Elements in the Context of Section 30 and Surrounding Zones	36

03 ACCESS, CIRCULATION, AND PARKING

3.1	Street Pattern and Layout	40
3.2	Street Design	46
3.3	Parking	52
3.4	Traffic Study Results	58
3.5	Traffic Demand Management Approach	59

04 PUBLIC FACILITIES AND SERVICES

4.1	Storm Water Facilities and Green Design	62
4.2	Regional Sanitary Sewer Facilities	64
4.3	Water, Electricity, Data, Telecommunications Routing and Connections	66

05 FULL SITE UTILIZATION PLAN AND PHASING

5.1	Full Site Utilization Plan	70
5.2	Phases of Development	72

06 LANDSCAPE PLANNING

6.1	Landscaping	78
6.2	Signage	86
6.3	Screening and Boundaries	88

APPENDICES

Provided under separate cover:

Appendix A.	Regulatory Compliance Matrix
Appendix B.	Development Agreement
Appendix C.	SEPA Checklist
Appendix D.	Transportation Analysis
Appendix E.	Drawings
	L1.0 Vicinity Plan
	L1.1 Full Site Utilization Plan
	L1.2 Parking Plan
	L1.3 Phasing plan
	L2.0 Master Landscape Plan

01 / INTRODUCTION

1.1
A COMMUNITY PARTNER

HP Inc. (HP) has been an active member of the Vancouver (City) community for more than 35 years. Over the course of HP’s tenure, thousands of people have been employed, raised their families, and become deeply invested in Vancouver community activities. HP’s culture has fostered this deep involvement because the company understands its responsibility as a positive influence on communities where HP employees live, work, and play. HP’s employees have contributed their time and energy to City of Vancouver committees and task forces, and held positions with local non-profits and community organizations. Community service is a value so deeply ingrained at HP that employees are offered paid volunteer hours and encouraged to apply for the Time-off Community Support Grant, which sponsors employees to volunteer full-time for a week.

In addition to time, HP offers donation matching for employees, grants for non-profit organizations, and sponsorship in their communities. In Vancouver alone, an average of 1,500 volunteer hours per year are contributed within the local community through HP’s Community Outreach team in support of a range of nonprofits, including, most recently, Oregon and Clark County Food Bank, Columbia Springs, Humane Society of Southwest Washington, Fort Vancouver Regional Library, Avamere and Kamlu Resort, Vancouver Watershed Alliance, Firstenburg, Lifeline Connections, Washington Trails Association,

Evergreen Habitat for Humanity, Sharehouse, Camp Hope, and Global Watershed Shoreline.

HP protects the City of Vancouver’s natural and social environment through its Site Council. The Site Council funds approximately \$20,000 annually for HP’s Community Outreach team to organize and complete community improvement projects, along with sponsorships and donations to local events such as providing holiday giving trees. HP is also a PRIDE Rainbow supporter.

Furthermore, HP supports the next generation of diverse technology experts. Each fall, HP Vancouver employees vote for local nonprofit organizations to receive the HP Imagine Grant, supporting programs that align with the foundation’s mission by focusing on education and technology related learning experiences for underrepresented and/or underserved communities. In 2019, three local charities were each awarded \$9,000 through this grant. Additionally, HP mentors and trains the next generation of innovators through its annual intern program, HP LIFE program, WSU Vancouver Capstone Project, iUrbanTeenPitch project, CAMAS Girls in STEM, and other programs.

HP is a corporate leader in environmental stewardship and has always focused on incorporating environmental sustainability in everything it does, including constructing sustainable buildings for HP sites in regions where HP operates.



FIGURE 1.A - A COMMUNITY PARTNER

HP’s Corporate Real Estate and Workplace Solutions (CREWS) team is highly focused on reinventing the workplace as an environment that advances the wellbeing of its people and the planet. HP’s industry-leading sustainability standards will be incorporated as a baseline along with additional focus on specific goals maximizing renewable resources and emission reduction. (SP UD-6).

For example, HP is working towards 100% renewable electricity by 2035; and 60% greenhouse gas reduction and 35% increase in water efficiency by 2025. (SP UD-5).

As the HP Vancouver site development is a multi-year project in its early stages, HP will continue to consider the various ways to achieve a technologically smart and green development over time while minimizing its environmental impact.

1.2
BACKGROUND

In 2018, HP reviewed its options for planned growth over the next 15-20 years for office, research and development, and other uses consistent with the Development Agreement, and determined the City of Vancouver an excellent location to expand its footprint. HP's deep community connection, developed over nearly four decades, gave the company confidence to continue to grow with the City of Vancouver as it moves forward to develop the last large swath of vacant land currently within the City's urban growth boundary in Section 30. (SP LU-1).

In 2009, the City of Vancouver set forth a vision to transform 553 acres of land historically used for aggregate extraction and processing into a new employment center / mixed-use neighborhood in the Section 30 Urban Employment Center Subarea Plan. Approximately 140 acres of Section 30 property is publicly owned by Clark County, the City of Vancouver, and the Bonneville Power Association. The HP Master Plan represents the first major development proposal within the Section 30 area. HP's property is comprised of 68 acres in the southwest corner of the undeveloped area located immediately north of the Columbia Tech Center (CTC), near the intersection of NE 184th Avenue and SE 1st Street. (SP LU-10).

This Master Plan will govern development of the HP property over the next 15-20 years and beyond. The Master Plan sets forth HP's vision of a multi-building development comprising up to 1.5 million gross square feet (GSF). Proposed uses will be similar to existing uses in HP's other Vancouver work spaces, including office, research and development, and other uses consistent with the Development Agreement, as well as the potential for occupant-supported small-scale retail, restaurant and accessory uses. (SP LU-13).

The HP property is zoned Employment Center Mixed Use (ECX). It is bordered on the west by residential neighbors, to the south by the English Farm winery and vineyard, and to the north and east by other aggregate extraction and processing sites and an asphalt plant. In order to prepare the Master Plan, HP incorporated input from neighboring Section 30 property owners to anticipate appropriate development to the north and east. Those assumptions are used to assess longer-term development of the entire plan area. (SP UD-1-2).



FIGURE 1.B - HP MASTER PLAN AND SECTION 30 EXTENT

1.3

A CATALYST FOR DEVELOPMENT IN EAST VANCOUVER

The HP Master Plan and the development anticipated to occur over the next 15-20 years as a result of the plan's adoption will be a catalyst for investment and employment growth within the City. The HP property will be developed in phases to create a comprehensive new office and research development.

Section 30's status as a mostly undeveloped former aggregate extraction and processing area means that a new vision for infrastructure is required at the outset to ensure that development of the area can be served by necessary public services from utilities to a new multi-modal street grid. In this visioning process, HP has worked with project neighbors to identify Section 30 infrastructure needs. In addition, the Master Plan incorporates landscape design guidance, and other design elements to support plan approval. (SP LU-5).

HP and the City have initiated coordination of infrastructure planning for this portion of Section 30. On December 16, 2019, HP and the City entered into a Development Agreement related to HP's property to encourage development throughout Section 30. A copy of the Development Agreement is included as Appendix B to this Master Plan.

The City recognized the need to build Section 30 infrastructure to include a sanitary sewer pump station ("Area 2 Pump Station"), a public stormwater collection facility benefiting from the native gravels along the planned extension of 9th Street, looped water service, and a new road network. The City agreed to reinvest up to \$10,000,000 of City Reinvestment Funds towards Core Public Improvements. Examples of Core Public Improvements include collector and arterial streets, inclusive of all frontage improvements: sidewalks, roundabouts, landscaping, street lighting and water mains. Also included are public recreational trails, public transportation facilities, public stormwater collection facilities, public water facilities, and public sanitary sewer facilities and infrastructures related to each. (DA § 7(b)).

The City agreed that Core Public Improvements include the extension of 184th Avenue from HP's first phase to 9th Street, construction of 9th Street between 172nd Avenue and 184th Avenue, payment of System Development Charge fees (including the One Pacific Agreement related to fees), any developer-dedicated public recreational trail, and construction of the Area 2 Pump Station and related infrastructure as contemplated in the Subarea Plan. In addition, the City agreed to make Section 30 public infrastructure a top priority in the City's grant writing program and other public funding plans. (DA § 4(f), 7) (SP LU-6, UD-8).



FIGURE 1.C - CONCEPTUAL AERIAL VIEW OF SECTION 30 PROPERTIES

An aerial view of the Section 30 properties and their surroundings are shown looking northeast with the 68-acre HP property development illustrated in concept in the foreground. Roundabouts on NE 184TH Avenue are shown, with the principal entry to the property from SE 1ST Street shown bottom right and additional roundabouts at 3RD, 6TH and 9TH Streets.

1.4 MASTER PLAN PURPOSE

The HP Master Plan is intended to set forth clear objectives for development of its 68 acres of property. The plan incorporates the City's visions, goals, and policies that are set forth in several Section 30 planning documents described in greater detail in Section 1.5 Regulatory Context. In addition, the Master Plan discusses phased development of the HP property and phased infrastructure plans to serve HP's uses and other surrounding Section 30 properties. Further, the plan takes into consideration surrounding uses, and long-term development of the entire plan area to analyze street and pedestrian connectivity, transitional grades between surrounding development sites, stormwater management, open space connectivity, utility service, and traffic impacts. (SP TR-10, MS-2-5).

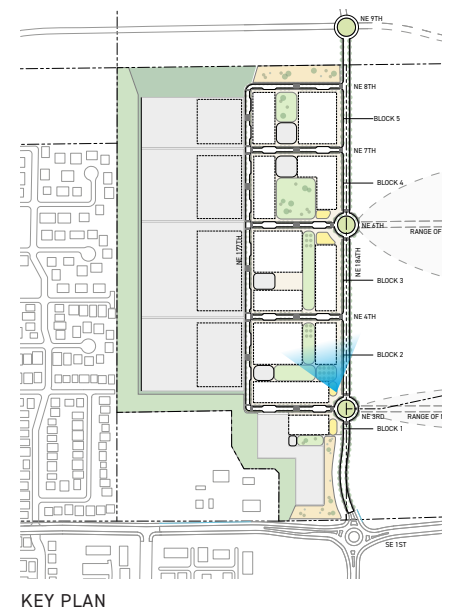
HP's future development will be subject to site plan approvals that are consistent with this Master Plan and the Development Agreement. In the Development Agreement, the City determined that Phase 1 of HP's development will involve construction of one or more buildings that will comprise up to 330,000 GSF of office, research and development, and other uses consistent with the Development Agreement, as well

as the potential for occupant-supported small-scale retail, restaurant and accessory space, and related parking and associated on site improvements that may be reviewed under the City's Type II process ("Phase 1"). The Master Plan incorporates specific infrastructure allowances for Phase 1 to allow the longer-term planning and construction associated with Section 30 area wide improvements to serve subsequent phases of development. (DA § 8(a)(i)).

Finally, since the Master Plan governs the development of the HP property over the long-term, the City's processes allow for refinement and the potential for modifications of the plan document. Graphic illustrations in this Masterplan are conceptual in nature. If refinement is necessary, HP will undertake the requisite review for such changes. Further, as identified in the Development Agreement, HP may purchase additional property in the future within Section 30 and in the company's discretion may, with the City's consent, annex such additional property into this Master Plan through future amendment. (DA §§ 4(c), 8(j)).



**FIGURE 1.D - CONCEPTUAL VIEW OF BLOCK 2 LOOKING
NORTHWEST FROM NE 184TH AVENUE**



1.5
REGULATORY CONTEXT

The following documents provide specific direction for master planning in Section 30:

- › Section 30 Urban Employment Center Subarea Plan, 2009, presenting the vision and policies related to the future development of properties within the Section;
- › Section 30 Urban Employment Center Design Guidelines, 2009 ("Design Guidelines"), implementing the Subarea Plan vision;
- › Vancouver Municipal Code ("VMC"), particularly portions of Chapter 20.690, that govern the Master Plan requirements. (DA § 4(d)(vii)).

In addition, HP and the City of Vancouver entered into a Development Agreement on December 16, 2019 to vest HP to certain site-specific development standards, recorded in the City's Development Standards binder. Within this regulatory context, HP provides this Master Plan to bring high quality development to East Vancouver marrying planning and design to create an attractive office, research and development (and other uses consistent with the Development Agreement), as a central economic development use within Section 30. (DA §§ 4(d), 26).

As observed in the Development Agreement, the above set of regulations anticipated development to occur on a parcel-by-parcel basis, instead of the coordinated effort led by HP's catalyzing development involving a

significant portion of Section 30's privately owned land. However, the Subarea Plan did anticipate flexibility in its application and is referred to as a framework that envisioned a joint effort for development between the City and property owners, and between HP and its neighbors. This Master Plan is the next step to turn the framework into a reality and transform Section 30 into the neighborhood envisioned in the Subarea Plan.

The content of this Master Plan is arranged to respond directly to topics as addressed in the Design Guidelines. Each section also refers to relevant portions of the Development Agreement, other documents listed above, and in the Appendices. A Regulatory Compliance Matrix has been prepared (included in the Appendix) that correlate specific sections of City Planning Documents, City Code, and the City of Vancouver-HP Inc. Development Agreement to associated sections within this Master Plan. The HP Master Plan will establish a site-specific path for development in Section 30 that creates a high quality built and landscaped environment that is both respectful to preexisting neighboring communities, and supportive of the new mixed-use community that will grow to the north and east of the HP property. HP uses parenthetical notations within this document to show where particular portions of the Master Plan address Subarea Plan Policies (referred to as SP), Design Guidelines (referred to as DG), the City code (referred to as VMC), and Development Agreement (referred to as DA).



FIGURE 1.E - EXISTING CONDITIONS
WITHIN SECTION 30

Existing conditions within Section 30 including HP land (top), Harmony Sports Complex and English Estate Winery (middle) and vision for a public park from Section 30 Subarea plan (bottom).

02/

AREA PLANNING

2.1

VISION FOR THE HP PROPERTY

HP proposes a mix of office, research and development, and other uses consistent with the Development Agreement, as well as the potential for occupant-supported small-scale retail, restaurant and accessory space, and related parking and associated onsite improvements. These uses are consistent with ECX zoning of the site.

Development of the site will begin with Phase 1 at an improved entry point from SE 1st Street where newly constructed 184th Avenue will extend north to the future alignment of NE 3rd Street. Phase 1 buildings and parking will be located to the west of 184th, where parking areas will be screened from street view by a combination of elevation changes and landscaping. (DA § 4(b)).

Circulation, infrastructure and landscape improvements will be expanded as necessary with each phase of development. The Subarea Plan contains a concept for a public recreational trail along the western boundary of the HP property. The recreational trail location in the Subarea Plan is conceptual and allows for deviation to be determined through the master plan process. To meet the goals of the Subarea Plan, the recreational trail must be open to the public and must connect north to a location near 9th Street and west towards 172nd Avenue along or near the northern boundary of the HP property. To satisfy this Subarea Plan goal, a shared use recreational trail on the west side of 184th will be constructed as part of Phase 1 and will connect north to a location near 9th Street in subsequent phases. The western slope is not currently planned for use as fill material across the HP property. If the City funds an additional western perimeter trail, HP is willing to discuss an arrangement

for use of an area of potential dedication up to 12 feet in width from the western HP property line only on the top of the western slope for such recreational purpose. (SP LU-3, OS-1, OS-2, OS-9, OS-11, OS-14) (DG A.6.1.c)(DA § 8(d), Ex. 6, p. 3).

Banks at HP's south and west boundaries will be stabilized and landscaped, providing a natural buffer between site development and existing neighboring properties. The Full Site Utilization Plan (FSUP) shows the long-term configuration of the developed site. Development contemplated in this Master Plan is expected to take 15-20 years and possibly longer for the full 1.5 million GSF build-out, depending on market conditions and industry demands. Therefore, the FSUP, consistent with VMC 20.690.060.C, proposes potential sizes, locations, configurations and uses associated with full site build-out. (DA § 4(a)).

Other Uses: The ECX zoning provides for a mix of permitted, limited, and conditional uses that HP can develop on its property, and HP reserves the right to update the Master Plan in the future should other uses be desired. Notwithstanding the range of ECX allowed uses, the HP property shall not be developed with Group Living, Community Recreation, Park & Ride Facilities: Structure, Vehicle Fuel Sales, Rail Lines/Utility Corridors, or Uses listed under RCW 36.70B.170(3)(e). In addition, the VMC contemplates urban neighborhood overlays in Section 30. HP neither seeks application of an Urban Neighborhood Overlay, nor to include a residential component at this time. As a result, this Master Plan does not address residential use specific Subarea Plan policies and Design Guidelines.



FIGURE 2.A - A VISION FOR THE HP PROPERTY

This plan illustrates the general locations dedicated to buildings, open space and parking. Note the zone running north-south along NE 177TH may include either buildings or parking uses depending on HP's future space and area requirements.

LEGEND

POTENTIAL BUILDING

POTENTIAL BUILDING OR PARKING

PARKING AREA

2.2
SITE GRADING AND ELEVATIONS

EXISTING GRADES

The HP Master Plan takes advantage of post-reclamation elevations to use the valley features of Section 30 to create a sense of place and community through a well-connected street system with utilities and services and an environment conducive to bicycling and walking. HP has coordinated with its neighbors to ensure that grade transitions between development sites will create an interesting and cohesive development, while maximizing the developable area of HP and neighboring properties. Finished elevations are indicated on the Vicinity Plan, Sheet L.O. The remainder of Section 30 provides ample opportunities to accomplish transitional grades as development extends east and north. (SP GE-1-5).

The HP property is currently a quarry with variable floor elevations ranging from 234 to 246 feet. Surrounding elevations include the English Farm property to the south at an elevation of 288 feet, the CTC Section 30, LLC property to the east ranging from 215 to 230 feet, and property to the north ranging from 234 to 235 feet. Grades at the perimeter of the HP property will change little, except in the vicinity of 184th as it slopes down from its connection with SE 1st Street where it will straddle HP property and CTC Section 30, LLC property as it proceeds north to the 3rd Street roundabout. The roundabout at 184th and SE 1st Street will drop from an elevation of 284 feet to 262 feet.

HP intends to develop the site to prepare for finished grades between 2% and 4% across the Phase 1 property. The southernmost portion of the Phase 1 property has been filled and compacted to an approximate elevation of 246 feet, with gentle slopes to the west.

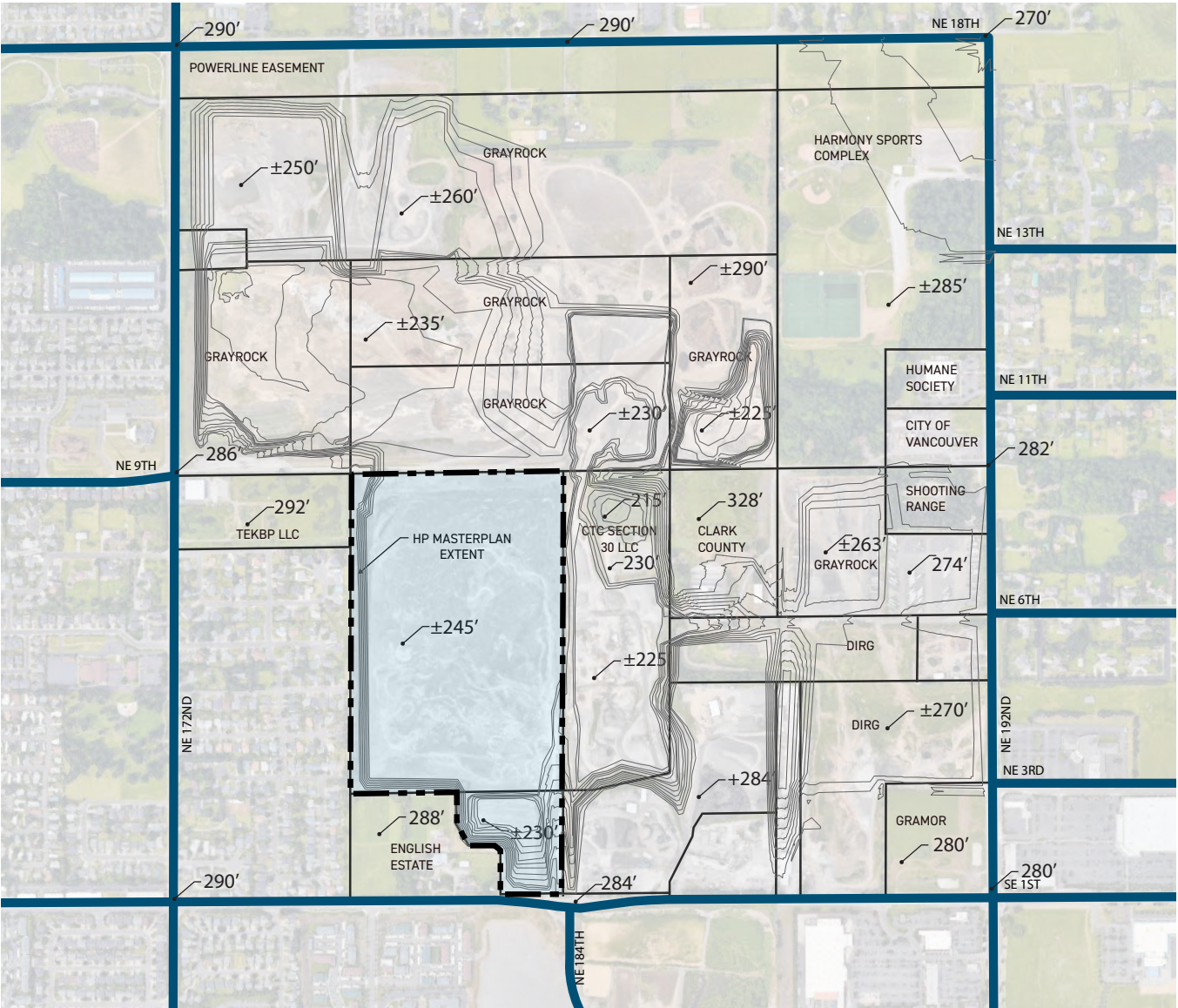


FIGURE 2.B - EXISTING GRADES

The HP property is 40 to 50 feet below the existing neighborhood to the west and current grade of SE 1ST Street.

LEGEND

- EXISTING STREETS
- HP PROPERTY LINE

FUTURE GRADES

Extension of 184th Avenue north of SE 1st Street will occur during Phase 1 to provide transportation access to the HP property. The extension will be approximately 1,000 linear feet and HP will construct this stub road as a Core Public Improvement. The extension will serve the CTC Section 30, LLC property to the east of the HP property. The northward extension of 184th Avenue will slope down approximately 20 feet to access the Phase 1 property. Consistent with the Development Agreement, construction is to be coordinated with the City’s improvements on SE 1st Street.

The floor of the remainder of the HP property is of variable elevation, and will be filled, leveled and compacted to a uniform elevation with appropriate grading for storm water drainage. Soils supercharging, as on Phase 1, will precede each phase of development. The proposed elevations and graded perimeter banks to the south and west will minimize the use of retaining walls, and provide landscaped slopes between building pads, pedestrian paths and streets. (SP TR-10).

Stormwater will be filtered through rain-gardens and other landscaping towards a groundwater recharge area near 9th Street, and included in the design of street improvements, sidewalks, and the recreational trail along 184th Avenue. The edge of former quarrying operations will be graded as 2:1 earthen banks along the south and west boundaries of the HP property. These will be landscaped for stabilization and appearance. The size of the HP property facilitates balancing of cut and fill materials across the site. (SP GE-1-5, OS-4, OS-5, OS-7) (DG A.1.1.a, b, d, e, A.1.2).

HP’s property is substantially separated from properties to the west by a drop of 40 to 50 feet and by earthen banks that will be stabilized and landscaped. Both distance and the elevation difference, together with shade trees planted in the parking lots will attenuate noise and take into consideration the views for neighbors across the property.

The intersection of 1st Street and 184th Avenue will be the principal entrance to Section 30 from the southwest. It will also be the primary entrance to the HP property, with gateway landscaping following the gently sloping 184th topography towards Phase 1 building development and private street access near the intersection of 3rd Street. Subsequent HP development phases will continue 184th Avenue sloping gently north to 9th Street. (DG A.3.1.a-c) (SP TR-5, TR-6).

Finished grades will slope down approximately seven feet from the site of Phase 1 development to the intersection of 184th with NE 9th Street. This gentle slope will aid in directing stormwater towards ground recharge areas near 9th Street. The finished grades will also accommodate future extensions of 3rd and 6th Streets to the east, and development of property fronting the east side of 184th Avenue. Pedestrian and bicycle access to all parts of the developed Section 30 community are taken into consideration in these proposed finished elevations. Therefore, 3rd and 6th Streets, together with the multi-use recreational trail along 184th Avenue between 1st and 9th Street are being designed with usable slopes for multi-modal accessibility. (SP TR-10) (DA § 8(d), Ex. 6, p. 3).

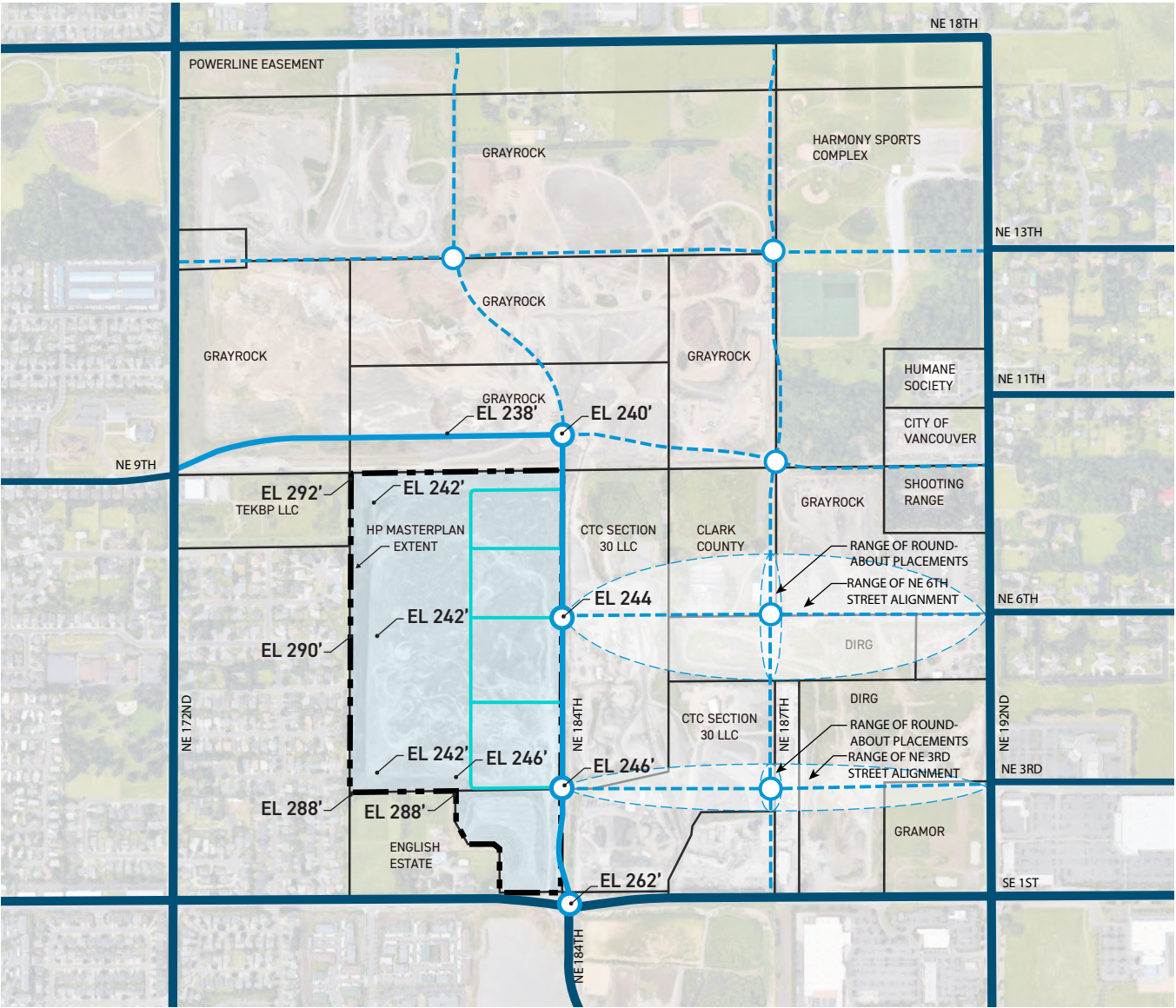


FIGURE 2.C - FUTURE GRADES

LEGEND

EXISTING STREETS

PROPOSED STREETS

PROPOSED PRIVATE STREETS

POTENTIAL FUTURE STREETS

HP PROPERTY LINE

PROPERTY LINES

2.3

BUILDING LOCATION AND ORIENTATION

As visitors enter NE 184th Avenue a tree-lined street will open before them with a 12-foot wide recreational multi-use trail. HP's buildings along the west side of 184th Avenue will be set back 20 feet from the recreational trail. Access west from 184th between groups of buildings will be on private streets connecting to a tree-lined north-south street approximately parallel to 184th Avenue providing access to building entrances, screened service yards and west to parking lots shaded with trees bordering parking aisles and walkways. (see Master Landscape Plan, L.2.0) (DG A.2.1, A2.2.b).

The Full Site Utilization Plan summarizes how up to 1.5 million GSF of development previously defined will be constructed in phases. As HP plans each phase of development, a mix of uses will be determined to meet the company's employment space needs. The FSUP demonstrates a realistic assessment of future building types and footprint sizes, as well as parking space demand and accommodation of potential future increased density. (SP UD-4).

Section 30 has neither height limits nor floor area ratio (FAR) limits. However, HP recognizes the City's goal of achieving a distinctly urban form of development and compatibility with neighboring uses. Buildings will vary in height, providing for active and pedestrian scale street fronts through facade articulation and the inviting appearance of the new buildings. These building heights will take into consideration mountain views for residential neighbors to the west. Anticipated FAR at full build-out is 0.5 to 1.0. Boundary treatments will be compatible with surrounding uses and employ architecturally appropriate fencing. (DG A.2.2, E.2.1) (SP UD-1-3, UD-9) (VMC 20.690.040.B).

Building footprints depicted on the FSUP indicate the anticipated range of office, research and development, and other uses consistent with the Development Agreement, as well as the potential for occupant-supported small-scale retail, restaurant, and accessory space. Larger building footprints will accommodate research and development with limited office, while smaller building footprints will provide options for a mix of the other uses mentioned. The larger footprint buildings have the potential to be located on the interior of the HP property, with frontages along private roadways, allowing buildings with more office use as well as small-scale retail and accessory space to front 184th Avenue. (SP LU-4).

The Design Guidelines and VMC 20.690.040(D)(2) define maximum building setbacks from streets other than collectors and arterials, of 10 feet from the back of the sidewalk, with an exception allowed up to 20 feet. This will enable appropriate accommodation of pedestrian facilities and landscape. Consistent with the Development Agreement, this 10 foot minimum landscaped setback is measured from the back of the sidewalk, with the option to exceed the minimum to ensure architecturally sound design of landscaped setbacks taking into account factors including, but not limited to, pedestrian interface, vehicular circulation, and building design. Back of sidewalk also refers to back of a public recreational trail that may be co-located on a public rights of way or private street. (DA Ex. 4, p. 2) (VMC 20.690.040(D)(4)).

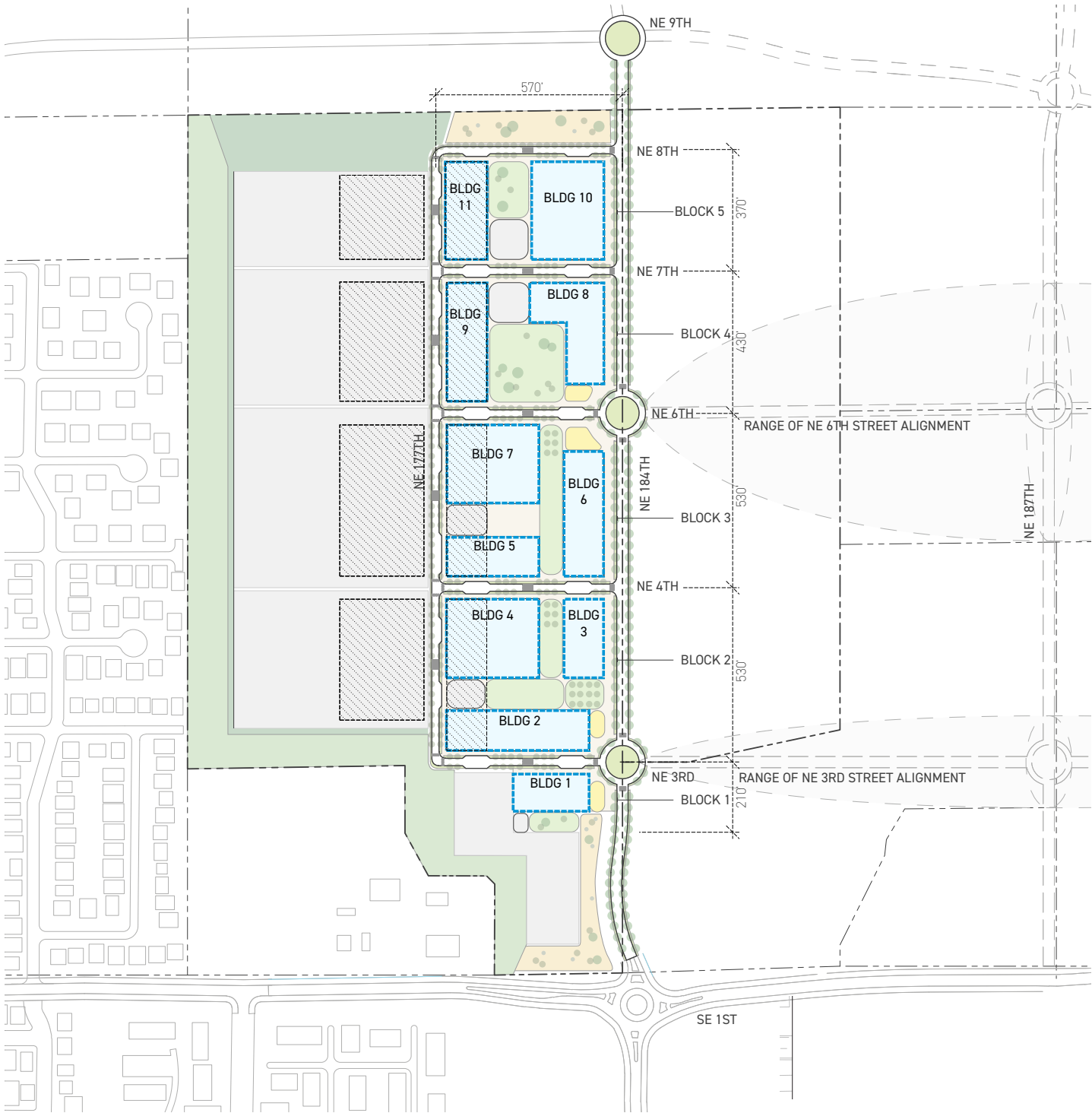


FIGURE 2.D - BUILDING LOCATION AND ORIENTATION

LEGEND

- POTENTIAL BUILDING
- POTENTIAL BUILDING OR PARKING
- PARKING AREA

BUILDING LOCATION AND ORIENTATION CONTINUED

Buildings will be arranged around open gardens and plazas, providing a secure environment for circulation, visitor access, employee rest and respite. Pathways will connect these spaces to sidewalks in surrounding streets as shown on the FSUP and phasing plans. A south-north footpath weaving through the gardens and plazas will connect facilities in all phases of development. (DG A.2.1.b, A.4.1, A.4.2) (SP LU-1, LU-10).

Streets encircle each phase of development, creating a series of city blocks. These blocks will vary in dimension based on the number and type of buildings and internal open spaces. Each block will have a distinctive character. Materials and design details will differ between buildings, although a "family resemblance" will present a unified appearance. The overall impression will be one of compact urban buildings interspersed with plazas and gardens bordered by tree lined streets. (DG D.1.1, D.1.2, D.1.3, D.1.4) (SP UD-13, UD-16).

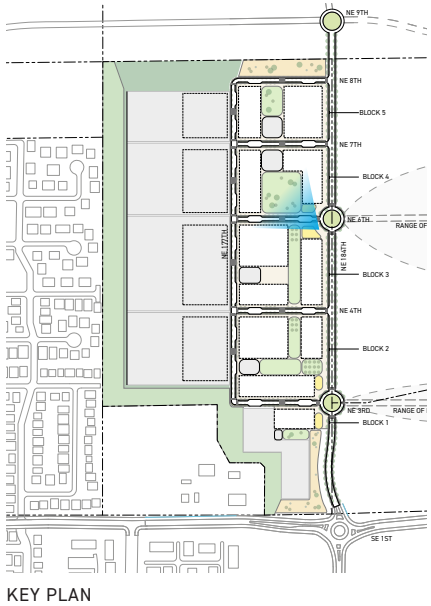
Parking lots west of the buildings will be partly screened by street trees, and partly by lines of shade trees that create separate parking areas. Occupants of taller buildings will look across tree canopies towards the landscaped banks at the western boundary. Trees will screen parked cars from most viewpoints. Services and utilities will be expanded as necessary to serve each new phase or block of development. (SP UD-12).

The Master Plan's proposed street alignments are based on the conceptual street layouts depicted in the Subarea Plan, and are also informed by HP's communication with surrounding property owners. Two roundabouts will be included between SE 1st Street and NE 9th Street, the first located on a potential extension of NE 3rd Street and the second aligned to a potential extension of NE 6th Street. SE 1st Street and NE 9th Street will become primary connections to neighborhoods to the west. Connections to the eastern properties in Section 30 will be via NE 3rd, NE 6th, and NE 9th Streets. Roundabouts calm traffic by maintaining slow and constant travel speeds, while minimizing the need for acceleration and breaking. Roundabouts will help make the streets safe for all modes of travel. Other traffic calming tools will be considered to maintain traffic flow and safety as design proceeds. (SP TR-2, 25, 26) (DG B.2.3.c) (DA Ex.6, p. 5) (VMC 20.690.040(E)).



**FIGURE 2.E - CONCEPTUAL VIEW OF BLOCK 3 AND BLOCK 4
LOOKING NORTHWEST FROM NE 6TH STREET**

This illustration represents an anticipated relationship between built areas and open space and the connection from buildings onto the east-west private roadways.



2.4 SCALE AND BUILDING MASSING

Buildings will be designed to be compatible with one another in scale, orientation and massing, but will be expressive of different uses in their outward appearance. Variations in architectural details, materials and colors will be modulated to convey a “family resemblance” between buildings in each group or phase, but differences in appearance and grouping will create a distinctive identity for each phased block within the larger development, and will use a mix of details from the Design Guideline’s details toolbox. The proposed scale and design will aid direction finding and will avoid the monotony that could otherwise dominate the 68-acre site. Details of the design will be directed principally by functional requirements and the wellbeing of building occupants – both inside and around the buildings. A footpath will weave through the open spaces in each block connecting all buildings in all phases. (DG 4.1.a-i).

Buildings will typically be urban in character thereby consistent with the recommendations of the Section 30 Design Guidelines. Buildings may be single or multi-story and configured to be compatible with the pedestrian-scaled spaces around them. Buildings will predominantly be a minimum of 24’ in height. The design of buildings and open spaces will be coordinated to clearly define building entries, connecting pathways and other features. (DG A.2.2, D.2.1.a).

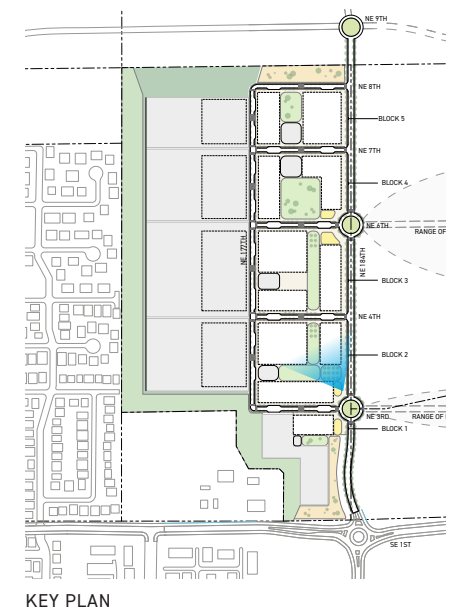
Any facade longer than 120 feet facing a public street will be interrupted with a setback, projection or other device at least 30 feet long and 20 feet deep for the full height of the building. Roof design will vary with building function but will be compatible between neighboring buildings. Rooflines visible from public streets longer than 100 feet will feature changes in profile or other features consistent with articulation of the facade. Blank walls will generally be avoided in locations visible from public streets and pedestrian routes. In cases where such walls are unavoidable, architectural features or landscape devices will be used to soften their appearance and harmonize with adjacent building details and open space features. (DG D.2.2, D.2.3, D.2.6, D.3.1).

Sustainability and longevity will influence the selection of architectural materials and finishes consistent with HP’s sustainability goals. Architectural and landscape details will emphasize human scale, especially at building entries and around pedestrian walkways and seating areas. Signage, walls, fences and other landscape features will be compatible in scale and appearance with the architecture. Colors will be coordinated. Masonry or other durable materials will be used below ground floor windowsill levels. (DG D.5.1, D.5.2) (SP UD-6).



FIGURE 2.F - CONCEPTUAL VIEW OF BLOCK 2 LOOKING NORTHWEST FROM NE 184TH AVENUE

This illustration shows the potential relationship between buildings and internal open space with 184TH and the recreational trail running along the west side of the road. Buildings are anticipated to be scaled and massed such that they are able to frame open space and create a strong frontage along 184TH while also preserving a human scale and pedestrian orientation.



PROVIDE USABLE OPEN SPACE BETWEEN BUILDINGS



CREATE A CONSISTENT STREET WALL ALONG 184TH



ADD LOCAL CONNECTIONS ALONG PRIVATE ROADWAYS



UTILIZE OPPORTUNITY FOR OPEN SPACE AT ROUNDABOUTS



ENSURE SERVICE AND PARKING AREAS ARE SEPARATED



BREAK DOWN SCALE OF BLOCK WITH ENTRIES AND THROUGH BLOCK PEDESTRIAN CONNECTIONS

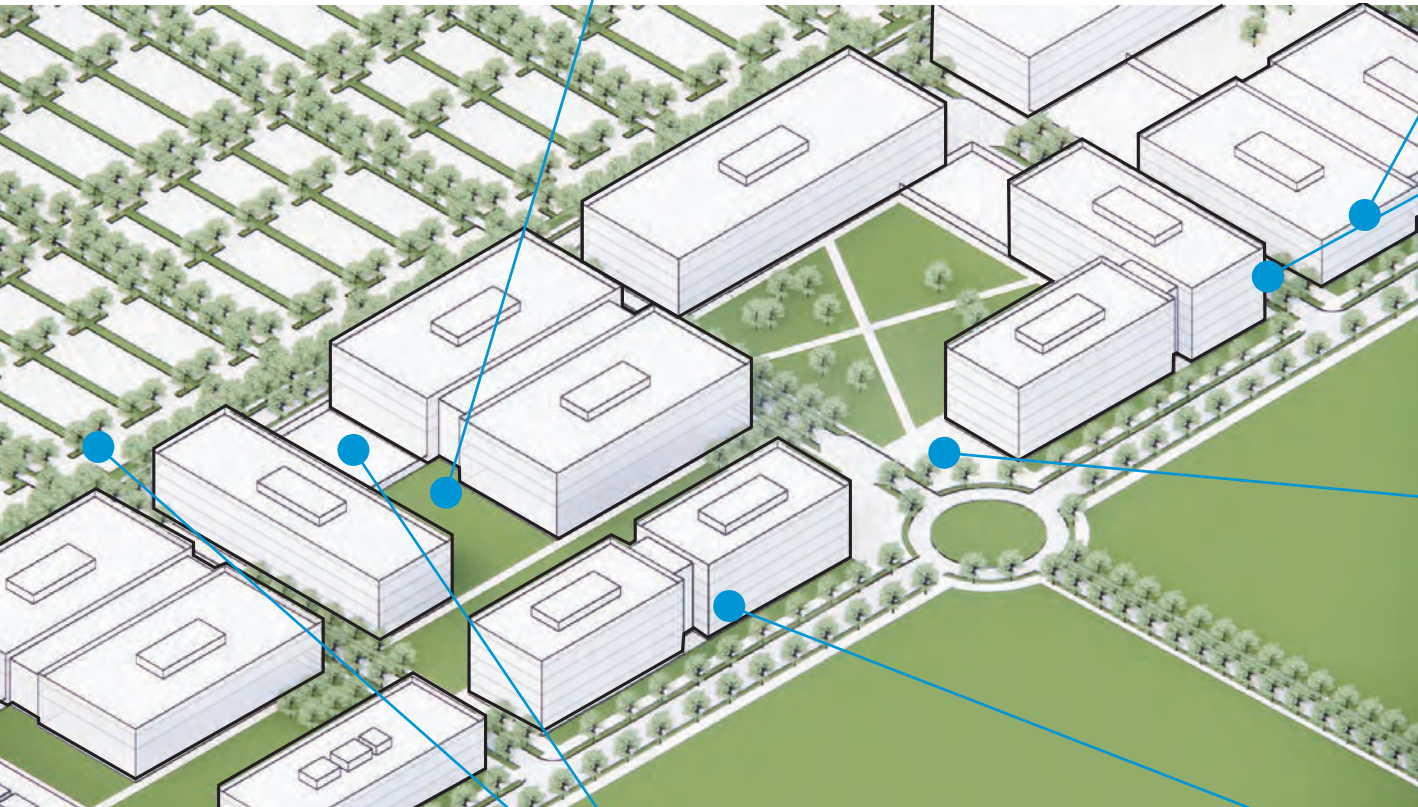


FIGURE 2.G - BUILDING MASSING CONCEPTS

2.5
OPEN SPACE AND PLAZAS

Buildings will be interspersed with open spaces and plazas providing occupants with various outdoor opportunities for rest and recreation. Seating areas and informal gathering spaces will be designed to address building occupant needs for open space amenities and to provide welcoming entrances to buildings. Plazas will be designed for solar access and may include raised planters. The plazas and site open space will connect to the sidewalk network, private streets and the multi-modal recreational trail along 184th Avenue. (DG A.4.1, A.4.2).

Former quarry slopes between the site and properties to the south and west will be graded to an incline of 2:1 and will be planted to provide a green backdrop to the HP development. These slopes will offer a visually pleasing buffer to neighboring properties. The banks will only be accessed for periodic maintenance and will drain into a recharge zone along the toe of each slope. Slopes near the intersection of NE 184th Avenue with SE 1st Street will be reconfigured to achieve ADA compliant gradients and to provide an appropriate gateway landscaping at this principal entry to the site and to Section 30. (DG A.6.1, A.6.1.b).

Trees will line 184th Avenue and the private access streets to the west. Shade trees will line walkways throughout the parking areas and will also be used to separate parking aisles as shown on the Master Landscape Plan, Sheet L.2.0. These plantings will help to reduce heat island effects and improve air quality as well as add to the City’s tree canopy cover. (DG E.1.4).

Entry to the site from the intersection of SE 1st Street and NE 184th Avenue will be marked by a monument sign and gateway landscaping. Proceeding north along 184th Avenue, visitors will see a sequence of open spaces between and beyond buildings forming a defining edge to the street. The multi-use recreational trail on the west side of 184th Avenue, and symmetrical sidewalks on the east side of 184th Avenue will connect the HP development to the network of neighborhoods, parks and other features planned for Section 30 development as the HP property extends north over the planning horizon. A dedicated, heritage monument marker will be located at the NW corner of the 3rd Street roundabout. (DG B.5.2) (DA § 6(e)).



FIGURE 2.H - OPEN SPACE AND PLAZAS

LEGEND

SITE ENTRY LANDSCAPE

PLAZA

OPEN SPACE

BUILDING CONNECTIONS TO OPEN SPACE

2.6 GATEWAY STREETS

The HP property is situated between two gateway entrances to Section 30 – the intersection of SE 1st Street and 184th Avenue, and NE 9th Street and 184th Avenue. Arrival at Section 30 from the south and west will be via SE 1st Street through a roundabout connection to NE 184th Avenue, sloping down to the HP property and connecting to the employment mixed-use community that will occupy the balance of the 553 acres comprising Section 30. Both entries will be signature gateways identified by HP monument signs. The City may incorporate area-wide identification as a public art piece within the 1st and 184th roundabout in connection with the work and effort of the City's Culture, Art and Heritage Commission, and subject to available City funding. (DG A.3.1.a-c).

The extension of 184th to be constructed as part of Phase 1 will curve slightly as it descends from 1st Street, and arrivals will emerge from gateway landscaping into a tree-lined street with a 12-foot wide recreational multi-use trail. Landscaping at the corner of 1st Street and 184th will incorporate predominantly native and drought resistant plant materials. The Phase 1 extension will end at the 3rd Street and 184th Avenue roundabout location with a short northern extension for fire and life safety vehicles. Through the trees on the west side of 184th Avenue, pedestrians and other visitors will see urban scaled buildings, and view a dedicated monument marker describing the heritage of the site on the NW corner of the roundabout at 184th Avenue and 3rd Street. (DG A.2.2) (SP UD-10).

The approach to the HP property from the north will present a different gateway experience, since grade changes will be minimal, and views will be open. Here too, the formality of the straight, tree-lined street will be evident, its west edge contained by the frontages of urban scaled buildings. A monument sign will identify HP at the northern end of its property, where landscaping will favor predominantly native and drought resistant plant materials to establish continuity between phases of development.

Directional signage and lighting along 184th Avenue will be coordinated to the needs of those on foot or bicycle as well as drivers, and in coordination with C-Tran to meet public transit requirements. (DA Ex. 6, p. 5).



FIGURE 2.I - CONCEPTUAL VIEW OF SOUTHERN GATEWAY LOOKING NORTH FROM SE 1ST STREET

Southern gateway with roundabout on SE 1ST Street marking the principal entrance to the HP property via 184TH Avenue. Gateway landscape and a monument sign will announce the entrance to the HP property.



FIGURE 2.J - CONCEPTUAL VIEW OF NORTHERN GATEWAY LOOKING SOUTH FROM NE 184TH AVENUE

Northern gateway with stormwater facility and a potential for topographic landscaping.

2.7
SERVICE ELEMENTS IN THE CONTEXT OF SECTION 30 AND SURROUNDING ZONES

Service traffic and parking access will be via private streets west of 184th Avenue. The service elements on HP property will be connected through roundabouts at 3rd and 6th Streets, and at three intermediate right-in/right-out junctions; two located between the 6th and 9th Street roundabouts and one between the 3rd Street and 6th Street roundabouts.

The roundabouts will be designed to accommodate large freight vehicles and will include pedestrian crossings. Service areas are located on the west, north and south side of building groups to screen them from 184th Avenue and maintain the pedestrian scale development along this collector street. All service areas, including garbage and recycling areas, will be screened from view by a six foot high wall or fence, have self-closing doors, and will be accessible to large vehicles. Service areas will be consistent in design with

the architecture of the buildings served, using similar materials, colors and detailing. Three foot wide planting strips will separate service enclosures from the sidewalks. Roof mounted equipment will be screened from public view by designing such equipment structures as part of the building architecture, and designed and placed to reduce intrusive noise. Utility boxes and meters will be accessible from the private street on the west side of the buildings.

(DG A.7.2.a-c, A.7.3, A.7.4, A.7.5) (SP UD-15).

The Master Plan recognizes residential and agricultural land-uses adjacent to the project and seeks to minimize impact on these uses. Specifically, care will be taken to consider the impact of the Master Plan on the views to Mt. Hood from homes adjacent to the quarry slope on the west side of the property. (DG A.6.1.a).

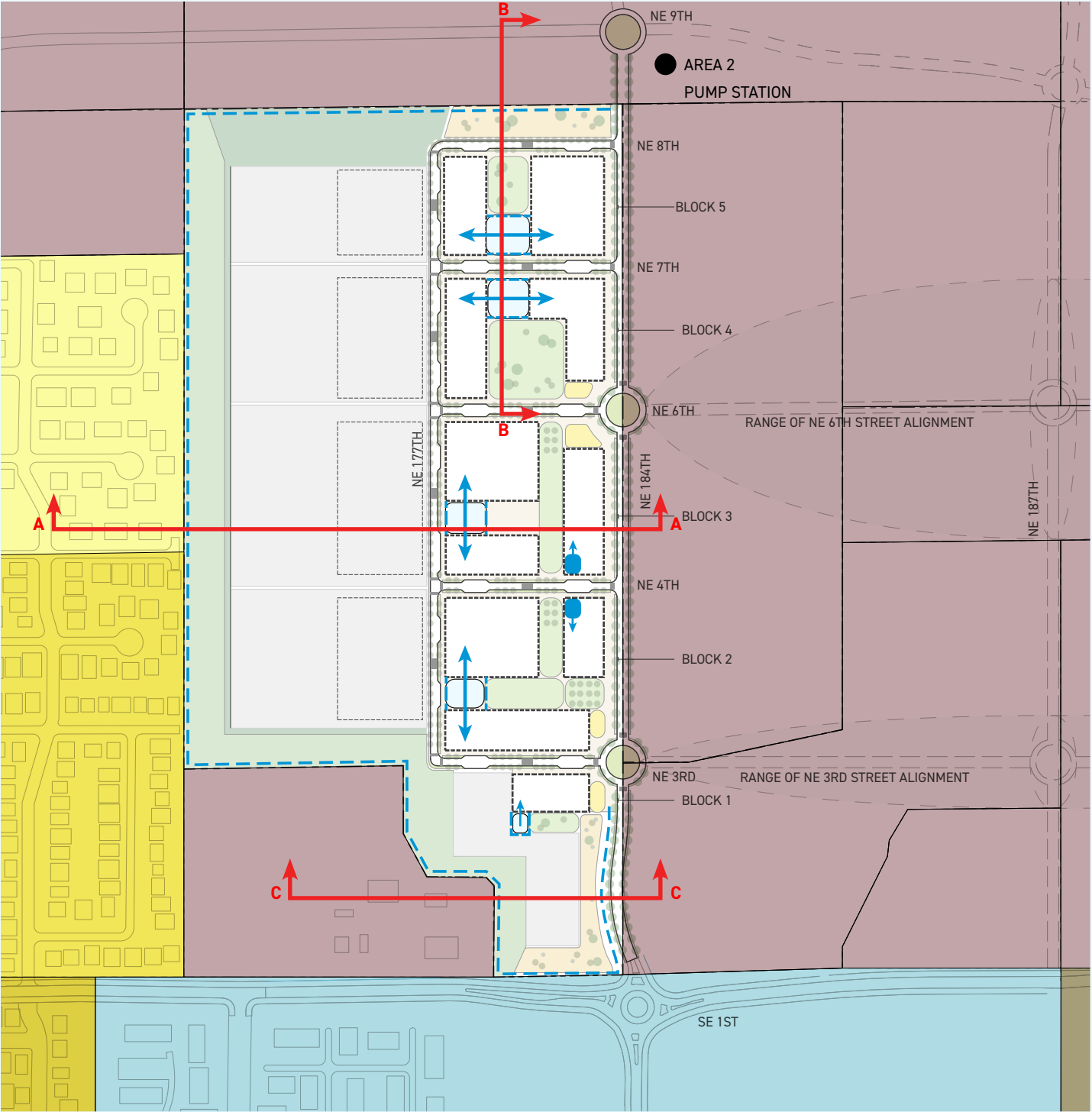
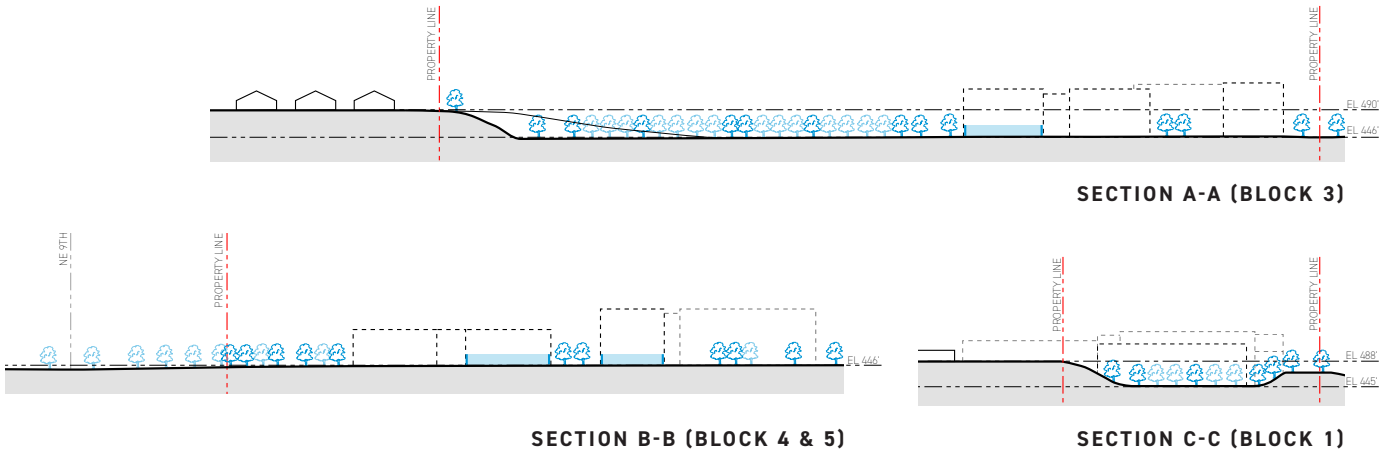


FIGURE 2.K - SERVICE ELEMENTS AND SURROUNDING ZONES

Service yards will be accessed from private roadways and will be screened, as will service meters and other utility equipment.

LEGEND	
SERVICE ACCESS	EMPLOYMENT CENTER MIXED-USE (ECX)
SERVICE YARDS	SINGLE FAMILY RESIDENTIAL (R1-10)
INTERNAL SERVICE	SINGLE FAMILY RESIDENTIAL (R1-6)
SCREENING	LOW DENSITY RESIDENTIAL (R-9)
	LIGHT INDUSTRIAL (IL)
	MIXED USE (MX)

03/

ACCESS, CIRCULATION, AND PARKING

3.1

STREET PATTERN AND LAYOUT

The location and alignment of streets on and adjacent to the HP property are based on the conceptual locations in the Subarea Plan and discussions with impacted landowners within Section 30. The street connections provide the framework for the planned pedestrian oriented employment center, linking employees to commercial and residential neighborhoods elsewhere in Section 30. Frequent points of access from HP buildings to 184th Avenue will encourage walking and bicycling rather than automobile use for local trips. Bicycle lockers and associated facilities will be located within each group of HP buildings. (DG B.3, B.5.1.c-d).

Initially, access to the HP property will be located at the intersection of the arterial, SE 1st Street and NE 184th Avenue. A roundabout aligned with SE 3rd Street provides access to the private street network on the HP property and local street network to the east.

These will be the first elements of a district-wide system of streets, recreational trails and pathways favoring multi-modal transportation, inclusive of connectivity to public transit options. HP is not required to locate a transit facility on HP property. Nonetheless, the Master Plan will accommodate transit stops on or near arterial streets or local streets in coordination with C-Tran. 184th is located on HP and CTC Section 30, LLC properties. The northern portion of 184th, the 184th/9th St roundabout, and 9th Street from 184th to 172nd resides on Grayrock property. CTC Section 30, LLC and Grayrock agree to the roadway alignments and will coordinate grading plans to accommodate the streets and utilities. (SP TR-2, TR-3, TR-27, TR-28, PU-6) (DG A.1.1.c, B.4.2) (DA § 8(b)).

Truck routes off of 172nd Avenue from 9th Street to 184th Avenue and 1st Street to 184th Avenue will allow deliveries to the HP property. Today most of HP's deliveries use City-trucks, although other operations that may be located on the HP property may require travel truck deliveries. The design of 1st Street and 184th Avenue will accommodate a variety of truck sizes. (SP TR-23) (DA Ex. 6, p. 4).

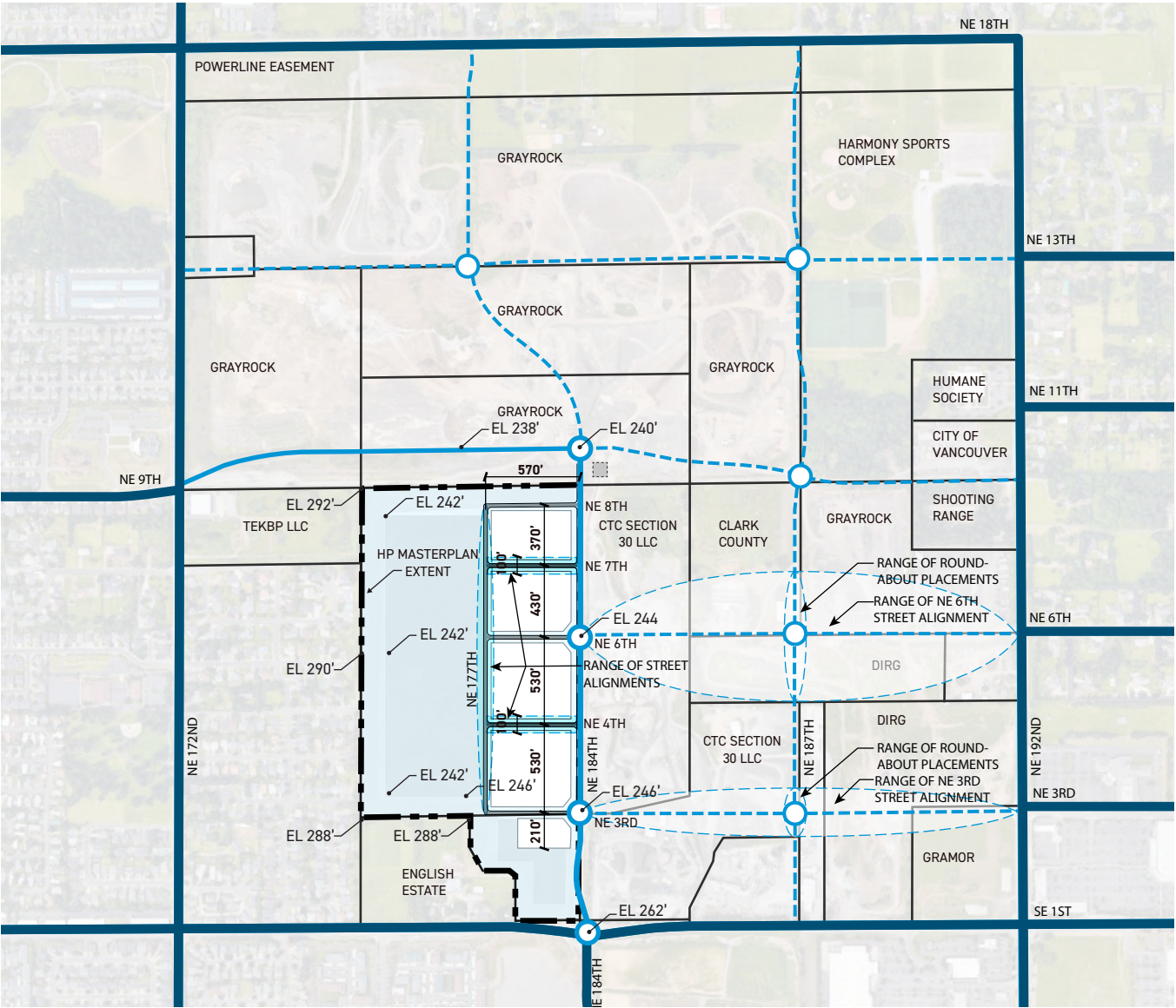


FIGURE 3.A - STREET PATTERN AND LAYOUT

The illustration shows anticipated street layout and hierarchy of roadways. Note potential variation in roadway alignment indicated by filled regions above. In addition, there is a range of alignments anticipated for NE 4TH Street, NE 7TH Street, and NE 177TH Avenue.

LEGEND

EXISTING STREETS

PROPOSED STREETS

PROPOSED PRIVATE STREETS

POTENTIAL FUTURE STREETS

POTENTIAL PRIVATE STREET AREAS

PROPERTY LINES

SITE CIRCULATION

In anticipation of future Section 30 development east of 184th Avenue, roundabouts will be constructed at alignments approved for NE 3rd and 6th Streets. These roundabouts will lead to private access streets between HP's Phase 1 and Phase 2+ development and to parking and other facilities serving the buildings. The distances between the north-south streets varies between 370 feet and 530 feet, with intermediate pedestrian access between buildings, forming an irregular grid for convenient access by pedestrians and bicycle. HP reserves the right to reduce minimum separation consistent with the Development Agreement to 200 feet; any deviation in the range between 200 and 600 feet is subject to a City of Vancouver exception. (DG B.1.1.a-c, B.2.1.a, B.4.1) (SP TR-7-8, 20, UD-11) (DA Ex. 4, p. 4).

Consistent with the Development Agreement, maximum block face length shall be 600 feet generally, with the exception to allow maximum block lengths up to 700 feet; while Phase 1 does not currently intend to exceed a 600 foot block length, any potential lengths exceeding 600 feet will be reviewed as part of the site plan review. (DA Ex. 4, p. 4).

As the main collector street through the HP property, 184th Avenue will accommodate one vehicular travel lane in each direction, as well as a recreational multi-use trail on the west side of the street, and symmetrical sidewalks on the east side of the street. Each of these pathways will be separated from the roadway by a landscape strip planted with street trees that will not require irrigation once they are established. In addition to aesthetic appeal, the trees will reduce thermal stresses on the roadway and will improve air quality. On-street parking will not be permitted on 184th Avenue between 1st Street and 9th Street to maintain pedestrian safety, and ensure safe and efficient use of the road by vehicles. Pedestrian facilities will include crosswalks installed at the roundabouts, and if necessary to serve connectivity, mid-block pedestrian crossings may be considered as 184th Avenue extends north to SE 9th Street beyond Phase 1. (DG B.2.1, B.2.3.a, B.2.3.b-c) (SP TR-11-13, 17) (DA Ex. 6, p. 3) (VMC 20.690.040(H)).

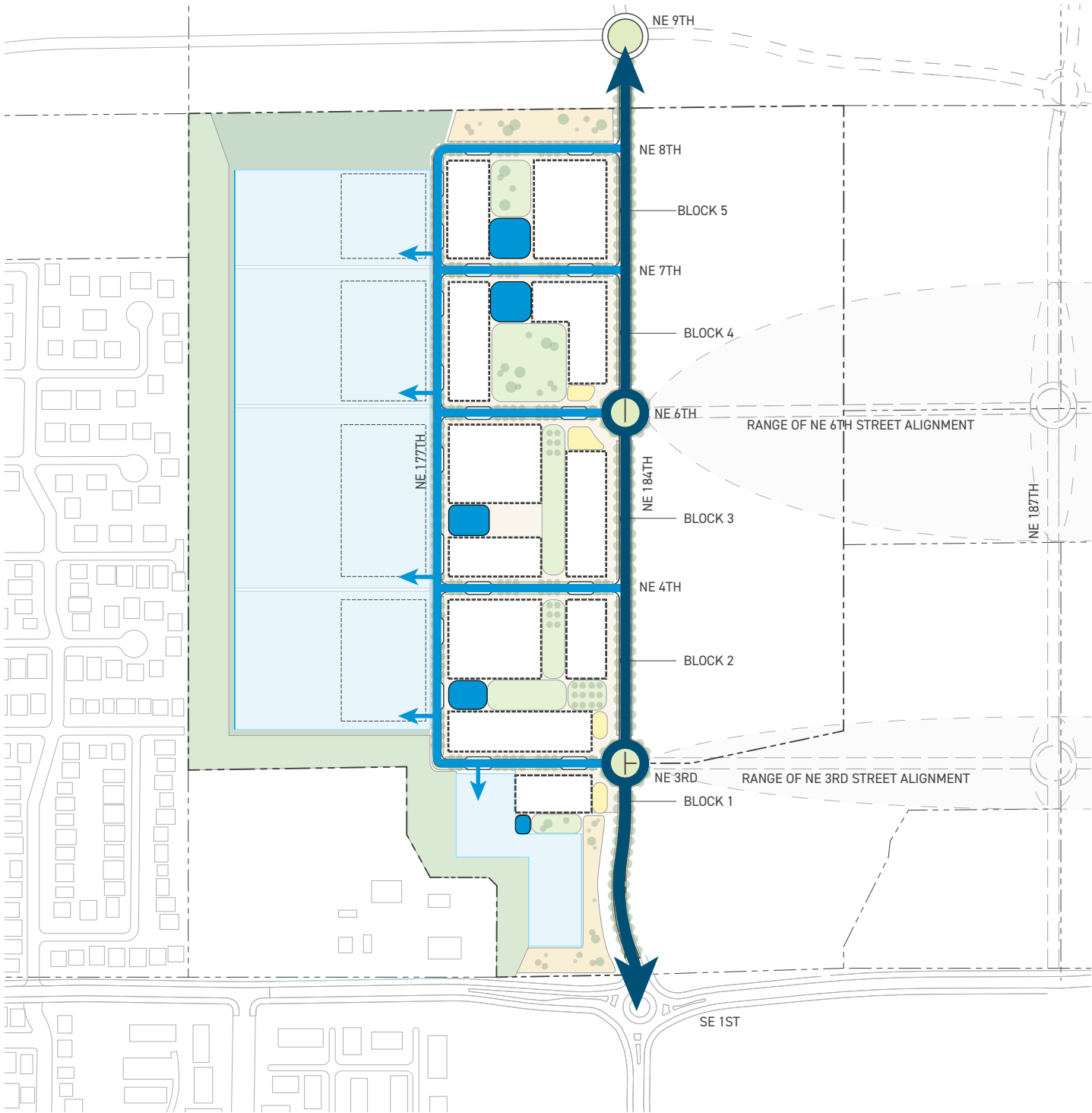


FIGURE 3.B -VEHICULAR NETWORK

Illustration of vehicle routes and road hierarchy as well as parking and service yard locations.

LEGEND

PRIMARY STREET

PRIVATE STREET

PARKING ACCESS

SERVICE YARDS

SURFACE PARKING

POTENTIAL BUILDING

SITE CIRCULATION CONTINUED

As the principal south entry to the site, 184th Avenue will slope down approximately 20 feet between a new roundabout intersection on SE 1st Street and NE 3rd Street. Gradients will conform with ADA standards, as well as meet other relevant requirements. The embankments will be graded, amended, and planted to create a gateway landscape at this principal entrance to the site.

NE 9th Street will be constructed to connect 172nd Avenue to 184th Avenue at an elevation close to that of the HP property. This design will result in no significant grade change on 184th Avenue between HP's Phase 2+ development and the roundabout intersection with NE 9th Street to be constructed with Phase 2.

Through the Development Agreement, a traffic study was completed to determine average daily trips and pm peak hour trips generated by an initial 700,000 gross square feet of development. The traffic study estimated that the initial development will create 723 p.m. peak hour trips. Any development exceeding 700,000 gross square feet of building will be subject to the City's Section 30 Traffic Study. (DA § 4(g)).

The City's Section 30 Traffic Study will address the dispersal of trips to and from future housing and community centers to the east and north of HP property as development within Section 30 moves forward. The overall street pattern and layout proposed here, and conceptually laid out for the remainder of Section 30 in the Subarea Plan will accommodate this shift. (SP TR-3).

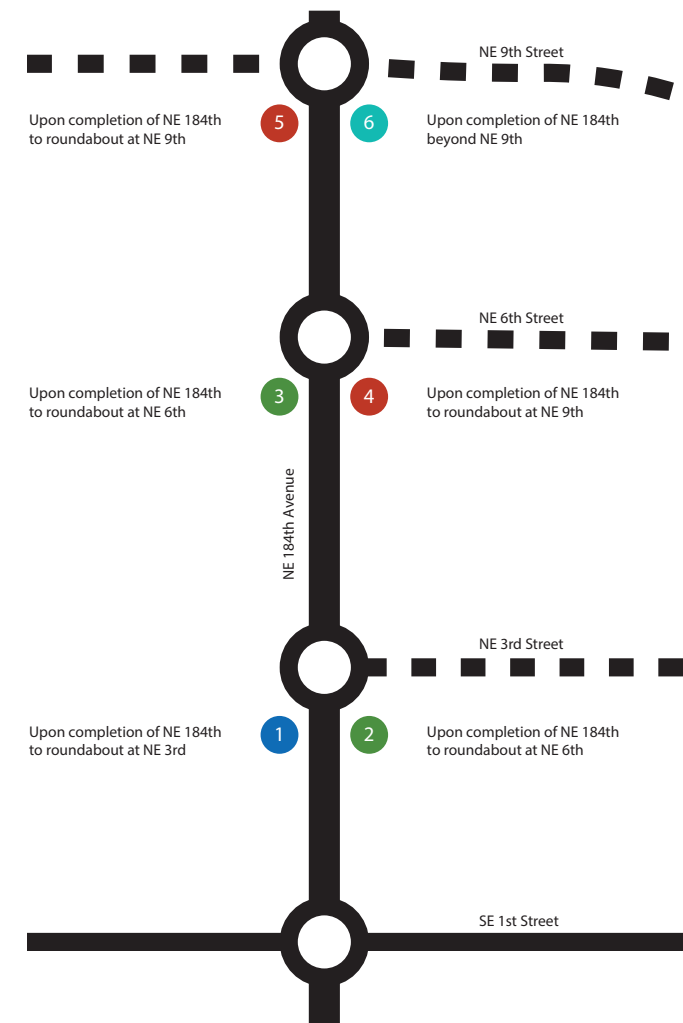


FIGURE 3.C - CONCEPTUAL BUS STOP PHASING

A conceptual bus stop phasing graphic has been provided by C-Tran depicting potential locations and a development-based timeline for implementation. Potential stop locations include the south side of roundabouts at NE 3RD, NE 6TH, and NE 9TH. South side bus stop placement may enable C-Tran to leverage the development schedule by using the roundabouts to turn service while subsequent phases are built out. C-Tran bus stops can be accommodated along NE 184TH by modifying the existing right-of-way planter area for the transit platforms. Transit usage will dictate the size and character of each bus stop location.

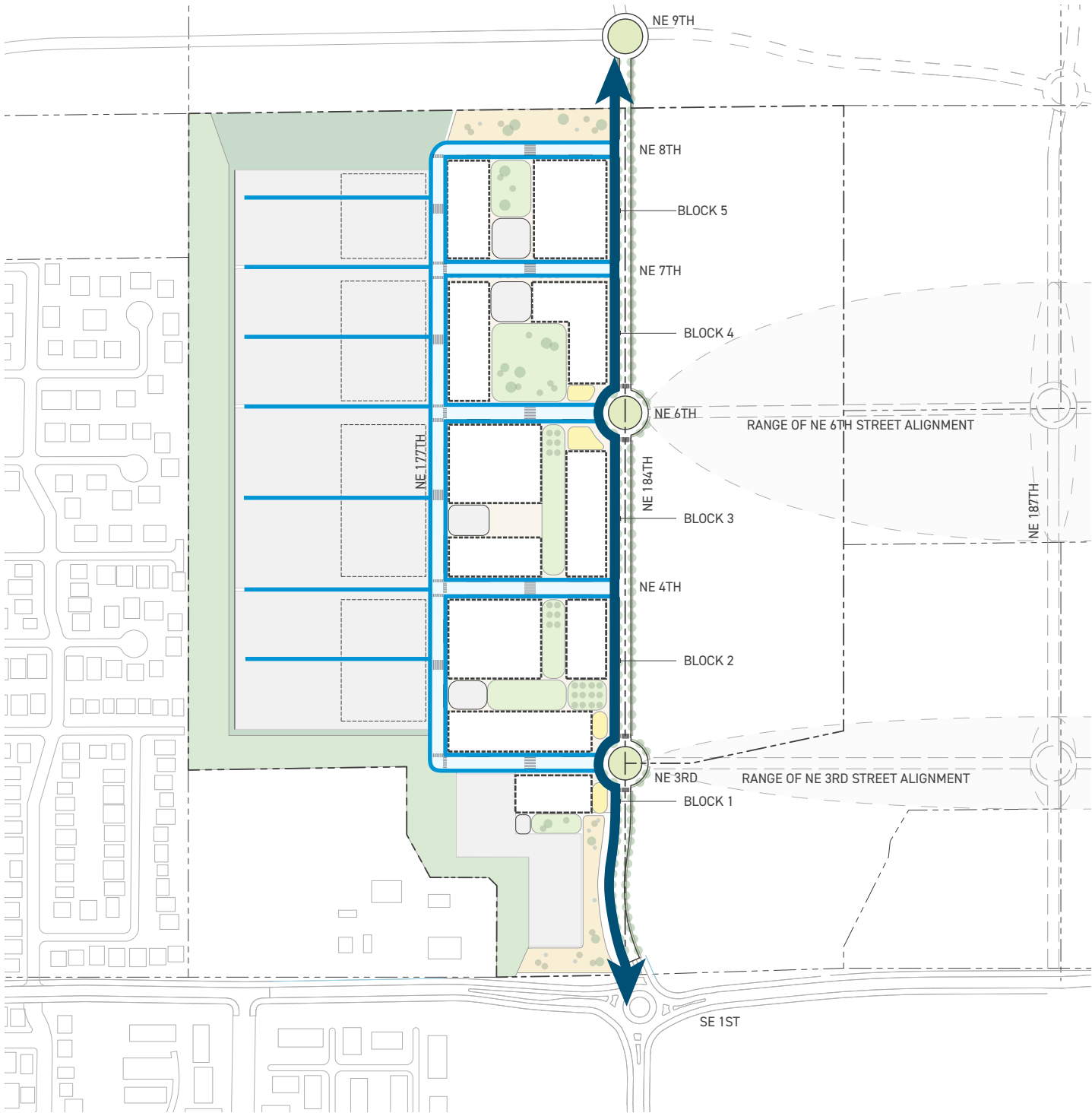


FIGURE 3.D - PEDESTRIAN AND BIKE NETWORK

Note that within the HP property, primary pedestrian circulation will be via sidewalks. Secondary pedestrian routes will link buildings across open space both in the north-south and east-west directions, however, primary access will be from the sidewalk.

3.2
STREET DESIGN

NE 184TH AVENUE

Public access to and through the HP property will be provided by NE 184th Avenue. The 70 foot wide right-of-way allows for a 34 foot wide roadway bordered on each side by a six foot wide planting strip and a 12 foot wide multi-modal recreational trail on the west side of 184th Avenue for pedestrian, bicycles and other non-vehicular traffic, and 12 foot wide sidewalk on the east side of 184th Avenue. The center line of the 184th right-of-way as it extends north beyond Phase 1 is aligned with the eastern property line of HP and the western property line of CTC Section 30, LLC. Both parties have agreed to evenly split the alignment between their respective properties. (SP PU-6) (DG B.4.2).

Vehicular turns onto 184th Avenue from the HP property will be right-in, right-out only, as well at the roundabouts located at the intersections of 3rd Street and 6th Street. While the roundabout designs for 3rd and 6th Streets are currently planned to be compatible with the roundabout at the intersection of 1st Street and 184th Avenue, consistent with the Development Agreement, HP has the option to provide a different configuration based on measured traffic flow subject to City review and approval. (SP TR-9) (DA Ex. 6, p. 2).

Consistent with the Development Agreement, HP may provide 200 feet minimum separation between intersections of local collector streets that still meet the Subarea Plan policies, TR-7, TR-9, and TR-21, governing intersection spacing. Since the intent of these guidelines is met with the proposed layout, the right-in, right-out access at these locations will allow for safe, efficient access, and will provide necessary emergency access to future buildings and parking areas between roundabouts. (SP TR-7, 9, 21) (DA § 4(d)(vi)) (VMC 20.690.040(G)).

Consistent with the Development Agreement, this permission for right-in, right-out access is not construed as any exemption to the City's Street and Development Standards. (VMC Chapter 11.80). Further, the City has agreed it will review in good faith any standards modification requests (i.e. road modification requests) under VMC 11.80.160 that are deemed necessary to achieve sufficient access to 184th Avenue to effectively implement the Master Plan vision for the HP property.

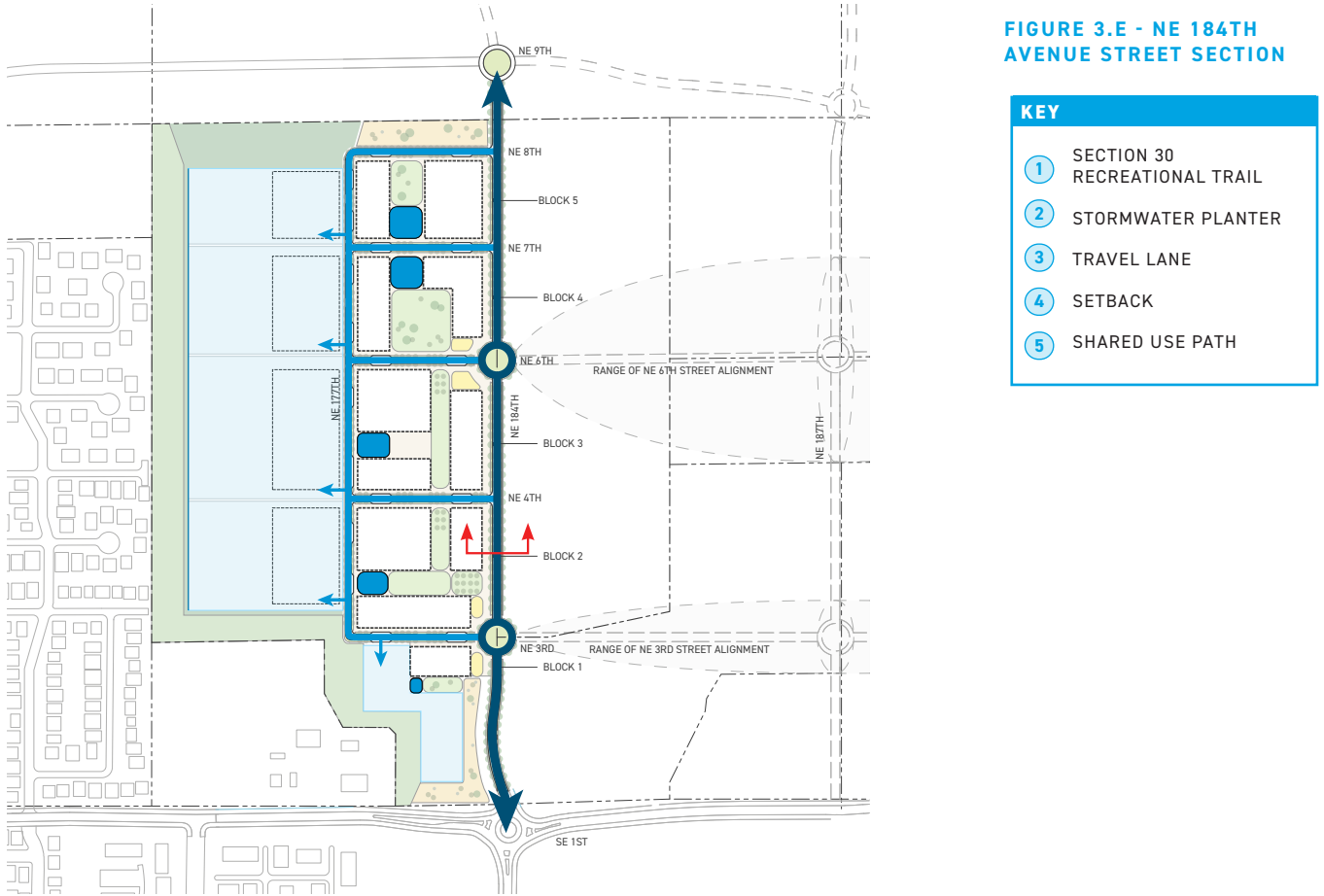
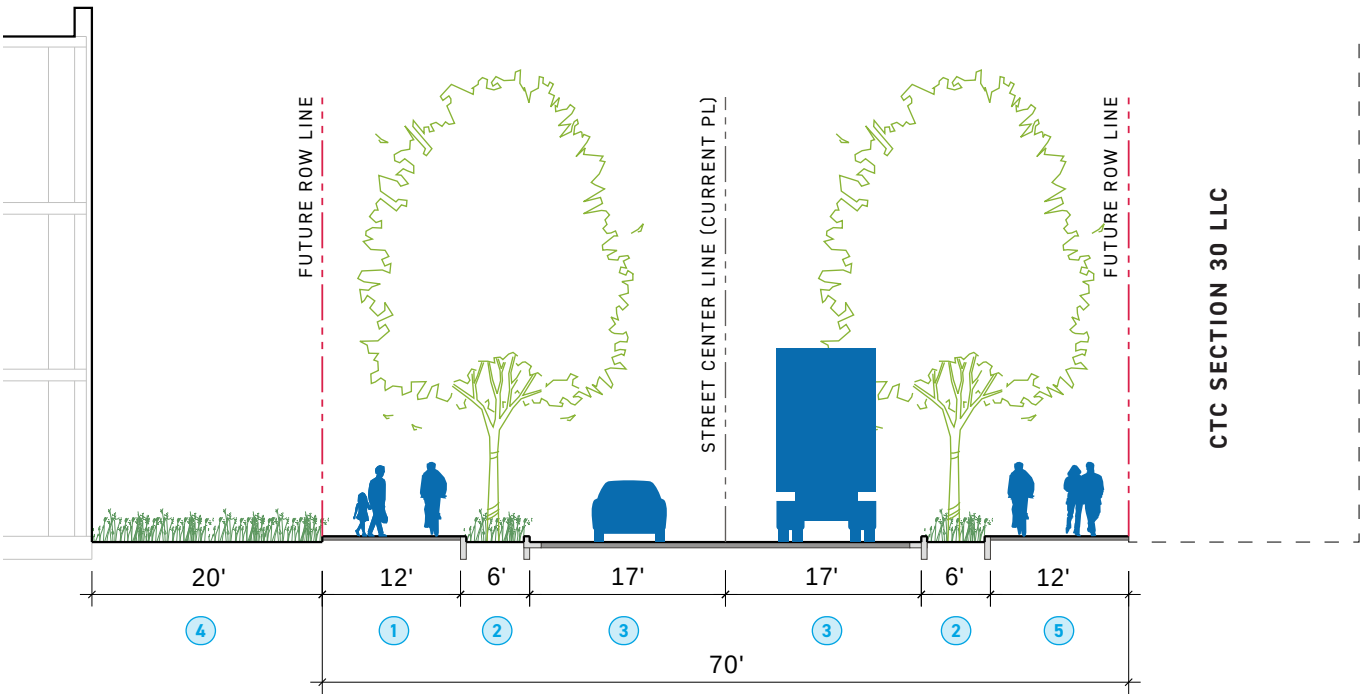


FIGURE 3.E - NE 184TH AVENUE STREET SECTION

PRIVATE STREETS

Five private streets across the HP property, designed to local standards, will connect 184th Avenue to parking and service areas to the west of the buildings. Low speeds on these private streets will allow bicyclists to share the road to access private bicycle parking and locker facilities within buildings or near service areas. Consistent with the Development Agreement local private streets for ingress and egress to parking areas for each building are included in the design.

Each block of buildings and open spaces will be separated from adjacent blocks by a 22 foot wide private street with a landscaped 10 foot setback to buildings to the north and south. The landscaped setback will include continuous and connected sidewalks. HP includes a planned exception for the road north of Block 5 because it will have fully connected sidewalks, but no buildings on the north side. To the extent that these private streets provide access to multiple phases of HP’s development, joint access goals of the Subarea Plan are met. (DG B.5.1.a) (SP TR-19, 22) (DA Ex. 6, pp. 2, 4).

The five private east-west streets will connect to a private north-south street that may run parallel to 184th Avenue, or may curve to the east or west as may be required to accommodate building or parking

locations. This 22-foot wide roadway will accommodate two-way traffic and will be bordered by 14 foot wide setbacks from curb lines that include sidewalks, landscape, stormwater planters and street trees. This street will provide access to service areas in each of the five blocks of development, as well as provide internal bicycle access to buildings along the west side of the developed area. Access points on the west side of this private road will provide access to surface parking lots that extend to the toe of the west boundary bank. On-street parking will not be located along NE 184th, and is also not planned for the east-west streets extending to the west.

If necessary, structured parking may be added during later phases of construction as indicated on the FSUP (see Section 5.2 below). Street frontages for structured parking will not exceed 100 feet in length and entry design will be respectful of pedestrian circulation routes, will meet landscape and other design requirements, and design guidelines. HP’s parking design will include 10-foot wide east-west pathways bordered by shade trees and six foot wide rain-gardens to provide safe and pleasant pedestrian access between parking areas and buildings. (SP LU-7, TR-3, 4, 11, 12, 14, 15, 16, 20, PU-21) (DG B.5.2, B.6.3.a, B.6.3.b, and E.1.5) (DA Ex. 6, p. 3).

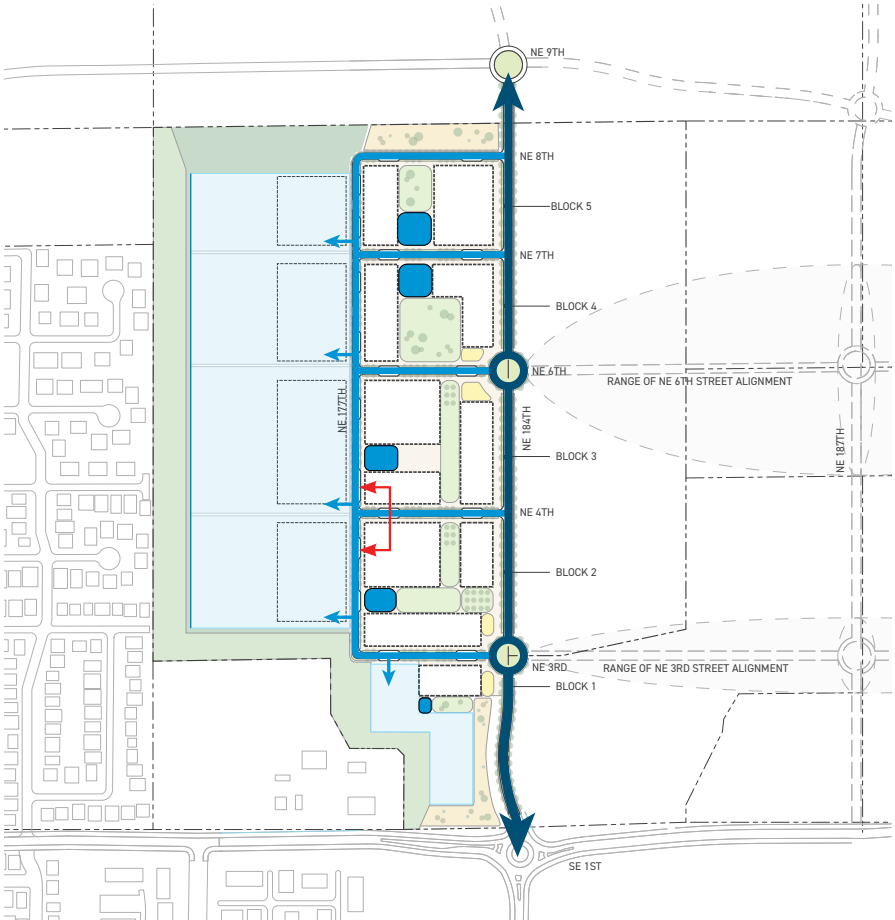
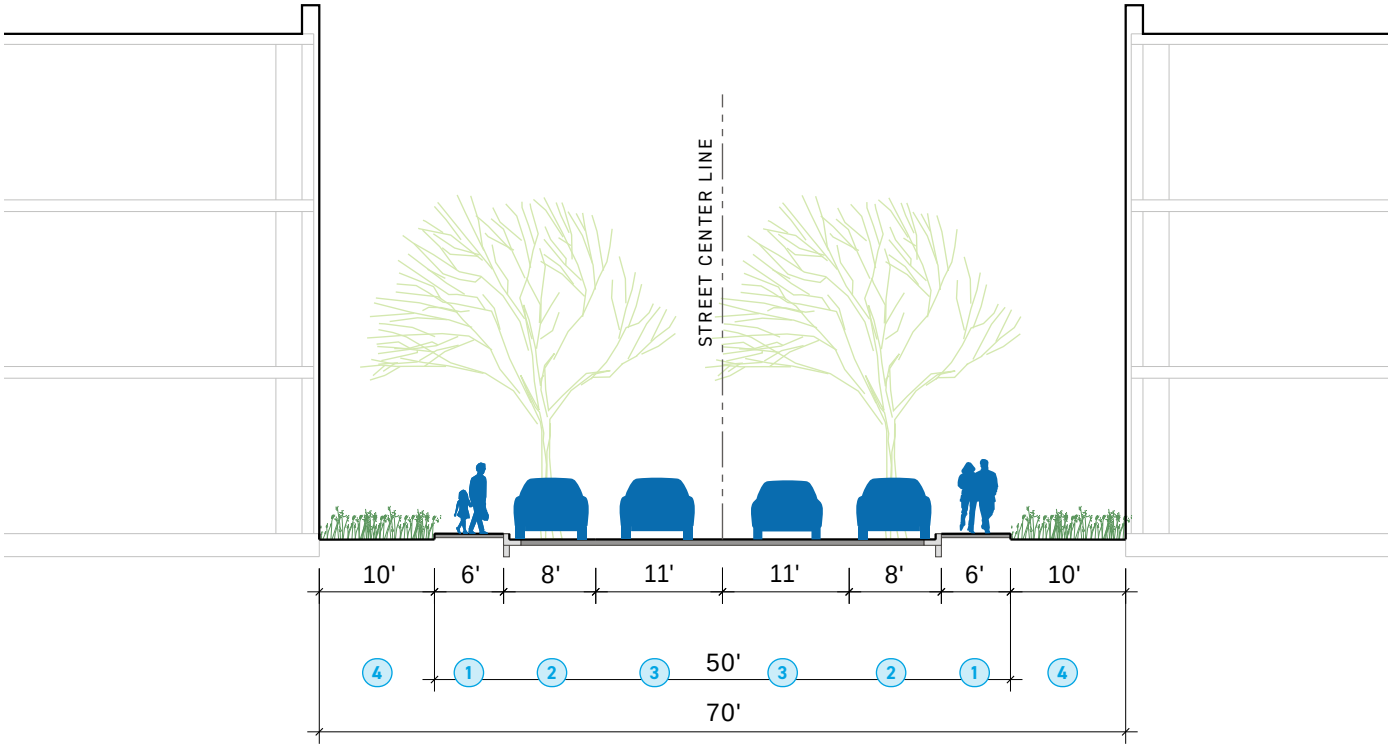


FIGURE 3.F - PRIVATE STREET (W-E) STREET SECTION

KEY	
1	SHARED USE PATH
2	STORMWATER / DROP OFF
3	TRAVEL LANE
4	SETBACK

KEY PLAN

PRIVATE STREET ACCESS

Consistent with the Development Agreement, HP will continue to have the option to improve streets in a different configuration based on measured traffic flow subject to City review and approval. In addition, HP may seek approval to incorporate same-side ingress/egress for HP’s research and development buildings at the northern most boundaries of the HP property for truck deliveries and low density (by head count) facility parking.

HP’s proposed street design also accommodates large truck turns for service and delivery trucks. The roundabouts on 184th Avenue, and private streets are designed to accommodate truck access to service yards and loading bays.

HP will accumulate TIF credits for any qualifying road projects it constructs unless the City contributes City Reinvestment Funds to cover the full cost of a qualifying road project. HP shall be entitled to TIF credits for the portion it funds, and these will not be deducted from the City’s Reinvestment Funds. (DA §§ 6(c), 7, Ex. 6, p. 8).

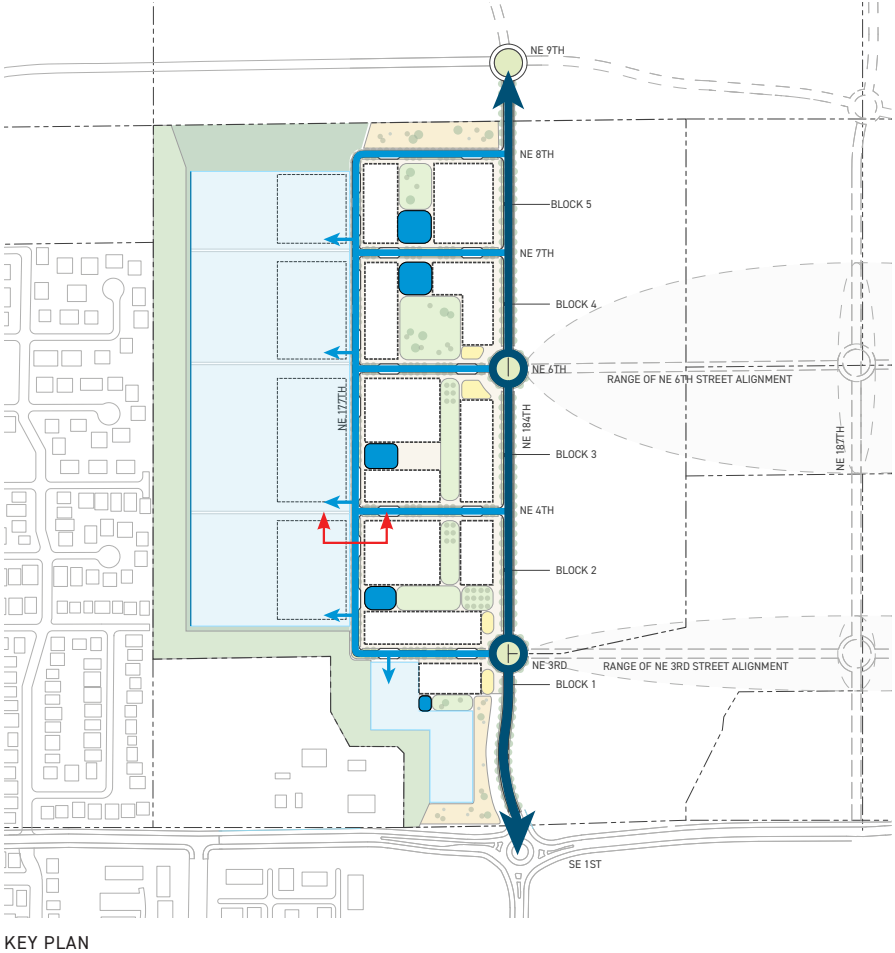
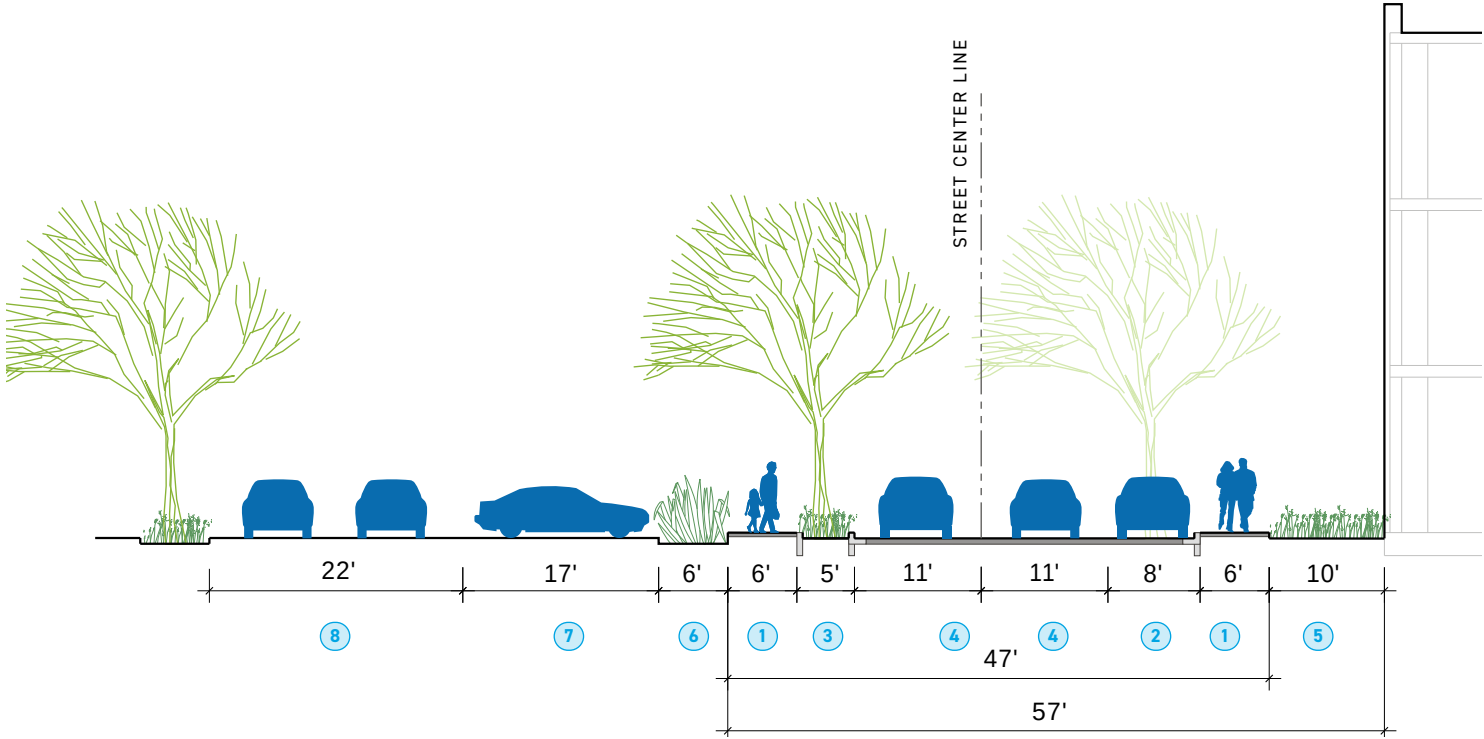


FIGURE 3.6 - PRIVATE STREET (N-S) STREET SECTION

KEY	
1	SIDEWALK
2	STORMWATER PLANTER / DROP OFF
3	STORMWATER PLANTER
4	TRAVEL LANE
5	SETBACK
6	PARKING SCREENING
7	PARKING STALL
8	PARKING DRIVE AISLE

3.3
PARKING

The overall parking plan in the FSUP is conceptual and shows that there is adequate room for parking to serve full build out of the HP property, and for access between parking lots to occur without having to access public streets. In the later phases, HP may propose deck or structured parking over the existing parking areas as shown on Figure 3.H. Any parking structure will include landscape screening to soften the appearance of the structure. Charging stations for electric vehicles will be provided, and will be designed and located to comply with the ADA and code requirements. HP is permitted, but not required to provide joint parking facilities. (SP TR-18, 19) (DG B.6.3.b) (DA Ex. 6, p. 4).

The HP Master Plan includes parking space allocation that is consistent with the Development Agreement. The parking space description in the VMC Table 20.945.070-2 lists the minimum number of parking spaces associated with a particular use. The City may interpret VMC 20.690.040(E) to suggest that a maximum parking space limit applies to Section 30 development, subject to exceeding the maximum if a parking study is submitted. In order to allow flexible, successful, and efficient development of the HP property, the City agrees that HP will undertake a parking study after Phase 1 development is operational to verify the sufficiency, accessibility and safety of the lots. The parking study could provide different use scenarios for

different buildings and how parking will be brought into compliance with the code as the HP property develops. The overall parking plan analyzed in the parking study could be conceptual with the understanding that it may change as the HP property develops. Notwithstanding the foregoing, the HP property has adequate room for parking, including through contemplated parking structures as discussed in this Master Plan, should they be needed in the future. Parking lots and spaces will be consistent with the Design Guidelines. (DG B.6.1, B.6.2, B.6.3.a, B.6.3.b, B.6.3.c, B.6.3.d, B.6.4) (VMC 20.690.040.E).

Consistent with the Development Agreement, parking spaces shall be provided for in the following ratios:

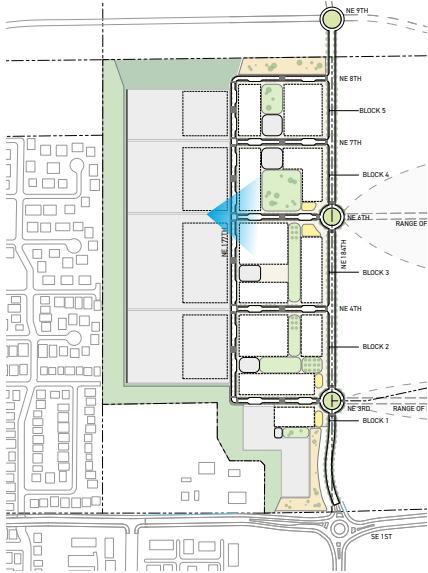
- Office uses: 2.5 to 5 spaces per 1000 square feet.
- Research and Development: 1.25 to 3 spaces per 1000 square feet.
- Light industrial uses: 1.25 to 3 spaces per 1000 square feet.
- Occupant-supported retail: 1 space per 250 square feet, restaurant, and accessory uses.

Note that occupant-supported uses are primarily meant to be open to HP employees, therefore no additional parking demand will be generated. Other uses incidental to an office building will meet the parking ratios for office uses.



FIGURE 3.H - CONCEPTUAL VIEW OF NE 6TH STREET LOOKING EAST FROM PARKING AREA

Parking spaces will be interspersed with north-south rows of trees to screen and shade vehicles and users, and to reduce heat build-up in paving. As shown on the FSUP, west to east pathways that align with the private street configuration offer pedestrian access to the HP buildings. The walkways will be bordered by shade trees set in rain-gardens designed to manage stormwater runoff through bio-filters prior to discharge into groundwater infiltration areas. (DG B.5.1.b, B.6.1.a, B.6.1.c, B.6.1.d) (SP UD-12, OS-4, OS-5, PU-21) (DA Ex. 4, pp. 3-4) (VMC 20.690.040(E)).



KEY PLAN

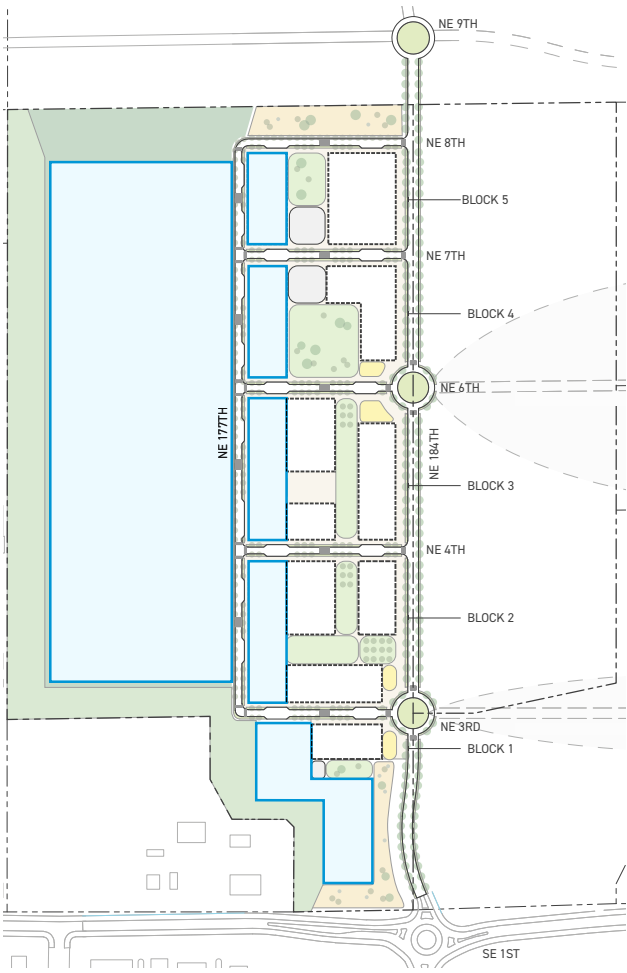
PARKING DIAGRAMS

The adjoining diagrams illustrate how the Master Plan can accommodate several types of parking on the western portion of the site. The ultimate parking design may incorporate some or all of these options as development of the HP property occurs over time.

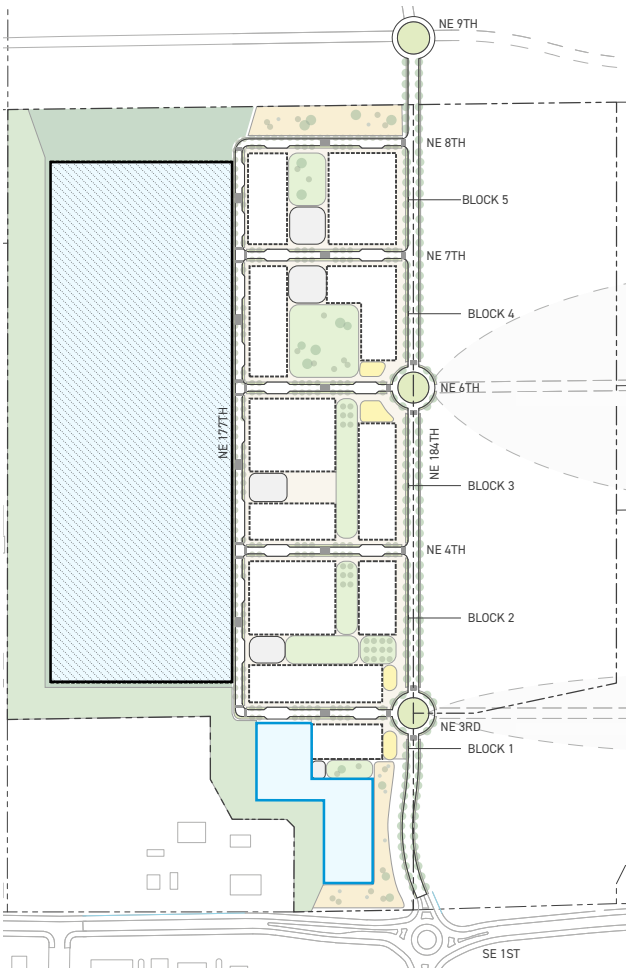
The Option A diagram depicts the lowest density parking type with all surface parking on the western half of the site and local surface parking lots within the individual blocks. The all surface parking solution could be used with an ultimate build-out on the lower end of the density projected for the site.

The Option B diagram shows the potential for inclusion of a single layer deck on top of surface parking. This option could be purpose built or retrofitted on top of an existing surface parking lot in the event that the density of development on the site exceeds the capacity of the surface parking areas.

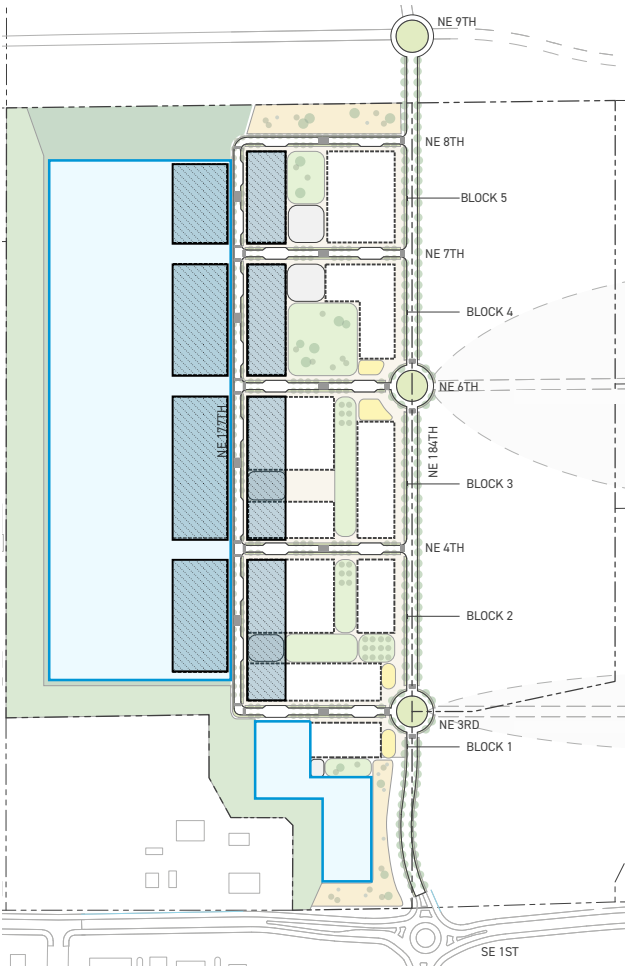
The Option C diagram shows potential locations for multi-story structured parking. Structured parking could be used in conjunction with surface parking. (DG B.6.1.b).



OPTION A
POTENTIAL SURFACE PARKING LOCATION



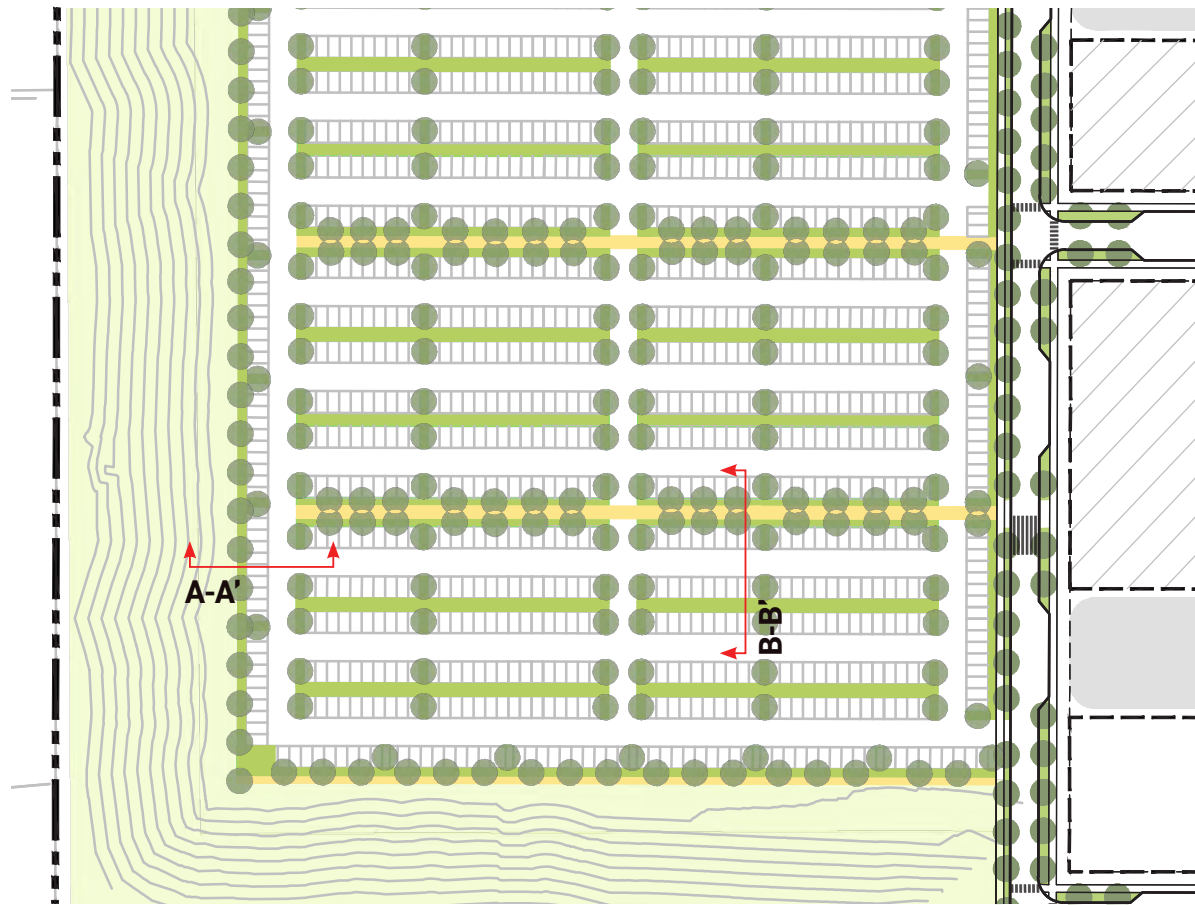
OPTION B
POTENTIAL DECK LOCATION



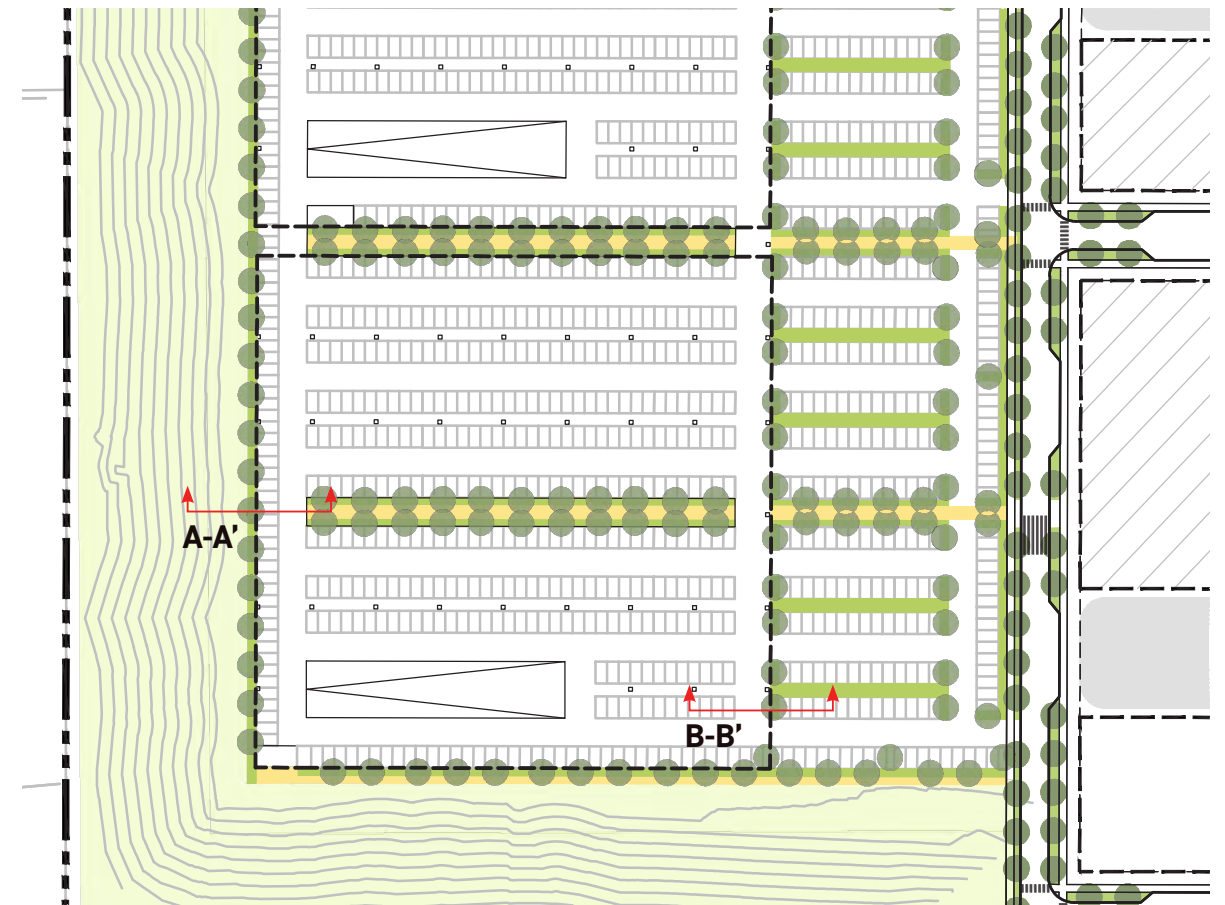
OPTION C
POTENTIAL LOCATIONS FOR STRUCTURED PARKING

FIGURE 3.1 - POTENTIAL PARKING OPTIONS

LEGEND	
	SURFACE PARKING
	DECK PARKING
	STRUCTURED PARKING



TYPICAL SURFACE PARKING PLAN



TYPICAL DECK PARKING PLAN

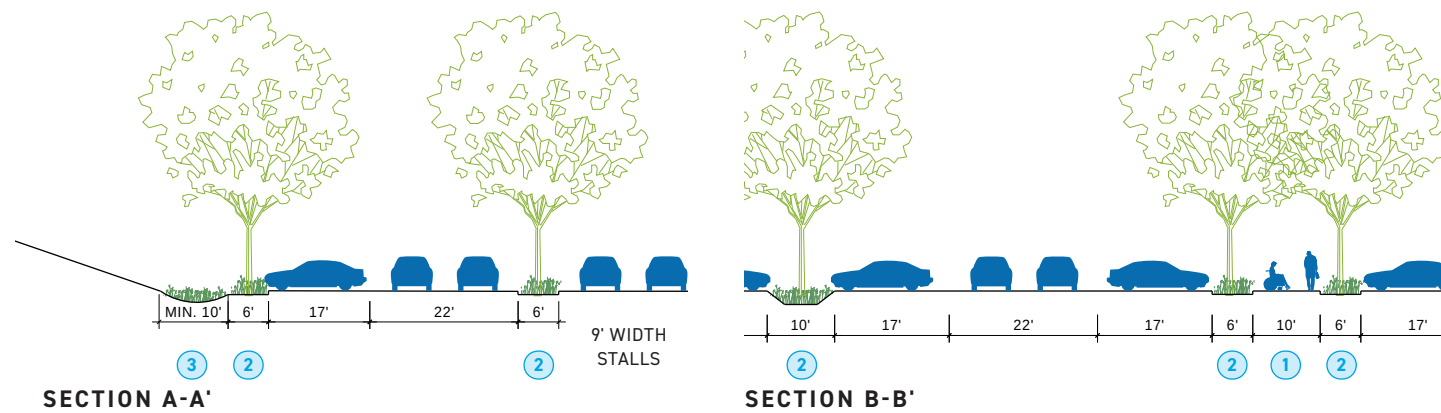


FIGURE 3.J - TYPICAL SURFACE PARKING

Surface lots will be screened from view for building occupants by the canopies of shade trees that will also reduce heat-island effects and shade parked cars.

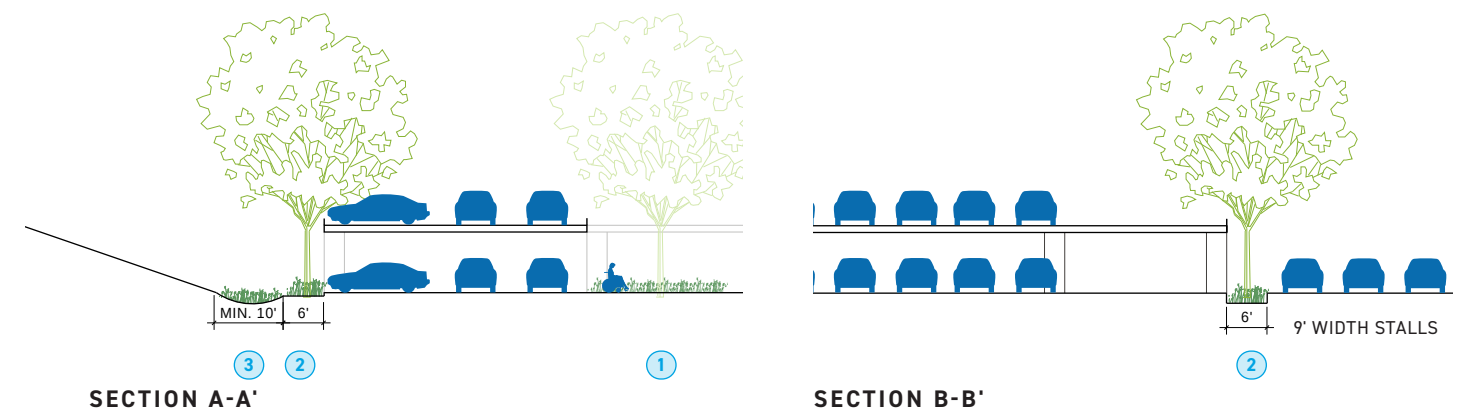


FIGURE 3.K - TYPICAL DECK PARKING

3.4

TRAFFIC STUDY RESULTS

In preparation for the Development Agreement, HP prepared a traffic study to analyze traffic impacts associated with the construction of 700,000 GSF of building area (see Appendix B) . Consistent with the Development Agreement, HP has vested 723 p.m. peak hour trips. The traffic study identifies certain offsite improvements that will be considered as NE 9th Street is extended to 172nd Street. HP will be required to address these improvements in its site plan submittals as development moves north from Phase 1 through the 700,000 GSF contemplated in the traffic study. (DA Ex. 7).

In cooperation with the City of Vancouver and other Section 30 property owners, HP plans to participate in the City's Section 30 Traffic Study, that is anticipated to define required off-site improvements and methodology for proportionate cost sharing. Consistent with the Development Agreement, the City Traffic Study is going to use ITE Trip Generation Manual, 10th Edition (2019) land use designation 714 to measure the traffic impacts for HP's further development beyond 700,000 GSF up to the 1.5 million GSF contemplated in this Master Plan. (SP TR-1) (DA § 6(a)).

3.5

TRAFFIC DEMAND MANAGEMENT APPROACH

HP may employ the following strategies to reduce impact on off-site roadways resulting from development of up to the 1.5 million GSF contemplated in this Master Plan.

1. Allow commute trips to avoid peak transportation system demand
 - Use staggered shift operations and schedule employee shift changes outside of the typical commuter peak time periods (7:00 to 9:00 AM and 4:00 to 6:00 PM)
 - Offer telework options and/or flexible work hours that eliminate the need to commute to the HP property one or more days per week
2. Provide employee kitchen and café/deli services on site that are available to HP employees within the HP development, reducing the need for employees to travel off site for meals and/or break periods
3. Encourage bicycling and walking as viable commute options, including but not limited to providing on the HP property:
 - secure, covered bike parking in strategic locations on-campus
 - self-service bike tune-up/repair areas
 - sponsor monthly (or bi-monthly) bike mechanic to provide free tune-up services to cyclists
 - employee lockers for storage of change clothing and personal items to provide more convenience to bicycle and walking commuters
 - form an employee-led cycling group (self-selected by participants) to offer additional strategies to encourage cycling over time
4. Encourage participation in commuter challenges by employees.
5. Provide and disseminate information for alternate transportation options including:
 - address commuting options as part of the employee orientation program

- document information on the company/ employer intranet about commute options
 - disseminate C-Tran schedule and service information to employees
 - encourage employee carpools through carpool matching services and provide preferential parking within parking lots.
6. Provide an on-site employee transportation coordinator (ETC) who can assist and be responsible for promoting, facilitating, and coordinating transit service and carpools for employees with similar shift patterns
 7. Promote C-Tran transit service as a commuting option, that may include:
 - incorporate convenient C-Tran service stops with amenities at/near the HP property
 - provide pre-tax transit passes and/ or other financial incentives
 - subsidize C-Tran passes at 50 percent
 - provide enhanced connectivity to the Fisher's Landing Transit Center, the potential Columbia Tech Center Bus Rapid Transit Center, and/or the nearest MAX Light Rail station (in Oregon).
 8. Provide emergency ride home services for employees who do not commute in a personal motor vehicle.
 9. Partner with a shared vehicle provider such as ZipCar to have one or more vehicles on campus available for employee use.
 10. Consider incentives encouraging employee participation in non-single occupant vehicle commutes.
 11. Provide periodic monitoring and updates to the TDM program in partial fulfillment of Washington state's Commute Trip Reduction (CTR) law in response to surveys sent by WSDOT and Clark County. (VMC 20.690.050(B)(5)).

04/ PUBLIC FACILITIES AND SERVICES

HP has worked with the major property owners in Section 30, including CTC Section 30, LLC, and Grayrock to identify Section 30 wide utility planning to serve the major property owners. In addition, HP has coordinated extensively with City staff to encourage development of utility systems in a cost-efficient manner consistent with the City's existing plans, including, but not limited to, coordinating underground utilities as 1st Street is upgraded and 184th Avenue is extended north from 1st Street to 9th Street. This section of the HP Master Plan provides details about the stormwater design, sanitary sewer, and other utilities that will be constructed as HP develops its property, as well as the anticipated dedications of public facilities in Phase 1 and in future phases. (SP PU-1) (DA § 6(e)).



4.1 STORM WATER FACILITIES AND GREEN DESIGN

Development of the HP property will be consistent with the City of Vancouver Stormwater Management standards. Each property owner in Section 30 is to manage stormwater quality on its own property prior to releasing it to a public stormwater collection facility. Native gravels provide the best infiltration sites, and the City will prioritize reservation of areas that still have native gravel for stormwater infiltration especially near NE 9th Street. If the City constructs a public stormwater facility or accepts dedication of a stormwater facility, then HP may connect to it provided that all applicable code provisions and payment of any connection charges are made. HP's property has adequate infiltration capacity to handle onsite stormwater. Should it prove that onsite capacity is insufficient, HP's connection to the City maintained public stormwater facility is allowed. In combination, onsite infiltration and offsite public facility with onsite management of water quality, will result in a stormwater facility design that does not affect other surrounding properties.

Consistent with the Development Agreement, Subarea Plan policies PU-23 and PU-24 will be addressed during site review if HP connects to the public stormwater system. (SP PU-16, 17, 18, 19, 20, 22) (DG C.1.1.c) (DA §§ 4(d)(iii), 6(e), Ex. 6, pp. 7-8).

Finished grades across the HP property will slope down approximately seven feet between Phase 1 and NE 9th Street. This slope will direct stormwater through filtering landscape materials towards the infiltration zone on the south side of 9th Street. Raingardens and other passive landscaped areas will be used to collect and filter stormwater on the HP property. Filtered stormwater will be conveyed to infiltration zones between parking lots and the toe of the earthen banks located at the south and west of the HP property, and to the designated infiltration field near NE 9th Street. All filtration landscape will be accessible for periodic maintenance. (SP PU-17, 21) (DG A.2.1.a, B.2.3.a, C.1.1.a, C.1.1.b).

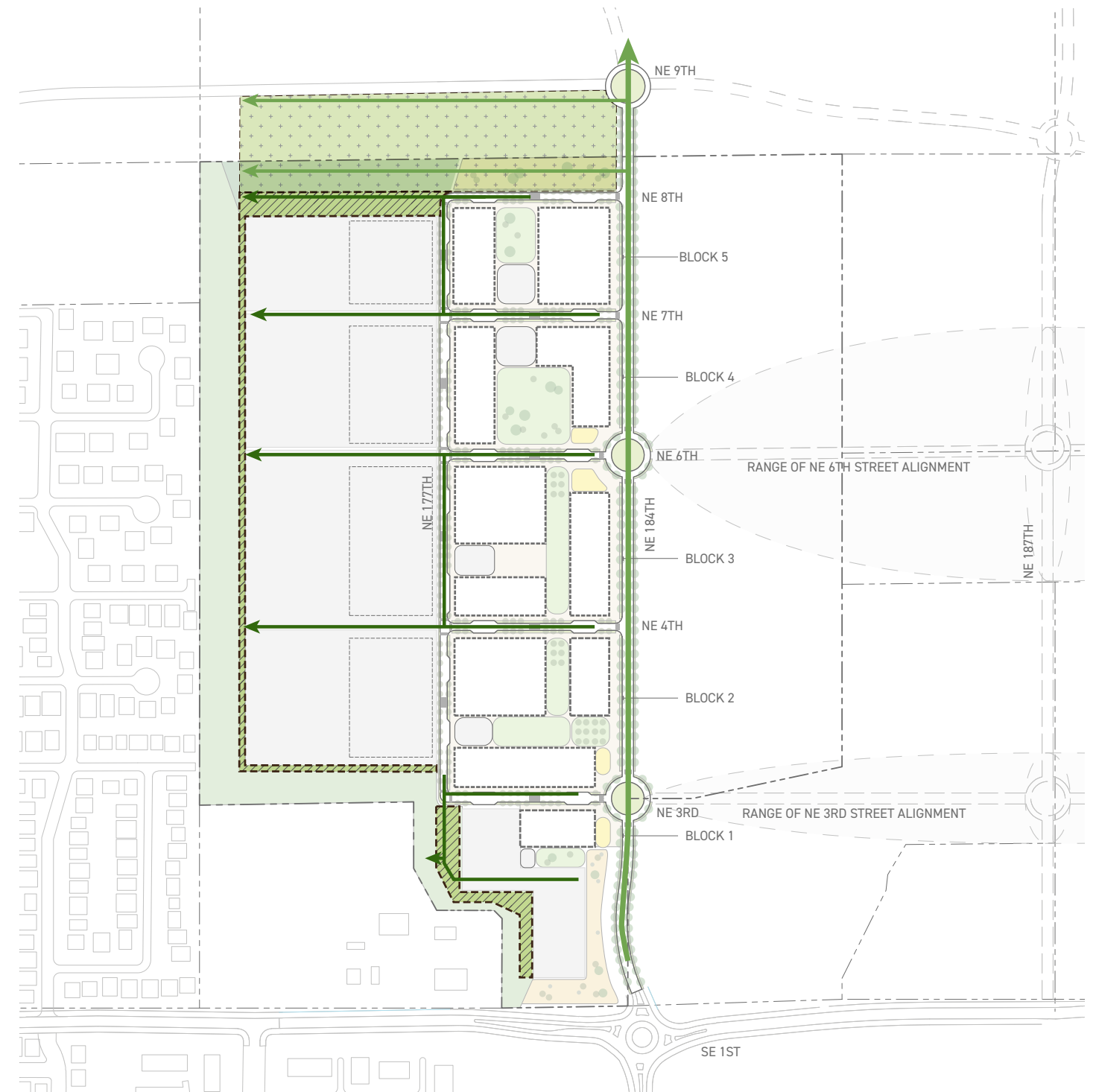


FIGURE 4.A - STORMWATER MANAGEMENT

LEGEND	
	PUBLIC TREATED STORMWATER CONVEYANCE
	PRIVATE TREATED STORMWATER CONVEYANCE
	STORMWATER TREATMENT AREA
	INFILTRATION FACILITY FOR PUBLIC IMPROVEMENTS

4.2
REGIONAL SANITARY SEWER FACILITIES

Consistent with the Development Agreement, a short-term sewer system is proposed to serve Phase 1. This system will allow HP to connect to a lift or pump station outside Section 30. Ultimately, HP’s Phase 1 development will be required to connect to the Area 2 Pump Station within Section 30, in the potential location depicted on the FSUP. While this short-term solution is permitted, HP will install all required sanitary sewer infrastructure in the 184th z right-of-way extension constructed as part of Phase 1 that will be necessary to ultimately connect to the Area 2 Pump Station. This infrastructure will include gravity lines that will carry sewer flows from Phase 1 to the sanitary sewer pump station and a force main to carry sewer flows from the sanitary sewer pump station to gravity lines in SE 1st Street. (SP PU-7, PU-8, PU-10) (DA Ex. 6, p. 6).

HP may construct the Area 2 Pump Station as part of Phase I, or temporarily connect to a sanitary sewer pump station outside of Section 30 to service Phase 1 provided, however that HP agrees that the Area 2 Pump Station shall be constructed within three years of issuance of the first certificate of occupancy for a Phase 1 building. The deadline to construct the Area 2 Pump Station may be extended in the City’s sole discretion in the event HP demonstrates good faith progress towards eventual construction of the station. Upon completion of the Area 2 Pump Station HP will connect Phase 1 to the sanitary sewer pump station. (DA § 8(c)).

Consistent with the Development Agreement, HP

has reserved 143,000 gallons per day of capacity in the Area 2 Pump Station and associated public infrastructure, equal to the anticipated sanitary sewer demand for the 1,500,000 gross square feet of development associated with HP’s development; provided, however, that the reserved capacity shall not be available unless (i) the Area 2 Pump Station is constructed; (ii) Developer provides the City with a minimum twenty-four (24) months advance written notice of its need to utilize the capacity that was accomplished by HP’s request for a pre-application meeting for the master planning process for the Project; and (iii) HP pays all applicable fees and charges required by the City to use the reserved capacity and that HP shall pay these amounts in proportionate share as the subsequent phases are developed and sewer capacity is used by HP. (DA § 4(d)(v)).

In addition, the size of the Area 2 Pump Station is contemplated with input from other major property owners within Section 30 to meet most, if not all, sanitary sewer pump station demand for Section 30. The Area 2 Pump Station will be dedicated to the City and the City will provide sanitary sewer service. Estimated capacity for the Area 2 Pump Station will be in the order of 400,000 GPD. (SP PU-3) (DA § 6(e)).

At this time HP does not have industrial wastewater planned as part of Phase 1. The City shall review any proposed industrial wastewater improvements through the Master Plan modification process. (DA Ex. 6, p. 6) (SP PU-9).

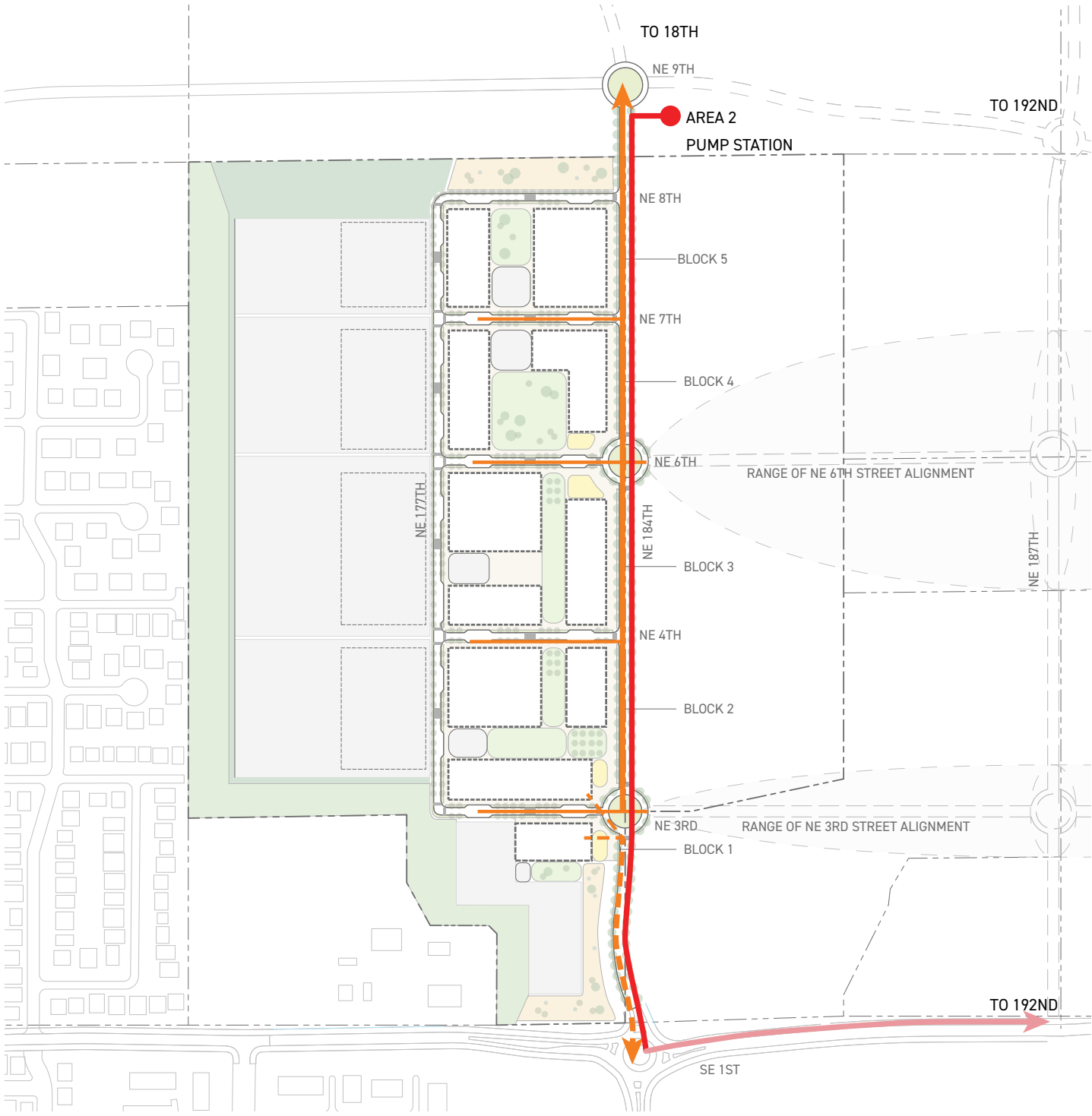


FIGURE 4.B - SEWER FACILITIES

LEGEND

- FORCEMAIN SEWER
- CITY PLAN FORCEMAIN SEWER
- GRAVITY SEWER
- TEMPORARY PHASE 1 GRAVITY SEWER

4.3
WATER, ELECTRICITY, DATA,
TELECOMMUNICATIONS ROUTING AND CONNECTIONS

WATER

The municipal water system will be extended into the site with appropriately sized mains as development progresses. Each building will have a water meter and fire hydrants sufficient to meet emergency needs. Any unique water service needs will be addressed separately as they are identified. Irrigation water demand will be kept to a minimum through predominant use of native and drought resistant plant materials. However, some irrigation will be necessary until trees, shrubs and other plantings become established. (SP PU-4, PU-15) (DA § 4(d)(iv)).

HP will make commercially reasonable efforts to design the development for sustainable water conservation, thereby pursuing the sustainable water use aspiration of the Subarea Plan. HP may choose to employ green roofs, and to decide at its sole discretion to use public water, rainwater collection, reclaimed greywater, or water from existing wells for non-potable purposes (although no wells are located on HP's property). (SP PU-11) (DG E.1.6) (DA Ex. 6, p. 6).

HP may not be required to use internal water line systems to maximize looping for Phase 1 if there is no looping to maximize. However, HP will be required to provide system looping and design for sequential development subsequent to Phase 1. (SP PU-12-13) (DA Ex. 6, p. 7).

Domestic water and fire water mains are assumed to be sized at 12". The City shall review HP's proposed water mains for Phase I during the site plan review to determine that new water mains will be installed to meet the need for future expansion of development on the HP property and Section 30. All other water main size choices and plans to connect gaps in the existing system around the boundary of Section 30 shall be designed to provide adequate service through collaboration with adjacent landowners within Section 30. (DA Ex. 6, p. 7) (SP PU-14).

UTILITIES

Private utilities including telecommunications, power and natural gas will be looped from existing nearby service lines and supplemented as necessary to meet the needs of each successive phase of development. Consistent with the Development Agreement, fiber optic cables are part of "cabling needs" and Developer may install such cabling. (SP PU-5) (DA Ex. 6, p. 5).

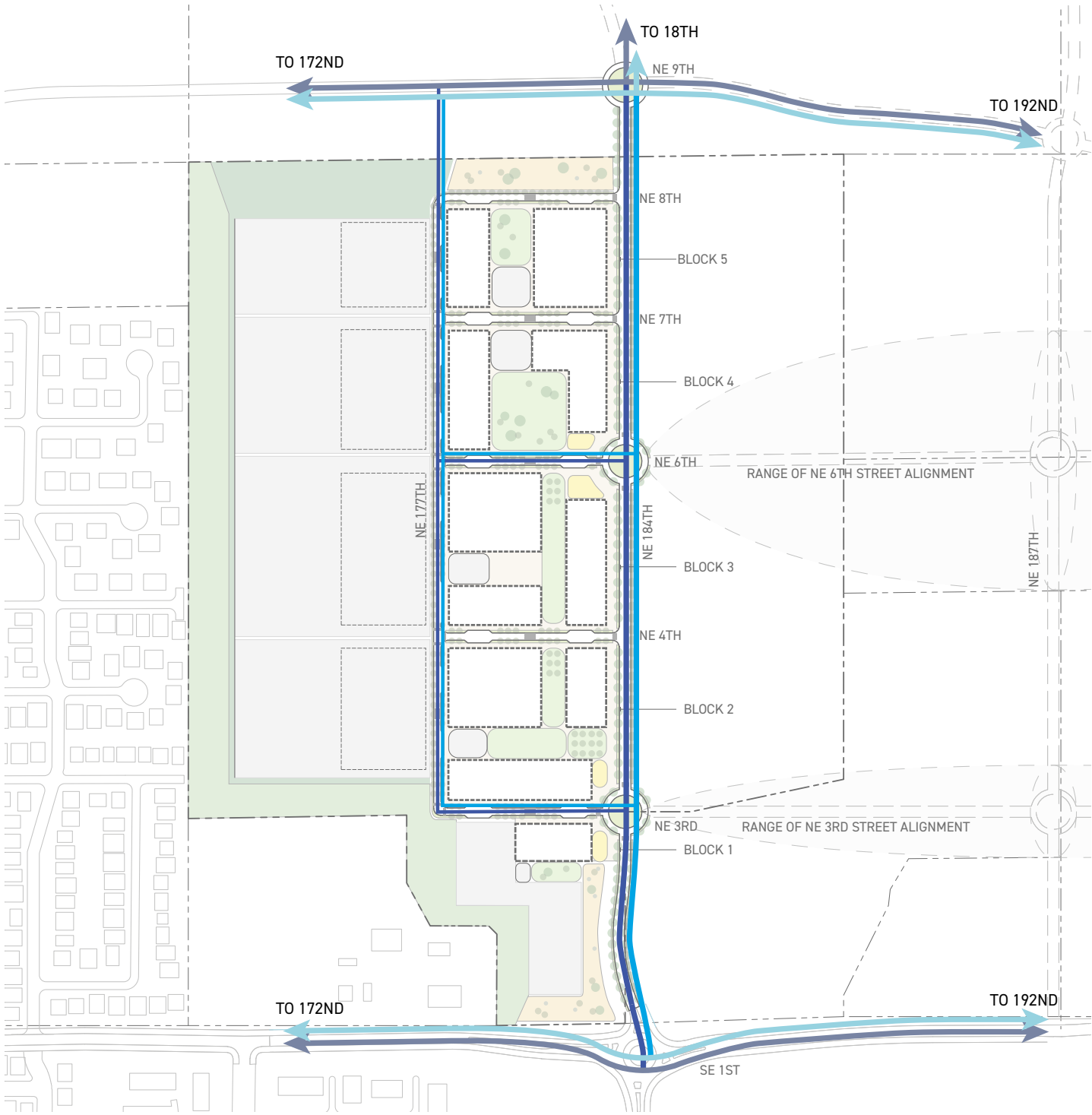


FIGURE 4.C - WATER, ELECTRICITY, DATA,
TELECOMMUNICATIONS ROUTING AND CONNECTIONS

LEGEND	
	DOMESTIC WATER
	CITY PLAN DOMESTIC WATER
	ELECTRICITY, DATA, TELECOMMUNICATIONS
	CITY PLAN ELECTRICITY, DATA, TELECOMMUNICATIONS

05/

FULL SITE UTILIZATION PLAN AND PHASING

5.1

FULL SITE UTILIZATION PLAN

The function of the FSUP is to provide an overall impression of proposed development, and to show how the development plan can flexibly respond to changing circumstances over the life of the Master Plan. The FSUP is designed to incorporate both the Full Site Utilization Plan and Sheet L1.1, included in Appendix E and reproduced in smaller scale here, as well as the phasing plan described in Section 5.2 below.

The FSUP indicates both the potential building and integral open space contemplated for Phase 1, as well as a plan for full build-out of 1.5 million GSF. If future buildings occupy part of the area designated for

parking, then a parking structure may be necessary to accommodate displaced spaces. Zones where such changes might occur are shown on the plan.

Building footprints on the FSUP and accompanying phasing diagram show a possible configuration of buildings, parking and open space in each of five blocks of development. (VMC 20.690.060).

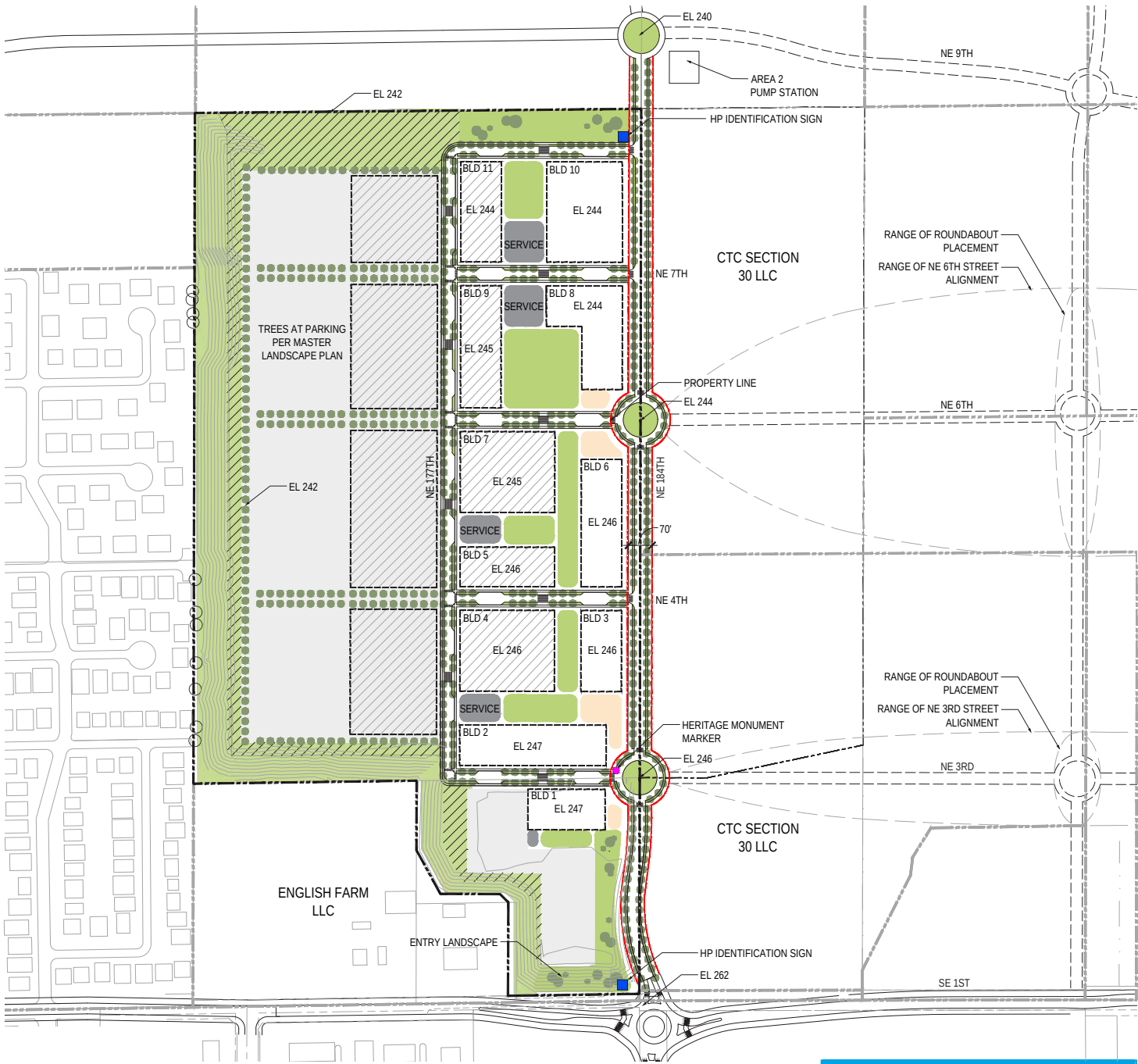


FIGURE 5.A - FULL SITE UTILIZATION PLAN

The Full Site Utilization Plan shows building footprints and the open spaces between them conceptually. If any buildings need to be sited west of the service road, they will be confined to the area indicated on the west half of the parking area. The size and configuration of each building will be determined before each phase and will be submitted to the City for building permits. Until then, the building footprints shown illustrate the mix of potential buildings.

LEGEND

HP 68 ACRES PROPERTY LINE

FUTURE ROW LINE

POTENTIAL BUILDING

POTENTIAL BUILDING OR PARKING

PARKING AREA

SERVICE YARD

OPEN SPACE

STORMWATER TREATMENT PLAZA

EXISTING TREE

PROPOSED FUTURE TREE

HP IDENTIFICATION SIGN

HERITAGE MONUMENT MARKER (AT 3RD ST AND NE 184TH AVE)

5.2
PHASES OF DEVELOPMENT

Buildings and associated improvements have been planned for construction in multiple phases and five blocks. These are shown conceptually in the accompanying graphics. HP will make determinations about the building and use mix for each phase based on market conditions, internal employee demand and other factors that will inform HP’s decision-making in the future. Consequently, the potential building footprints could vary in size and position. These phasing diagrams show the approximate disposition of the 1.5 million GSF that may be built. HP may change phases, provided the development is fully identified in the FSUP and this Master Plan.

As each successive phase is programmed,

arrangements of buildings and open spaces can be refined and will be presented as part of the building permit process. However, the conceptual phasing plan shown here indicates the general principles of block dimensions and distribution of anticipated developed space. (VMC 20.690.060).

Phase 1 will comprise the initial 330,000 GSF of development as described in the Development Agreement.

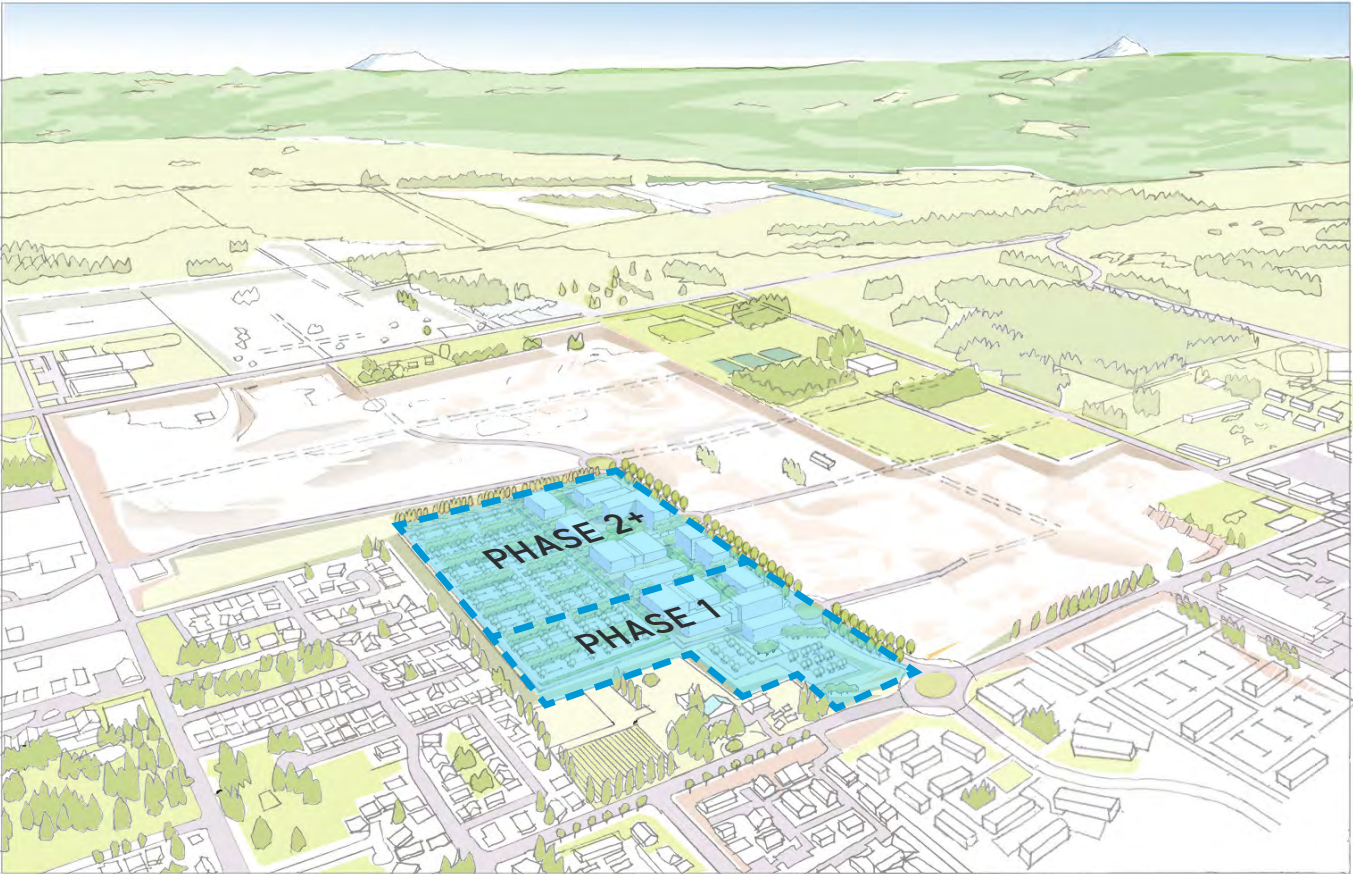


FIGURE 5.B - PHASES OF DEVELOPMENT
Phase 1 will be located on the southern portion of the site adjacent to the intersection of SE 1ST and 184TH. Subsequent phases of development will occur in the northern portions of the site.

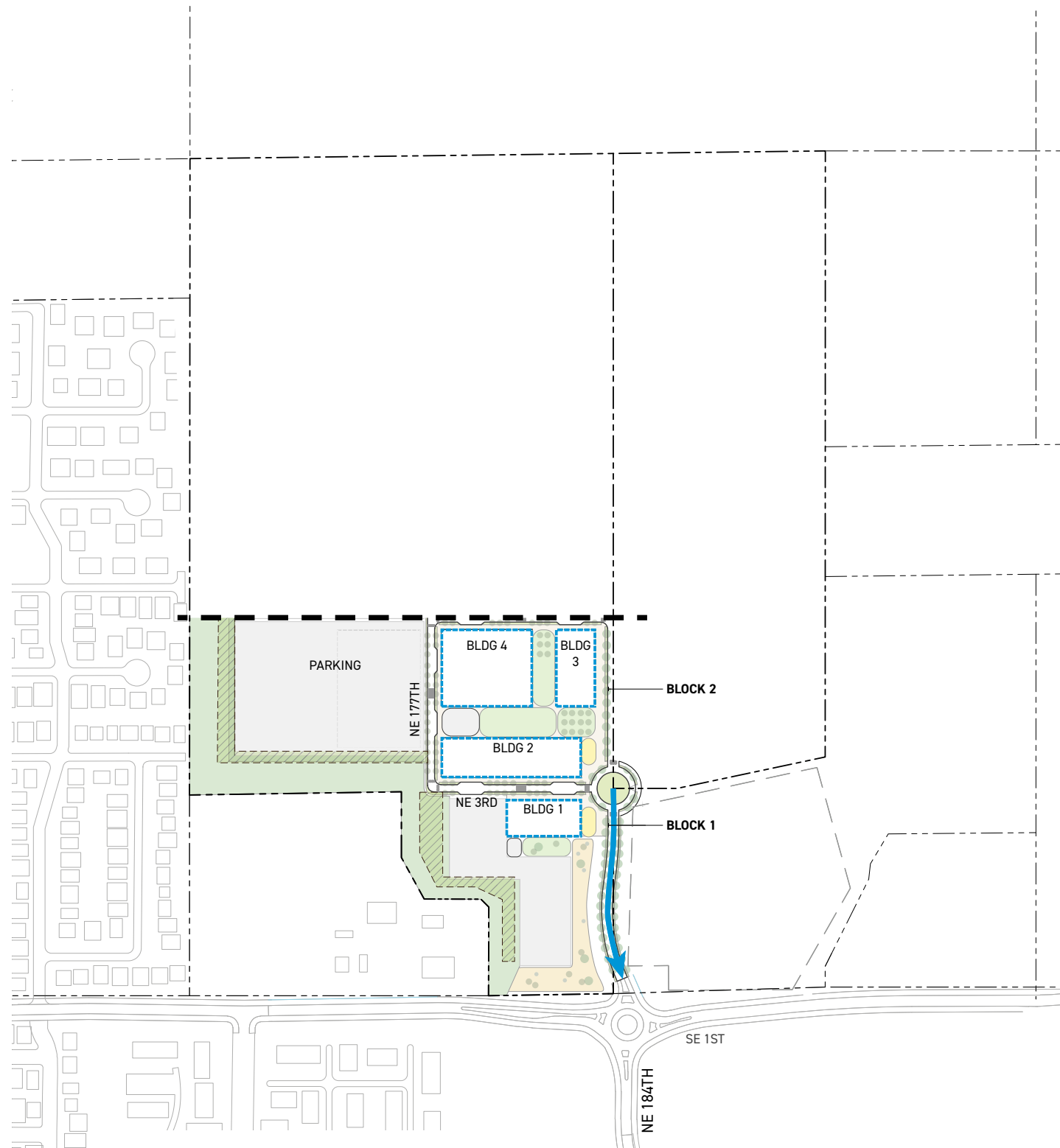


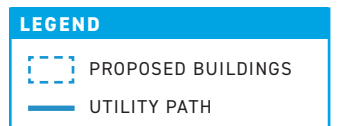
FIGURE 5.C - PHASE 1

In Phase 1, all utilities and services, as well as vehicle access are provided from the short extension of 184TH extending north from the intersection of 1ST Street.



FIGURE 5.D - PHASE 2+

Development exceeding the 330,000 GSF in Phase 1 will require construction of infrastructure including roadways and utilities north to NE 9TH Street.



06/

LANDSCAPE PLANNING

6.1

LANDSCAPING

The intended character and identity of Section 30 portrayed in the Plan and Design Guidelines will be respected by landscape design of the HP site. Landscape design will favor drought-tolerant native plant materials and will create an environment that encourages walking. Generous use of trees on streets and parking lots will modify microclimates and define distinct outdoor spaces. In addition to providing shade, canopy trees will screen views of parked cars from within the buildings as well as from public streets. Raingardens, swales, and other landscaped areas will be designed in conjunction with the stormwater system, filtering runoff and directing cleaned water to designated groundwater infiltration areas. All non-paved areas not occupied by buildings will be treated with planted landscaping or hardscape. If security walls or fences are found to be necessary, their design will be closely integrated with that of adjacent architecture and landscaping. (SP UD-14) (DG B.2.3.a, E.1.3, E.2.1).

Retaining walls taller than 6' are not anticipated to be required, as perimeter grade transitions are managed with planted sloped terrain. Landscape design will address plant and vegetation criteria for building setbacks as defined in the Design Guidelines. (DG E1.1, E2.2).

Building setbacks will be planted with a variety of largely native groundcovers, shrubs and trees, using higher maintenance annuals and perennials only at places of special emphasis such as building entrances. Drought tolerant plants will be preferred in order to minimize water use and maintenance, once they have become established. Rain-gardens and recharge zones for cleaned stormwater will generally be inaccessible except for periodic maintenance.

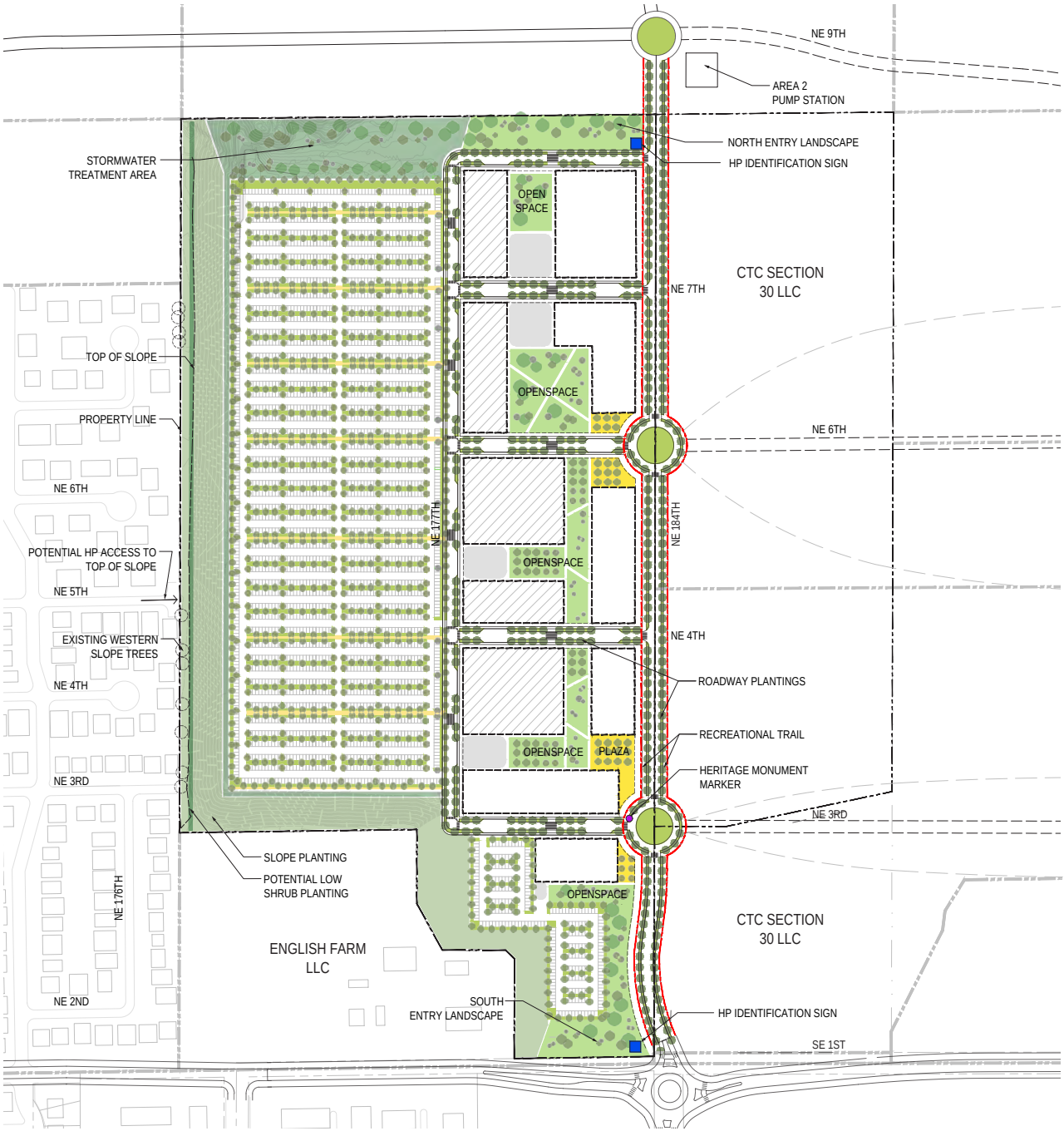


FIGURE 6.A - MASTER LANDSCAPE PLAN

The landscape on the HP property will establish a distinctive sense of place. Street trees will act as screens across the extent of development. The tree canopy will mature to cover much of the property, provide shade, give some weather protection, improve microclimates and 'clothe' the streets, buildings and parking lots. Landscaping will also integrate the stormwater management system.

LEGEND	
	HP 68 ACRES PROPERTY LINE
	FUTURE ROW LINE
	OPEN SPACE
	PLAZA
	EXISTING TREE
	PROPOSED FUTURE TREE
	HP IDENTIFICATION SIGN
	HERITAGE MONUMENT MARKER (AT 3RD ST AND NE 184TH AVE)

TREES

The west side of the property has an existing stand of evergreen trees and a steep embankment. Some of these existing evergreen trees were permitted for removal because of their poor health. The replacement trees will be planted in the gateway entrance areas to the site and within the HP property. If there are areas along the top of slope to plant these types of trees that are not blocking any residence's views to the east, or raise concerns related to high wind events, those locations will be taken into consideration. To meet the screening requirements on the western boundary of the HP property, it is proposed to use a continuous evergreen hedge along the eastern edge of the area with a fence along the western boundary. Preserving views to the east for the existing residences is one Subarea Plan goal, while tree canopy along HP's western boundary is a separate goal. In order to resolve the competing goals, HP proposes this evergreen hedge screening layer. Ample trees are planted across the site as identified in the Master Landscape Plan to achieve

the City's canopy goals. The western slopes will be planted with an adaptive native grass seed mix to provide a green seasonal variety buffer and provide erosion control to the slope. (SP UD-7).

Each entry landscape will be a mix of large and medium canopy trees. Some areas will be dedicated to replacement trees for the mitigation of the trees removed along the western top edge of the property. Shrubs and groundcovers will surround the main entry features and the surrounding landscape areas will utilize a mix of drought tolerant low maintenance grasses. The entries will provide gateways to the property utilizing the natural topography and man-made forms to create a unifying entry to the HP property. (DG A.6.1.d).

Each open space and plaza area will incorporate an array of tree types that are consistent with the scale of the outdoor spaces. A mix of shrubs and groundcovers will be utilized to form the shapes of these spaces and allow generous areas for pedestrians to circulate throughout the seasons. (SP UD-3, 14, 16).

TREES

	SCIENTIFIC NAME	COMMON NAME	HEIGHT	WIDTH
 EXISTING TREES	<u>WESTERN SLOPE</u>			
	<i>Pseudotsuga menziesii</i>	Douglas Fir		
 LARGE CANOPY TREES	<u>SOUTH AND NORTH ENTRIES</u>			
	<i>Cupressus nootkatensis</i>	Alaskan Yellow Cedar	120 ft.	20 ft.
	<i>Pseudotsuga menziesii</i>	Douglas Fir	100 ft.	20 ft.
	<i>Quercus garryana</i>	Oregon White Oak	65 ft.	50 ft.
	<i>Sequoiadendron giganteum</i>	Giant Sequoia	160 ft.	30 ft.
 MEDIUM CANOPY TREES	<i>Acer x freemani</i> 'Jeffersred'	Autumn Blaze Maple	50 ft.	40 ft.
	<i>Betula nigra</i> 'Cully'	Heritage River Birch	40 ft.	30 ft.
	<i>Cupressus nootkatensis</i>	Alaskan Yellow Cedar	120 ft.	20 ft.
	<i>Quercus palustris</i>	Pin Oak	55 ft.	40 ft.
	<i>Ulmus</i> 'Pioneer'	Pioneer Elm	55 ft.	40 ft.
	<u>184TH AND SIDE STREETS</u>			
 MEDIUM CANOPY TREES	<i>Carpinus betula</i> 'Fastigata'	European Hornbeam	35 ft.	25 ft.
	<i>Nyssa sylvatica</i> 'Haymanred'	Red Range Tupelo	35 ft.	20 ft.
	<i>Tilia americana</i> x <i>eucholora</i> 'Redmond'	Redmond Linden	35 ft.	25 ft.
	<i>Zelkova serrata</i> 'Village Green'	Village Green Zelkova	40 ft.	38 ft.
	<u>PARKING LOT TREES</u>			
 MEDIUM CANOPY TREES	<i>Carpinus betula</i> 'Fastigata'	European Hornbeam	35 ft.	25 ft.
	<i>Celtis occidentalis</i>	Hackberry	45 ft.	35 ft.
	<i>Gleditsia triacanthos</i> 'Shademaster'	Shademaster Honey Locust	45 ft.	35 ft.
	<i>Ulmus</i> 'Frontier'	Frontier Elm	40 ft.	30 ft.
	<u>OPEN SPACE AND PLAZA TREES</u>			
 ALL CANOPY TYPE TREES	<i>Acer griseum</i>	Paperbark Maple	25 ft.	20 ft.
	<i>Cornus kousa</i> x <i>nutalli</i> 'KN 30-8'	Venus Dogwood	25 ft.	20 ft.
	<i>Cupressus nootkatensis</i>	Alaskan Yellow Cedar	120 ft.	20 ft.
	<i>Maackia amurensis</i>	Amur Maackia	30 ft.	30 ft.
	<i>Parrotia persica</i>	Persian Parrotia	30 ft.	20 ft.
	<i>Pseudotsuga menziesii</i>	Douglas Fir	100 ft.	20 ft.



FIGURE 6.B - TREES

The proposed tree master plan characterizes the intent of tree density city code requirement. As designs are implemented at this site, the tree density requirement will be addressed at each phase.

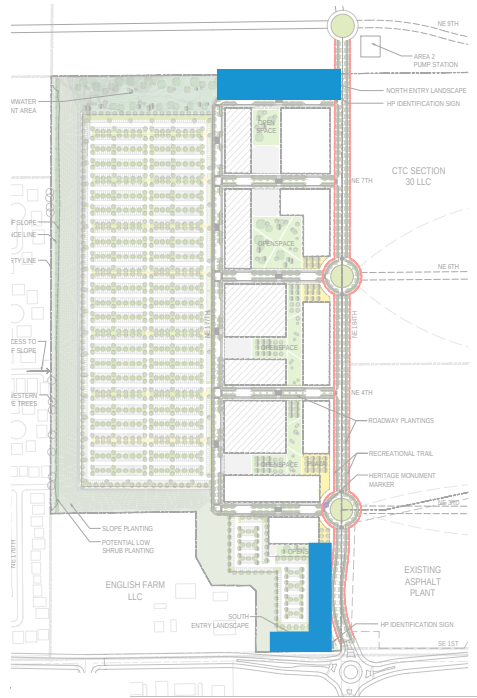


FIGURE 6.C - NORTH AND SOUTH ENTRY

The north and south entry will mark entry and arrival to the Master Plan areas. In addition, the north entry area will be part of the stormwater management system. The adjacent images showing larger land forms that illustrate the opportunity to combine the functional requirements of landscape with a unique and identifiable design.

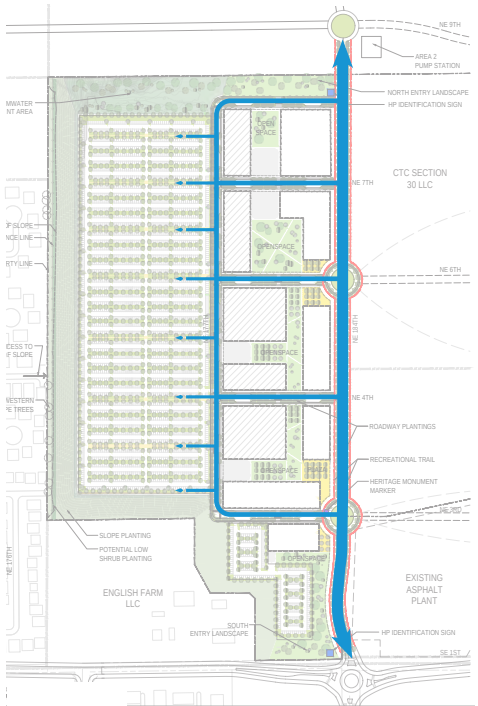
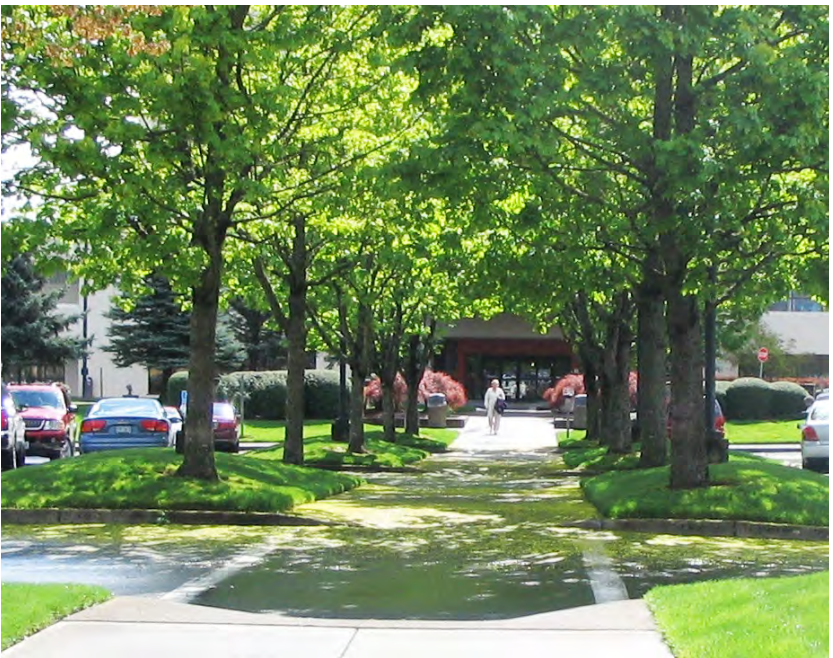


FIGURE 6.D - STREETS

Street trees will line public and private streets, as well as delineate circulation routes through the parking area.



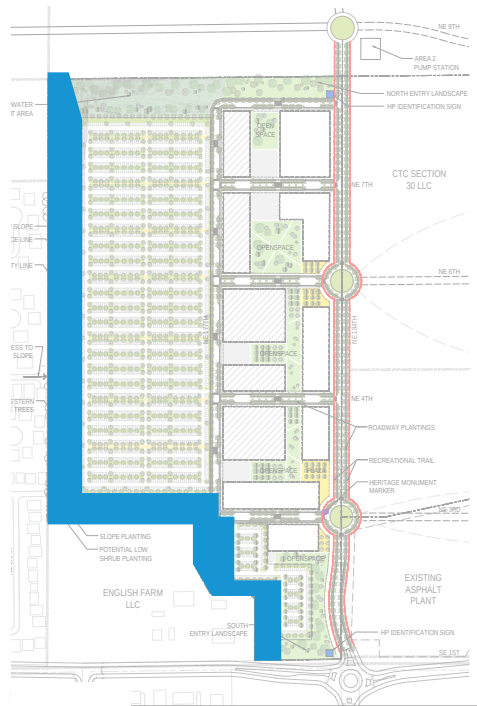


FIGURE 6.E - SOUTHERN AND WESTERN SLOPE

Hillsides along the south and west edges of the HP property will be graded to a uniform and stable 2:1 slope and planted with meadow grasses and wild flowers. Access will be provided for maintenance, potentially along NE 5TH Street. Native and drought resistant plant materials will be used to minimize maintenance and water consumption. The existing 2:1 slopes are too steep for successful long-term tree planting due to the required maintenance access, poor soil conditions, and possible impacts caused by high wind events. Other locations have been identified for tree planting that offer a higher likelihood for successful tree health and longevity.

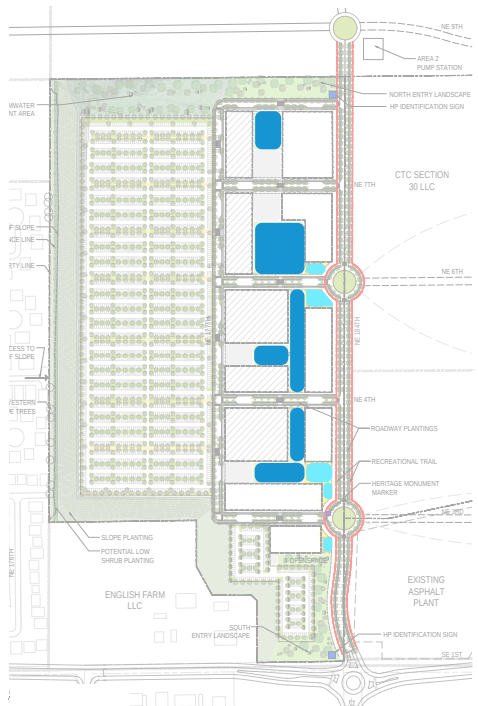


FIGURE 6.F - INTERNAL OPEN SPACE CONCEPTS

Spaces between buildings will be designed as extensions of the workplace as well as providing for amenity and recreation use. Internal open space will also help tie together buildings with pedestrian circulations paths.



6.2
SIGNAGE

The design and location of signage throughout the HP property will be consistent, and closely coordinated with design of the buildings and landscape. Monument signs at the intersections of NE 184th Avenue with SE 1st Street and NE 9th Street will be designed with gateway plantings at each of these principal points of entry. Directional signs will be located where sight lines from primary approaches are clear for all modes: drivers, pedestrians and bicycle riders. Identification of buildings will typically be attached to the buildings. Sign design will occur along with the building design to encourage architectural compatibility. Graphic uniformity between signs will be addressed as Phase 1 commences.

Quantity of signs will be permitted to vary. Building mounted signage will be permitted on all public and private street facing sides; and it may be lighted or back-lighted with steady light. Directional and wayfinding signage will be placed at junctions of sidewalks, streets, plazas, service and any combination of these. Code required signage will be adopted as required or appropriate.

An exception is the dedicated, heritage monument marker describing the history of the site proposed for a location near the northwest corner of the 3rd Street roundabout on 184th which may not be governed by master plan criteria. The heritage monument marker will be an improved area not to exceed eighty square feet and will include landscaping, one or two benches and an interpretative sign describing the history of the property that will be dedicated to the City. (DA § 6(e), Ex. 4, p. 5).



HP IDENTIFICATION SIGN



DIRECTIONAL SIGN



BUILDING IDENTIFICATION SIGN



HERITAGE MONUMENT MARKER

FIGURE 6.G - SIGNAGE

Monument signs will announce the HP property at the main points of entry from SE 1ST Street and NE 9TH Street. Within the property, direction signs will be coordinated with lighting to be visible to pedestrians and cyclists as well as drivers after dark. Signs identifying individual buildings will typically be attached to them and designed to be compatible with the architecture.

6.3
SCREENING AND BOUNDARIES

Views of the HP site from 184th Avenue will be limited to building frontages and glimpses along the driveways between building groups. Parking lots will be partially screened by street trees west of the buildings and will be further obscured by rows of trees planted in the parking lots, providing a substantial increase in tree canopy over the site. Parking lots will be obscured from view from properties west of the site by the 40' to 50' elevation difference and by the trees and other plantings that separate them. (SP TR-22) (DA Ex.6, p. 4).

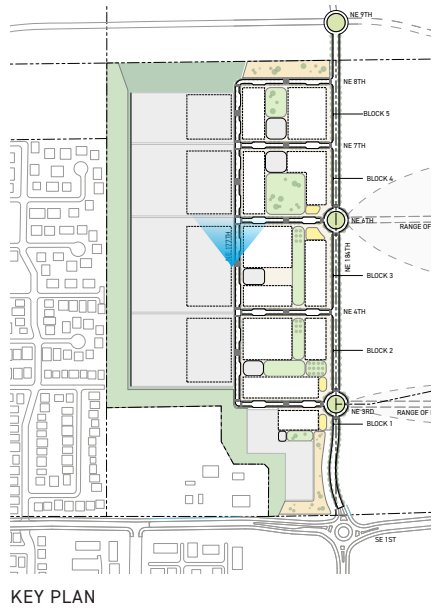
Service yards will all be located on the west side of the buildings and will be architecturally screened. In some cases, screening may include landscape materials such as pergolas. Utility meters and other equipment will similarly be screened. Any blank walls visible from public streets will be screened using a variety of landscape and architectural materials depending on particular circumstances at each site. (SP UD-15)(DG D.3.1).

Walls and fences near the buildings will be of materials and design appropriate to adjacent architecture. Those elsewhere on the site will be integrated with landscape design, their effect on screening or focusing views being carefully considered.



FIGURE 6.H - CONCEPTUAL VIEW OF PARKING AREA AND BLOCK 3 LOOKING NORTH FROM NE 177TH AVENUE

Hedges, walls and fences will be designed integral to the buildings and landscape to which they relate. For users of 184TH, parking west of the buildings will be partially screened by street trees and trees within the lots. Service areas will not be visible from 184TH Avenue.



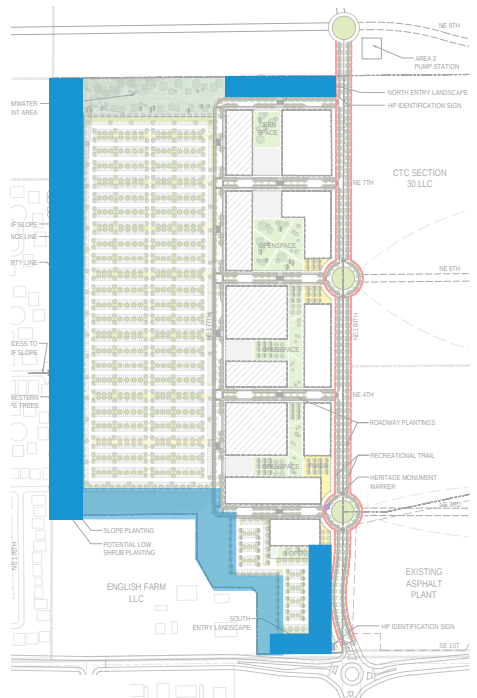


FIGURE 6.I - SLOPE AND ENTRY SCREENING

Examples of potential landscape treatment, including a small evergreen hedge proposed along the western boundary, and gateway landscaping are provided here.

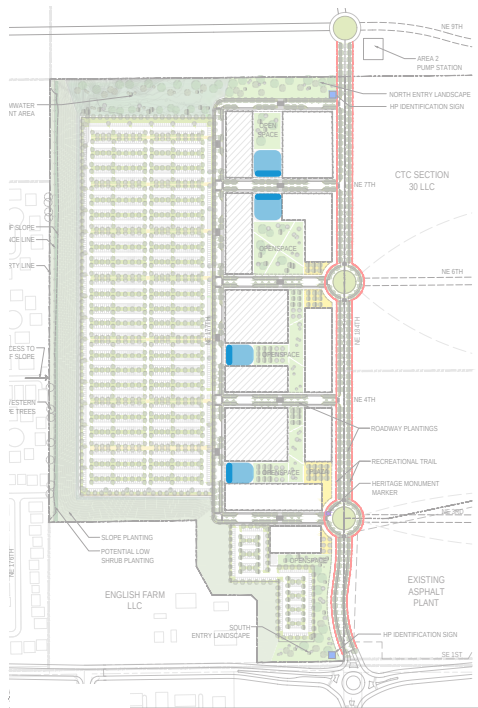
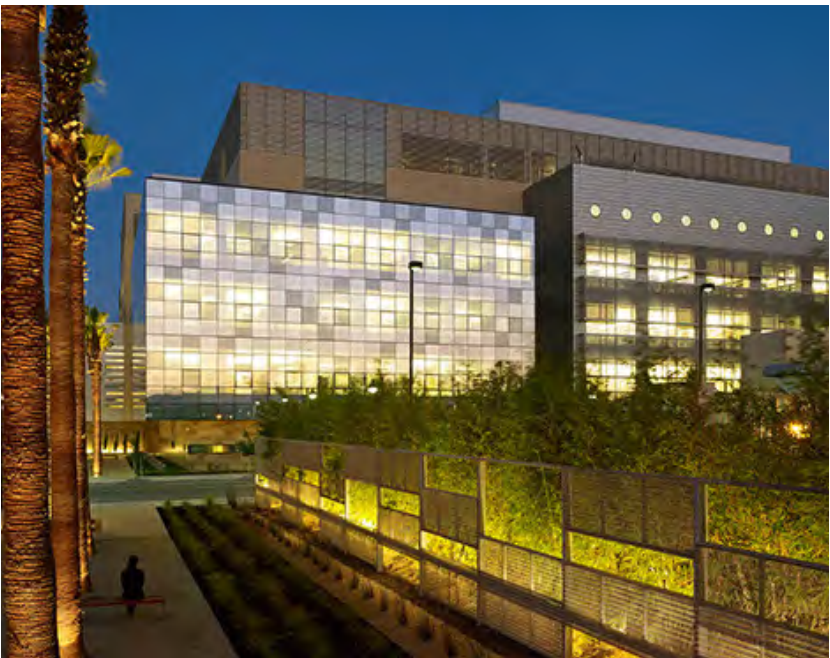


FIGURE 6.J - SERVICE YARD SCREENING

The service yard areas throughout the site will be screened with complementary materials that are consistent with the building enclosure. City standards and Section 30 design guidelines will be followed and each area will be buffered with appropriate landscape materials where those materials can be accommodated. These service areas will be as inconspicuous as possible and not impede the circulation patterns of the HP property.



Consultants

CIVIL ENGINEER

MacKay Sposito
1325 SE Tech Center Drive, Suite 140
Vancouver, WA 98683

Revisions

NOTES

LEGEND

-  EXISTING STREETS
 PROPOSED STREETS
 PROPOSED PRIVATE STREETS
 POTENTIAL FUTURE STREETS
 POTENTIAL PRIVATE STREET AREAS
 PROPERTY LINES

HP INC.

Vancouver, Washington

Drawing Title

VICINITY PLAN

Date: NOV 2020

Job No: P 24518

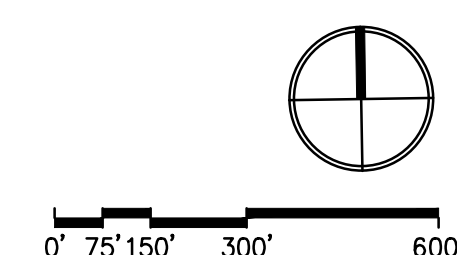
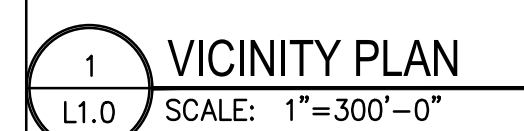
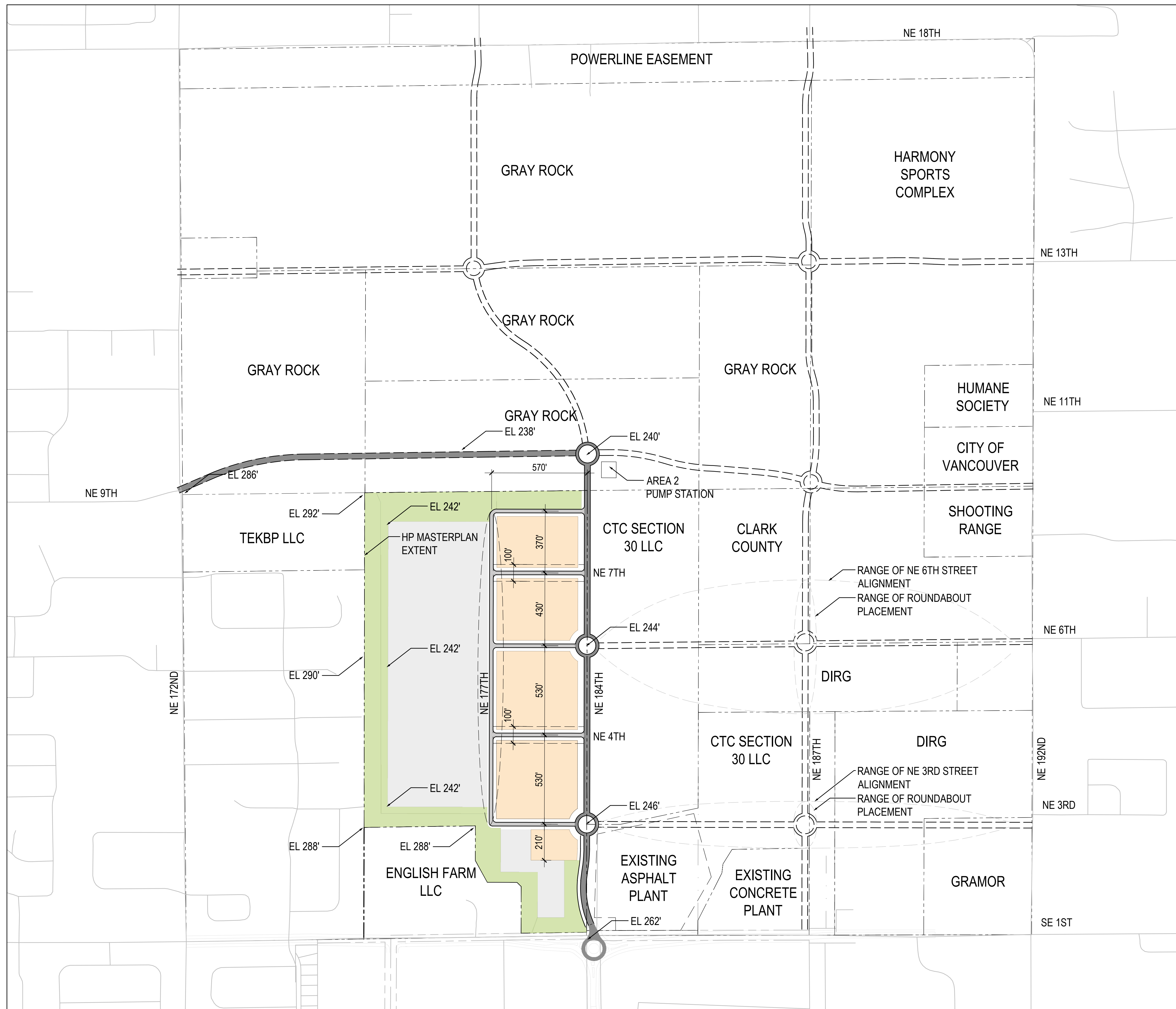
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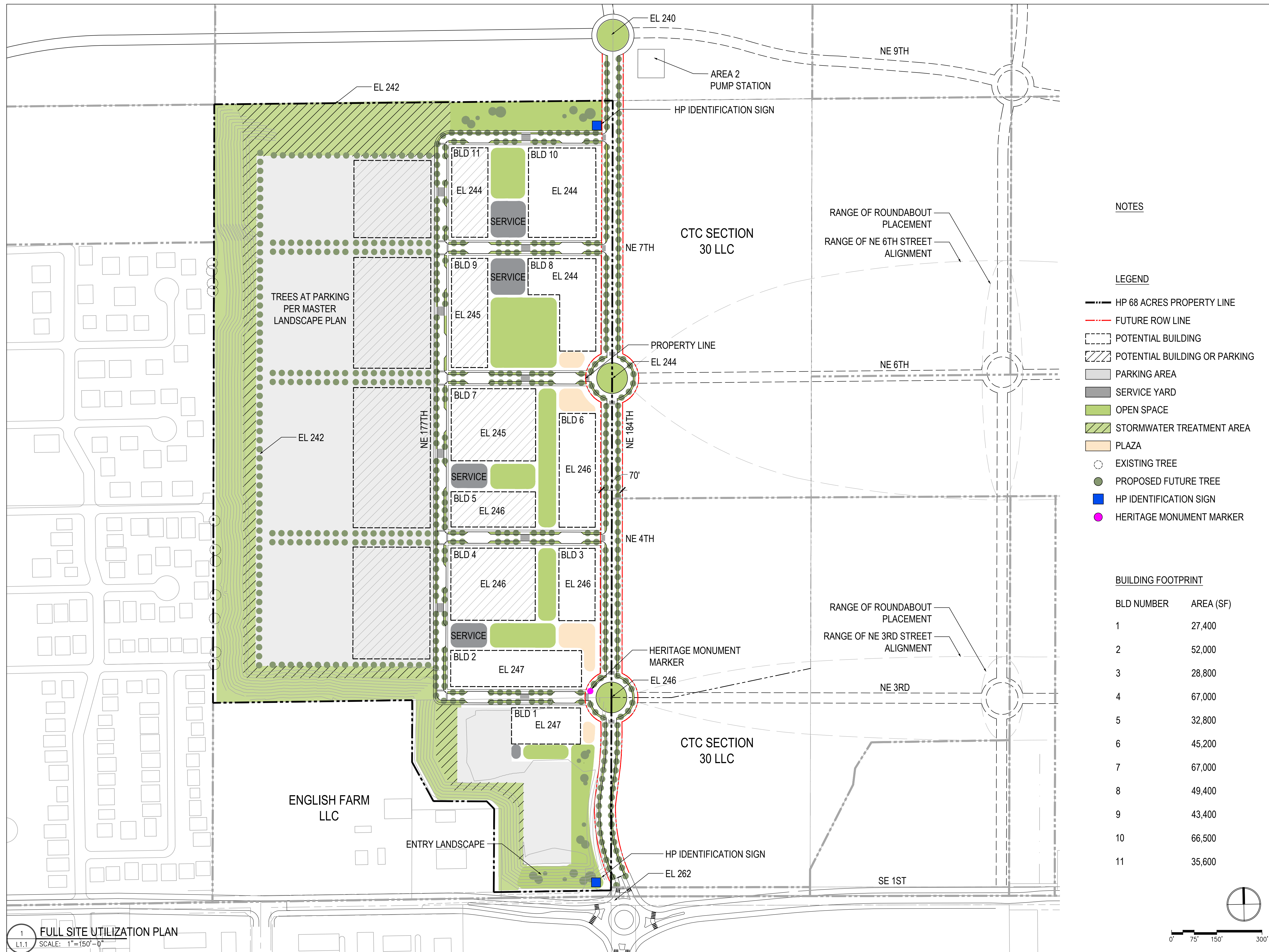
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Drawing No.

L1.0

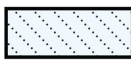
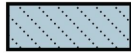
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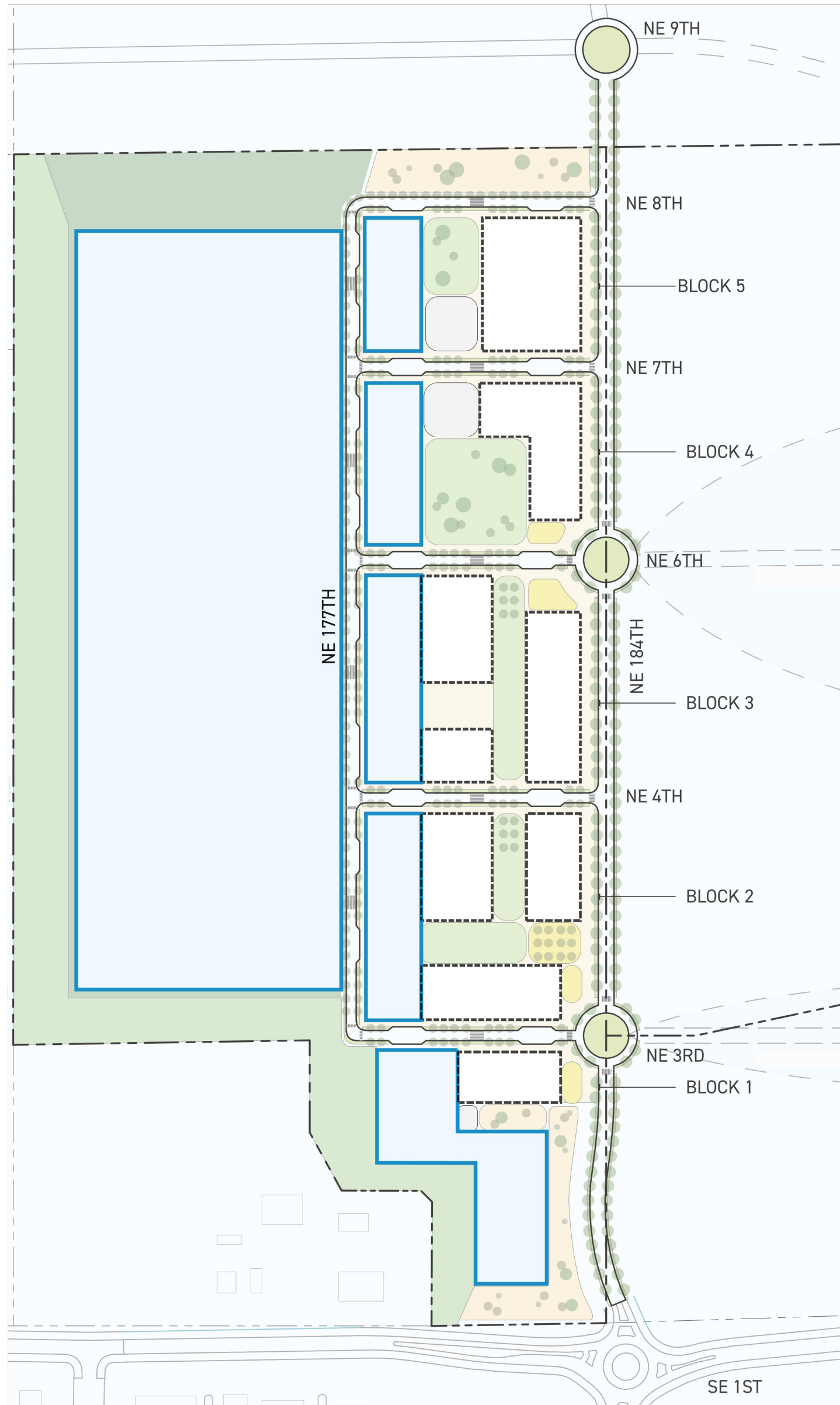




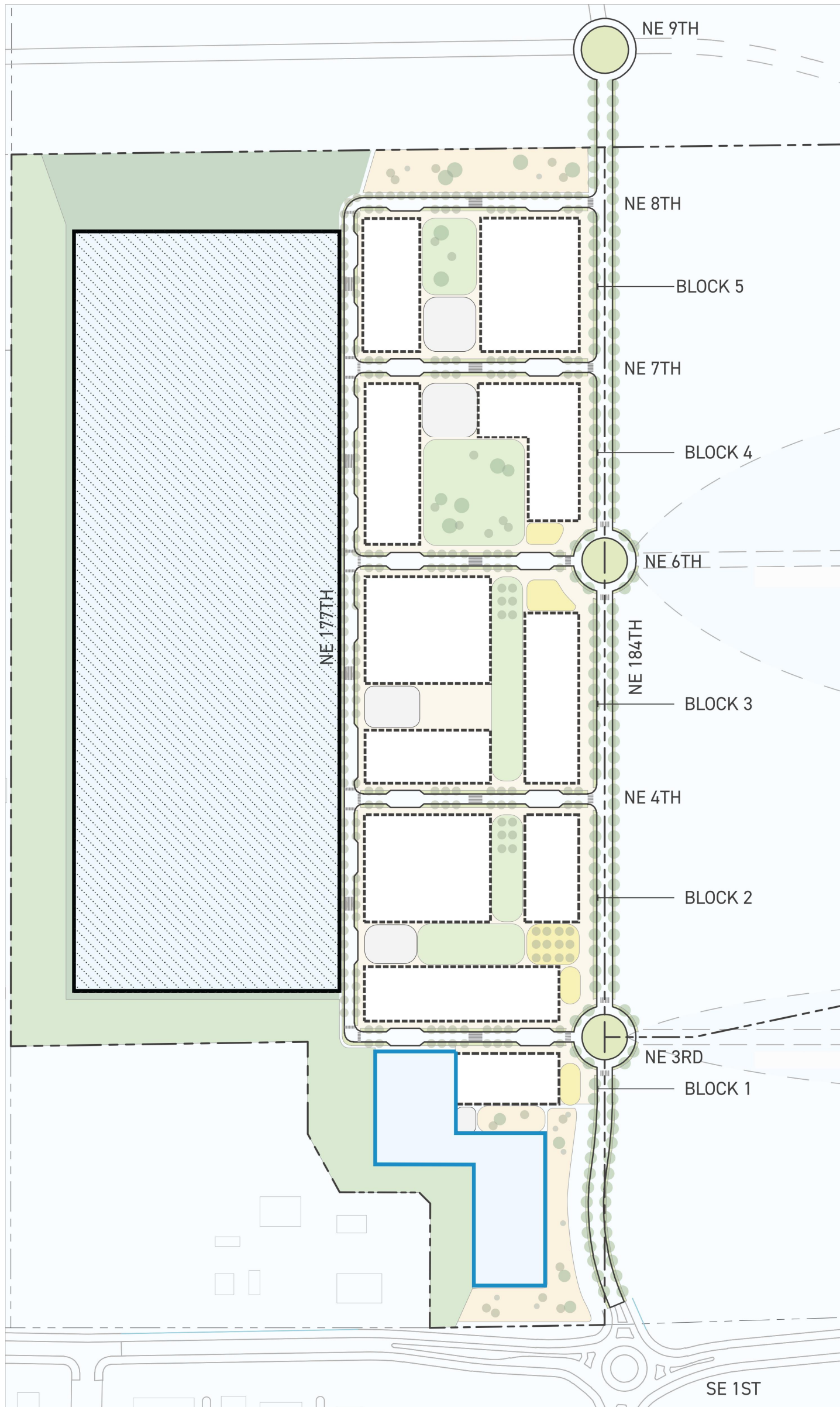
NOTES

LEGEND

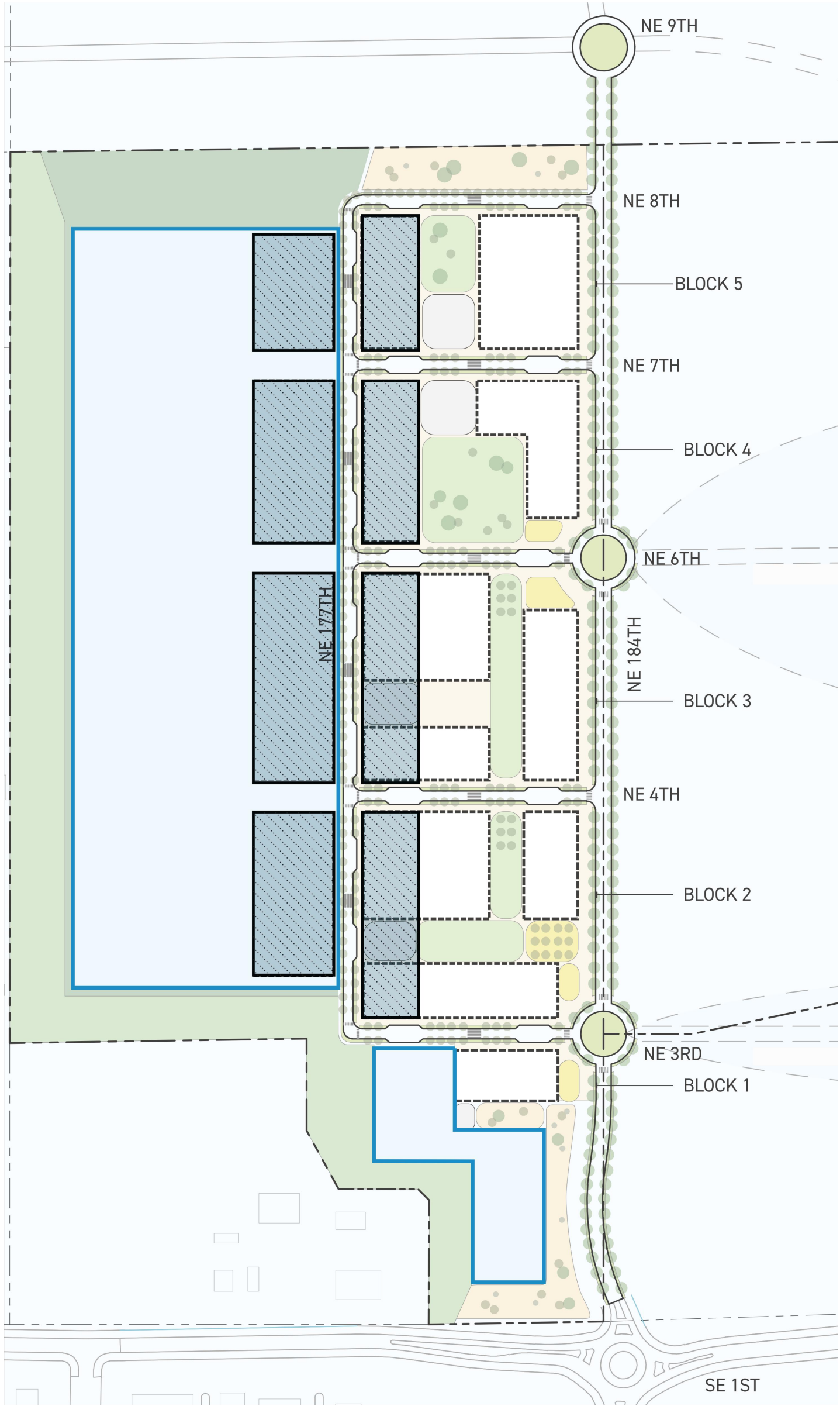
-  SURFACE PARKING
 DECK PARKING
 STRUCTURED PARKING



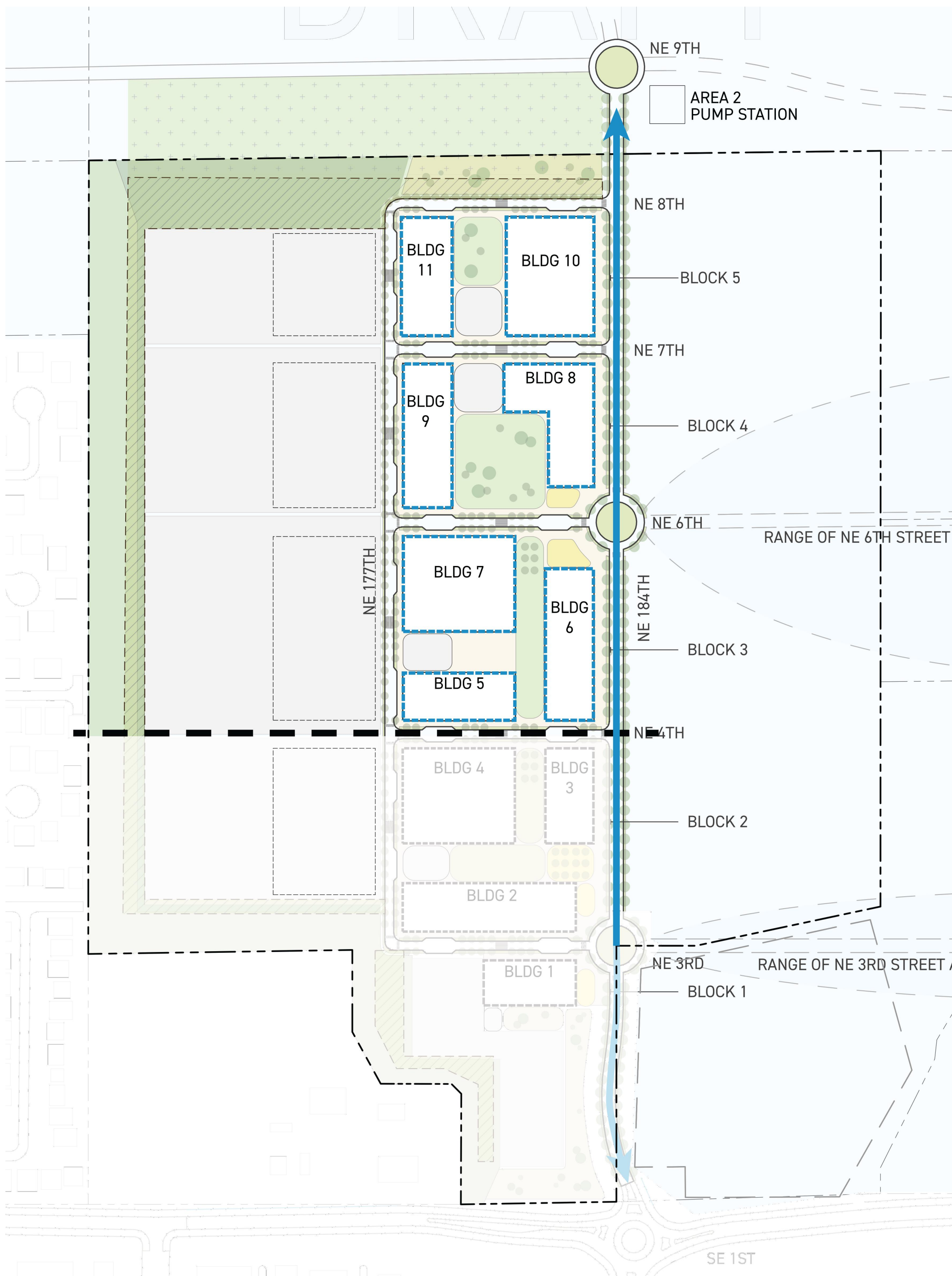
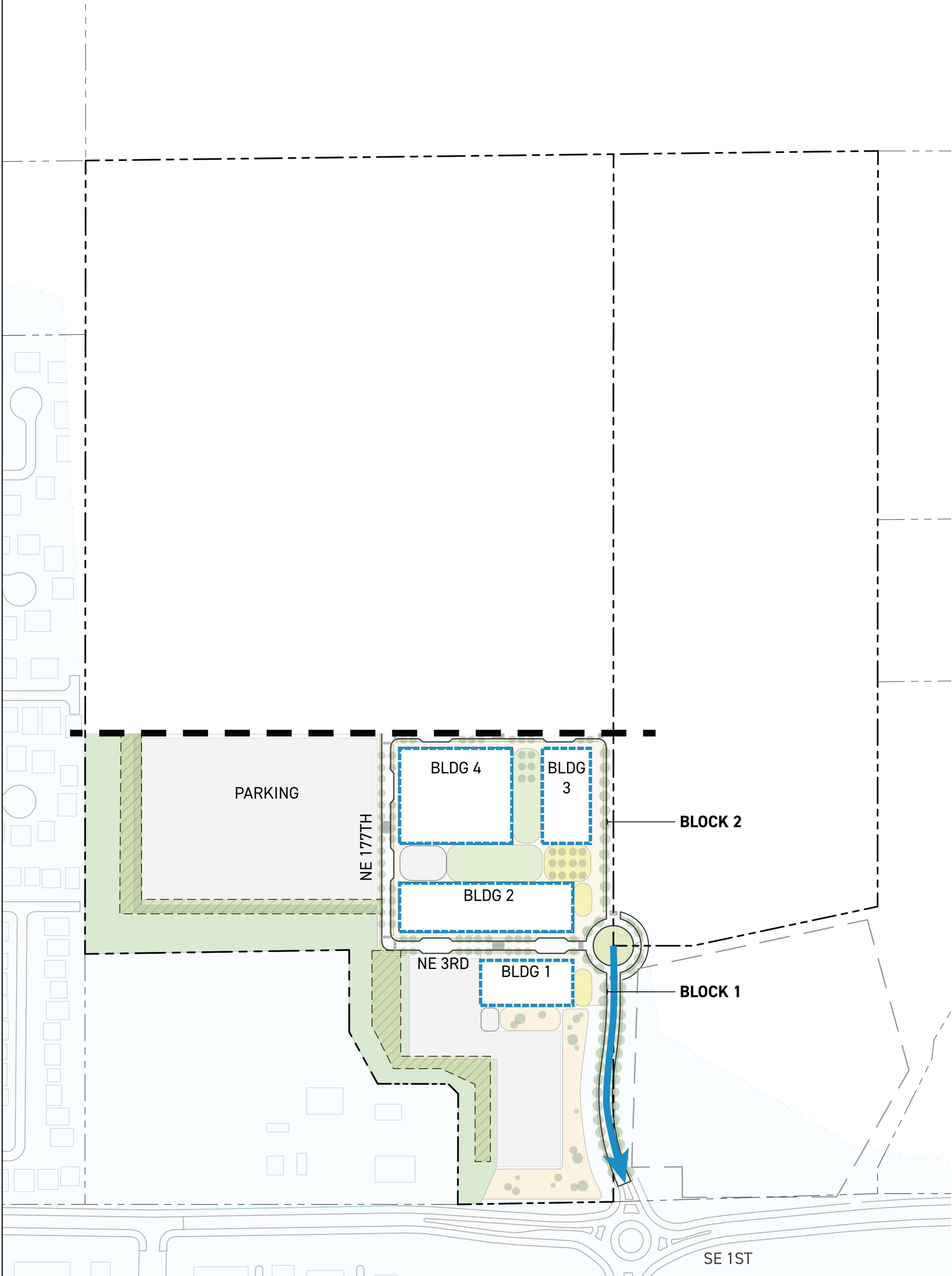
OPTION A
POTENTIAL SURFACE PARKING LOCATION



OPTION B
POTENTIAL DECK LOCATION



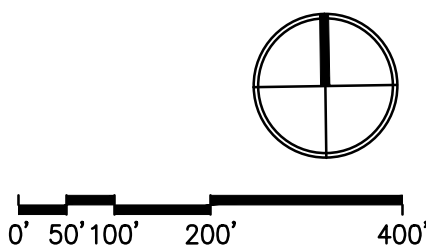
OPTION C
POTENTIAL LOCATIONS FOR STRUCTURED PARKING

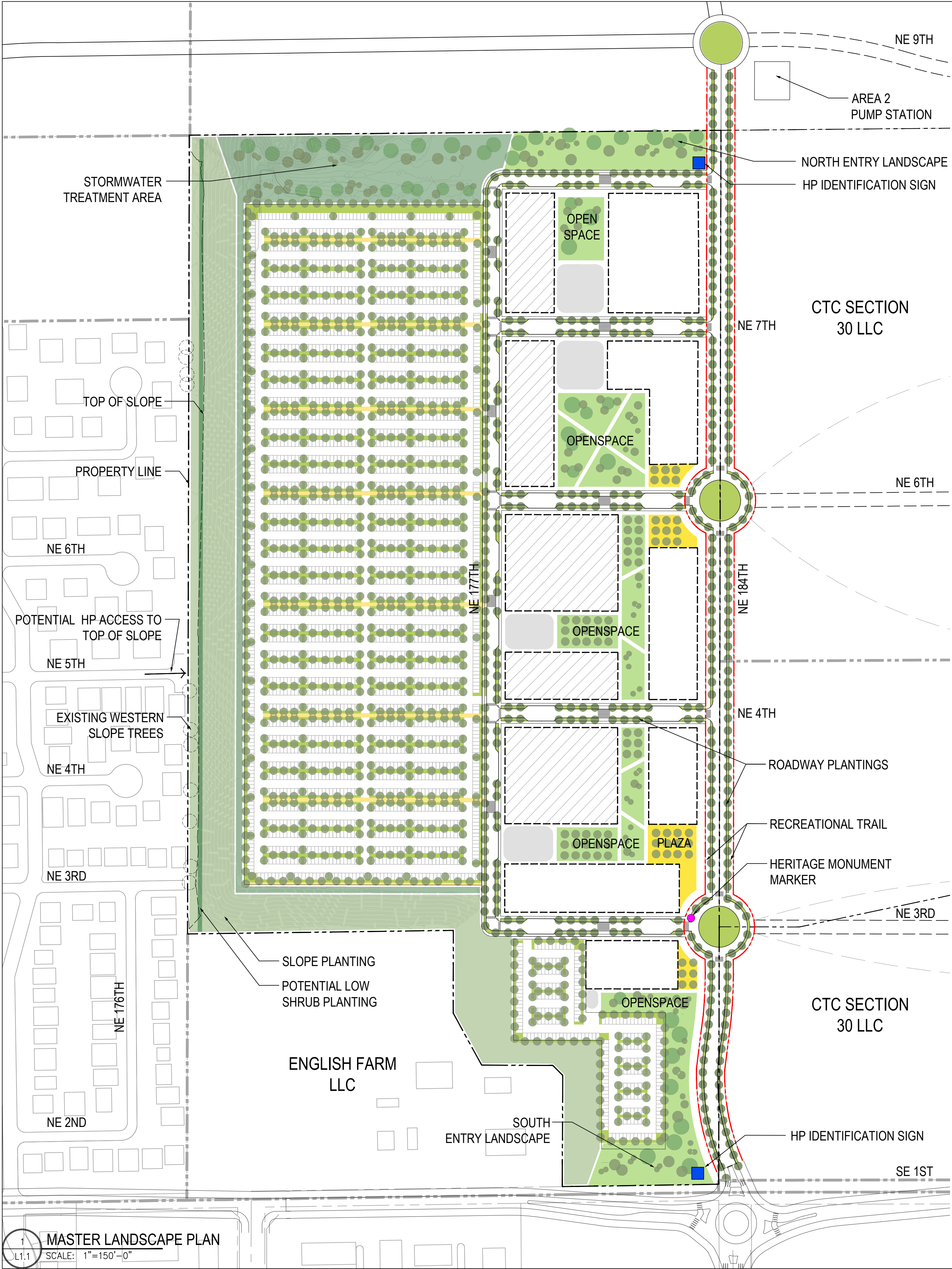


NOTES

LEGEND

- PROPOSED BUILDING
- UTILITY PATH





LEGEND

TREES

EXISTING TREES

LARGE CANOPY TREES

MEDIUM CANOPY TREES

MEDIUM CANOPY TREES

MEDIUM CANOPY TREES

ALL CANOPY TYPE TREES

SCIENTIFIC NAME

WESTERN SLOPE
Pseudotsuga menziesii

SOUTH AND NORTH ENTRIES

Cupressus nootkatensis
Pseudotsuga menziesii
Quercus garryana
Sequoiadendron giganteum

Acer x freemani 'Jeffersred'
Betula nigra 'Cully'
Cupressus nootkatensis
Quercus palustris
Ulmus 'Pioneer'

184TH AND SIDE STREETS

Carpinus betula 'Fastigata'
Nyssa sylvatica 'Haymanred'
Tilia americana x *eucholora* 'Redmond'
Zelkova serrata 'Village Green'

PARKING LOT TREES

Carpinus betula 'Fastigata'
Celtis occidentalis
Gleditsia triacanthos 'Shademaster'
Ulmus 'Frontier'

OPEN SPACE AND PLAZA TREES

Acer griseum
Cornus kousa x *nutalli* 'KN 30-8'
Cupressus nootkatensis
Maackia amurensis
Parrotia persica
Pseudotsuga menziesii

COMMON NAME

Douglas Fir

Alaskan Yellow Cedar
Douglas Fir
Oregon White Oak
Giant Sequoia

Autumn Blaze Maple
Heritage River Birch
Alaskan Yellow Cedar
Pin Oak
Pioneer Elm

European Hornbeam
Red Range Tupelo
Redmond Linden
Village Green Zelkova

European Hornbeam
Hackberry
Shademaster Honey Locust
Frontier Elm

Paperbark Maple
Venus Dogwood
Alaskan Yellow Cedar
Amur Maackia
Persian Parrotia
Douglas Fir

HEIGHT

120 ft.
100 ft.
65 ft.
160 ft.

50 ft.
40 ft.
120 ft.
55 ft.
55 ft.

35 ft.
35 ft.
35 ft.
40 ft.

35 ft.
45 ft.
45 ft.
40 ft.

25 ft.
25 ft.
120 ft.
30 ft.
30 ft.
100 ft.

WIDTH

20 ft.
20 ft.
50 ft.
30 ft.

40 ft.
30 ft.
20 ft.
40 ft.
40 ft.

25 ft.
20 ft.
25 ft.
38 ft.

25 ft.
35 ft.
35 ft.
30 ft.

20 ft.
20 ft.
20 ft.
30 ft.
20 ft.
20 ft.

STREETSCAPE



184TH

The main circulation roadway will be consistently lined with street trees that provides a welcoming tree canopy and provides shade during the hot summer months. Landscape and stormwater planters will buffer the sidewalk and trail systems that run parallel with the roadway creating a green street system that is consistent with the Section 30 guidelines.



PARKING AND PEDESTRIAN ACCESS

Each vehicle parking area will utilize the city code and the Section 30 guidelines to ensure the tree canopy and landscape areas are used to buffer the pavement areas. Pedestrian walkways will be tree lined and wide enough for people to pass by without crowding. Some raingardens will be also present in the parking areas to treat and transport the stormwater runoff.

LANDSCAPE AREAS



ENTRY LANDSCAPE

Each entry landscape will be a mix of large and medium canopy trees. Some areas will be used to place replacement trees as mitigation for trees removed along the western top edge of the HP property. Shrubs and groundcovers will surround the main entry features and the surrounding landscape areas will utilize a mix of drought tolerant low maintenance grasses.



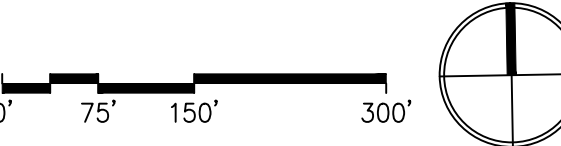
WEST SLOPE LANDSCAPE

The western slopes will use a mix of drought tolerant low maintenance grasses along the slopes to provide seasonal variety and erosion control. Large canopy evergreen and deciduous trees may be used in selected locations for screening, but not blocking the view corridors of the existing residences. A low evergreen hedge will be used along the western top of slope area to avoid impeding views to the east.



OPEN SPACE AND PLAZA AREAS

Each open space and plaza area will incorporate an array of tree types that are consistent with the scale of the outdoor spaces. A mix of shrubs and groundcovers will be utilized to form the shapes of these spaces, but still allow generous areas to circulate and gather throughout the seasons.



APPENDIX B - DEVELOPMENT AGREEMENT

AFTER RECORDING RETURN TO:

Jennifer Bragar

Tomasi Salyer Martin

121 SW Morrison Street, Suite 1850

Portland, OR 97204

DOCUMENT TITLE: Development Agreement

GRANTOR: HP Inc., a Delaware corporation

GRANTEE: City of Vancouver, a Washington municipal corporation

ABBREV. LEGAL DESCRIPTION: #26 SEC 30 T2NR3EWM 20A; #11 SEC 30 T2N R3EWM 32.88A; #17 & #23 SEC 30 T2N R3EWM 8.50A; #64 SEC 30 T2N R3EWM 1.50A; #27 SEC 30 T2N R3EWM 10A; #13 SEC 30 T2N R3EWM 20A; #57 SEC 30 T2N R3EWM 4.40A; #56 SEC 30 T2N R3EWM 15.60A; #55, #58 SEC 30 T2N R3EWM 10A

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBERS:

176386-000	176424-000	176417-000	
176374-000	176387-000	176416-000	
176380-000	176376-000	176418-000	

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF VANCOUVER AND HP INC. RELATING TO THE
DEVELOPMENT COMMONLY KNOWN AS PROJECT GREENFIELD**

This DEVELOPMENT AGREEMENT ("Agreement") is entered into this 16th day of December, 2019, by and between the City of Vancouver ("City") a municipal corporation under the laws of the State of Washington and HP Inc., a Delaware corporation ("Developer" or "HP") (collectively the "Parties"), pursuant to RCW 36.70B.170-.210 and chapter 20.250 of the Vancouver Municipal Code ("VMC").

RECITALS

WHEREAS, the City is a first-class city incorporated under the laws of the State of Washington and has the authority to enact laws and enter into agreements to promote the health, safety and welfare of its citizens including the authority to regulate land use and development of property;

WHEREAS, HP is a Delaware corporation that has had a presence in the City for 38 years, and contributes and will continue to contribute to the greater Vancouver community;

WHEREAS, HP embraces the opportunity and responsibility to positively impact the communities where its employees live, work, and do business. Community service is a value so deeply ingrained at HP that employees are offered paid volunteer hours and are encouraged to apply for the Time-off Community Support Grant, which sponsors employees to volunteer full-time for a week. In addition to time, HP offers donation matching for employees, grants for non-profit organizations, and sponsorships in their communities. In Vancouver alone, an average of 1,500 volunteer hours per year are completed within the local community through HP's Community Outreach team in support of a range of nonprofits including, but not limited to, Oregon and Clark County Food Bank, Columbia Springs, Humane Society of Southwest Washington, Fort Vancouver Regional Library, Avamere and Kamlu Resort, Vancouver Watershed Alliance, Firstenburg, Lifeline Connections, Washington Trails Association, Evergreen Habitat for Humanity, Sharehouse, Camp Hope, and Global Watershed Shoreline;

WHEREAS, HP's local Site Council funds approximately Twenty Thousand Dollars (\$20,000.00) annually for HP's Community Outreach team to organize and complete these projects, along with sponsorships and donations. Each fall, HP Vancouver employees vote for local 501(c)3 organizations to receive the HP Imagine Grant, supporting programs that align with the Foundation's mission by focusing on education and technology related learning experiences for underrepresented and/or underserved communities. In 2019, three local charities were each awarded Nine Thousand Dollars (\$9,000.00) through this grant. In addition, HP provides holiday giving trees, and is a PRIDE Rainbow;

WHEREAS, HP mentors and trains the next generation of innovators through its annual intern program; HP LIFE program, a learning initiative for entrepreneurs; WSU Vancouver Capstone project; iUrbanTeenPitch project; Camas Girls in STEM; and other programs;

WHEREAS, Developer's community involvement and commitment will continue well into the future as a result of this Agreement;

WHEREAS, Developer has a purchase and sale agreement for real property consisting of approximately 68 acres located within property commonly referred to as Section 30 in the City of Vancouver which property is described with particularity in Exhibit 1 ("Property");

WHEREAS, the Developer has an option to purchase real property consisting of approximately 30 acres located within property commonly referred to as Section 30 in the City of Vancouver which property is described with particularity in Exhibit 2 ("Additional Property");

WHEREAS, the Property and Additional Property is collectively referred to as "HP Property."

WHEREAS, the Developer intends to conduct reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources and develop the HP Property to accommodate a national, multi-building development of up to 1,500,000 gross square feet of building space, with office, research and development, industrial services, manufacturing and production, light industrial uses, as well as the potential for occupant-supported small scale retail, restaurant, accessory uses, and related parking and associated onsite improvements across the HP Property (the "Project");

WHEREAS, buildout of the Project is expected to occur in multiple phases over the next fifteen years;

WHEREAS, Phase 1 of the Project will involve development of one or more structures that will together comprise up to 330,000 gross square feet of office, research and development, and light industrial uses, as well as the potential for occupant-supported small scale retail, restaurant, accessory space, and related parking and associated onsite improvements ("Phase 1");

WHEREAS, Developer may purchase additional property in the future within Section 30 and the Developer anticipates, with the City's consent, annexing such additional property into this Agreement ("Annexed Property");

WHEREAS, Section 30 consists of approximately 553 acres of land historically and primarily used for aggregate extraction and processing, where 140 acres of Section 30 property is publicly-owned property held by Clark County, City of Vancouver, and the Bonneville Power Association;

WHEREAS, in 2009 the City adopted the Section 30 Urban Employment Center plan (the “Subarea Plan”) that establishes planning goals and policies for timely and predictable redevelopment of Section 30 following cessation of aggregate activities;

WHEREAS, the Developer’s Project is the first project to implement the Section 30 Subarea Plan and requires a significant public and private investment to fund common infrastructure including, but not limited to, streets, sidewalks, power, gas, communications, stormwater, and water and sewer utilities that will benefit the Project, future development in Section 30, and the general public by fulfilling the goals of the Subarea Plan;

WHEREAS, the Subarea Plan anticipated that development would occur parcel by parcel, as compared to Developer’s catalyzing Project of up to 98 acres;

WHEREAS, the City has determined that this Agreement will facilitate orderly buildout of the planned improvements, will further promote growth management and planning objectives of the City for Section 30, and will improve the economic vitality of the City;

WHEREAS, the City has determined that flexibility is found within the Subarea Plan policies, Section 30 Design Guidelines, and implementing code under chapter 20.690 Vancouver VMC to enable this unique Project to successfully and efficiently master plan for development to occur, and that this flexibility provides the City the opportunity to consider the flexible application of such policies, guidelines, and standards during the land use review process for the Project consistent with this Agreement;

WHEREAS, the Parties intend that they shall take further actions and execute further documents necessary or appropriate to implement the intent of this Agreement;

WHEREAS, the Washington State Legislature enacted RCW 36.70B.170-.210 to strengthen the land use planning process and reduce the costs of development by authorizing the City to enter into a private agreement with a landowner regarding the development of its real property located within the City’s jurisdiction; and

WHEREAS, pursuant to RCW 36.70B.200 and VMC 20.250.050, this Agreement was subject to public notice on or about December 9, 2019, a City Council workshop was held on December 9, 2019, and a hearing was held before the City of Vancouver Council on December 16, 2019. The City authorized execution of this Agreement by Resolution No. M-4054 adopted on December 16, 2019.

NOW THEREFORE, in consideration of the promises, covenants, and provisions set forth in this Agreement, the receipt and adequacy of which consideration is acknowledged, the Parties agree as follows:

///

AGREEMENT

Section 1. Incorporation of Recitals and Exhibits

The recitals set forth above and the exhibits attached hereto are by this reference incorporated into the Agreement as though set out in full.

Section 2. Purpose

The purpose of this Development Agreement is to:

- (a) Provide for the mix of uses allowed by this document for development of the Project;
- (b) Provide a process to review Phase 1 and Developer's Master Plan for Subsequent Phases;
- (c) Provide the building permit review fees to apply to the Project;
- (d) Provide a framework for how business license surcharge fees will apply to the Project;
- (e) Reserve transportation capacity for HP's future development of the Project governed by this Development Agreement;
- (f) Provide for the availability and use of transportation impact fee reductions for Developer's future development of the Property governed by this Agreement;
- (g) Provide a process for Developer to reserve sanitary sewer and associated infrastructure capacity for the Project;
- (h) Reserve Developer's right to connect to any Section 30 public stormwater system for the Project subject to Section 4(d)(iii) below; and
- (i) Vest the Project to Development Standards as provided in Section 10 below to the HP Property, and any later Annexed Property that is added to this Agreement.

Section 3. Effective Date and Term

(a) Effective Date

The effective date shall be the date of the adoption of a resolution by the City of Vancouver Council approving this Agreement.

(b) Term

The term of this agreement shall be fifteen (15) years from the effective date. Developer shall have one (1) five (5) year option to extend this Agreement, subject to approval by the City

in its sole discretion through a Type I review process. Subsequent extension requests may be approved by the City as an amendment to this Agreement.

(c) Modification

This Agreement may be modified, extended or terminated only upon the written agreement of Developer and the City.

Section 4. Proposed Development

(a) Maximum Allowable Development and Uses

The HP Property is zoned Employment Center Mixed Use (ECX). The ECX zoning code in effect as of the date of this Agreement, and the current chapter 20.690 VMC allow the Project. This Agreement governs development of the Project on the HP Property and timing of such development shall be based on need and market conditions determined in Developer's sole discretion. Any proposal to develop the HP Property that is not consistent with the Project, including development of more than a cumulative total of 1,500,000 gross square feet of building space, shall be subject to then-applicable provisions of the VMC. The HP Property shall not be developed with any of the following uses:

Group Living
Community Recreation
Park & Ride Facilities: Structure
Vehicle Fuel Sales
Rail Lines/Utility Corridors
Uses listed under RCW 36.70B.170(3)(e)

(b) Phases

i. Phase I

Phase I shall occur on the southeastern portion of the Property in the general area depicted on Exhibit 3 ("Phase I Property").

ii. Subsequent Phases

The remaining allowable development may be spread out over one or more phases across the HP Property depicted on Exhibit 3 ("Subsequent Phases").

(c) Annexed Property

The terms of this Agreement shall apply to Annexed Property, if the Agreement is amended to add such Annexed Property during the term of this Agreement in the City's sole and absolute discretion. Any Annexed Property shall be incorporated into the definition of HP Property.

(d) Standards

Pursuant to RCW 36.70B.170(3), the Parties identify the following non-exclusive list of standards applicable to the Project on the HP Property (collectively “Development Standards”).

i. Permitted Uses, Zoning, and Standards

The permitted land uses and development regulations for development, and other standards applied to the Project on the HP Property include those in chapters 20.440 (Industrial Districts), 20.690 (Section 30 Employment Center Plan District), 20.925 (Landscaping), 20.960 (Signage), and 20.945 (Parking and Loading) VMC in effect on the date of the adoption of this Agreement. The City has considered the applicability of these standards to the Project on the HP Property, as set forth in Exhibit 4, and will apply the standards consistent with Exhibit 4 to the Project.

ii. Planning Goals and Objectives

The planning goals adopted by the City in the Subarea Plan shall be the policy guidance and the foundation for all future development of the Project on HP Property. The City has considered the conceptual Project layout, inclusive of building shape and massing, and road alignments in Exhibit 5. Based on this conceptual visualization of the Project, the City has analyzed the Subarea Plan to determine the applicability of the plan policies to the Project on HP Property, as set forth in Exhibit 6, and will apply the policies consistent with Exhibit 6 for Phase 1 and the Master Plan to Developer’s Project as long as they do not materially deviate from the conceptual layout in Exhibit 5.

iii. Surface and Groundwater

All future development of the Project on HP Property shall be subject to the City of Vancouver Stormwater Management standards, chapter 14.25 VMC. The Parties agree that the expectation for the development of HP Property and subsequent development across Section 30 shall require each property owner to manage stormwater quality on its own property prior to releasing stormwater to a public stormwater collection facility. The City acknowledges that native gravels provide the best stormwater infiltration, and that as a result of the mined condition few areas within Section 30 retain native gravel. The City will prioritize retention of areas with native gravel for stormwater infiltration for all development in Section 30, especially within areas near the Subarea Plan’s conceptual location for 9th Street. The City may establish a local improvement district or similar mechanism to finance a Section 30 public stormwater facility. In the event the City constructs a public stormwater facility or accepts the dedication of a public stormwater facility, the City shall allow the Developer to connect to the system subject to satisfaction of all applicable code provisions and payment of any connection fee or charges, including, but not limited to, local improvement district fees.

iv. Water Service

Water service for the Project shall be designed and constructed in accordance with the City of Vancouver Water Design and Construction Requirements. Water service shall be

provided by the City. The Developer shall provide potable water infrastructure on HP Property to serve the Project at its cost, and the costs of provision of public infrastructure are governed by Sections 4(e) and 7 of this Agreement.

v. Sewer Service

Sanitary sewer service for the Project shall be designed and constructed in accordance with the City of Vancouver General Requirements and Details for the Design and Construction of Public Sanitary Sewers. Sewer service shall be provided by the City. The Developer shall provide sanitary sewer infrastructure on the HP Property to service the Project at its cost, and other provision of public infrastructure is governed by Section 8 of this Agreement. The Subarea Plan anticipates that a sanitary sewer pump station and associated infrastructure will be installed to serve Area 2 of Section 30, where the HP Property is located and Developer shall construct the sanitary sewer pump station ("Area 2 Pump Station"), pursuant to Section 8(c) of this Agreement. By this Agreement Developer reserves 143,000 gallons per day of capacity in the Area 2 Pump Station and associated public infrastructure, equal to the anticipated sanitary sewer demand for the 1,500,000 gross square feet of development associated with the Project; provided, however, that the reserved capacity shall not be available unless (i) the Area 2 Pump Station is constructed; (ii) Developer provides the City with a minimum twenty-four (24) months advance written notice of its need to utilize the capacity, which shall be accomplished by Developer's request for a pre-planning meeting for the master planning process for the Project; and (iii) Developer has paid all applicable fees and charges required by the City to use the reserved capacity that Developer shall pay in proportionate share as the Subsequent Phases are developed and sewer capacity is used by the Project.

vi. Road Standards

Roads and rights of way for the Project shall be designed and constructed in accordance with chapter 20.690 VMC, the Subarea Plan and Section 30 Design Guidelines, and consistent with Exhibits 4 and 6, and Section 8(b) of this Agreement.

vii. Other Development Standards

Development of the Project shall comply with all other applicable Development Standards including, but not limited to, chapters 11.70 (Transportation Concurrency), 14.08 (Connections to Public Sewers), 20.770 (Tree, Vegetation, and Soil Conservation), 20.909 (Escrow and Assurances), 20.910 (Exceptions and Interpretations), 20.912 (Fences and Walls), 20.915 (Impact Fees), 20.935 (Off-Site Impacts), 20.970 Solid Waste Disposal and Recycling), and 20.985 (Visual Clearance) VMC, in effect on the date of the adoption of this Agreement.

(e) Infrastructure Financing Tools

Developer may apply for use of chapter 11.10 VMC (Local Finance Tools), VMC 14.04.235, and VMC 14.04.285 effective on the date of Developer's application for development to obtain reimbursement for certain expenditures that qualify under these provisions.

(f) Other Property Development Agreements

A portion of the Phase 1 Property is subject to the following development agreement:

English Development Agreement, Recorded Document No. 4413045

The Additional Property is subject to the following development agreement:

Pacific Rock Development Agreement, Recorded Document No. 4096886, as modified and restated in Recorded Document No. 4443223

A portion of the Additional Property is subject to the following development agreement:

Glacier NW Development Agreement, Recorded Document No. 3925154

The HP Property is subject to the following development agreement:

One Pacific Corporation Development Agreement ("One Pacific Agreement"), Recorded Document No. 3925154

(collectively "Pre-Existing Development Agreements"). The Pre-Existing Development Agreements shall remain in full force and effect unless and until land use applications for the Project are submitted and approved, with the exception of the One Pacific Agreement that shall remain in full force and effect. Upon issuance of a permit to Developer for the Project, this Agreement shall supersede and replace the Pre-Existing Development Agreements applicable to the portion of the HP Property covered by such Project permit; provided, however, that the One Pacific Agreement shall remain in full force and effect until the City receives the full balance owing under the Westridge SDC in place at the time of this Agreement (which as of November 1, 2019 had a balance owing of \$693,200.81 to the City) by Developer or other responsible parties.

(g) Reservation of Transportation Capacity

In anticipation of Developer's Project, a traffic study, attached as Exhibit 7, was completed for Developer to determine the average daily trips, and p.m. peak hour trips generated by HP's Project of up to 700,000 gross square feet of development consistent with land use designation 714 in the International Traffic Engineer ("ITE") *Trip Generation Manual*, 10th Edition (2019). Developer submitted this traffic study to the City in association with this Agreement. The traffic study estimated that future development as contemplated herein will create 723 p.m. peak hour trips. For the purpose of vesting trips under this Agreement, 723 p.m. peak hour trips will be used as the vested amount of p.m. peak hour trips during the period of this Agreement and any extensions.

The City hereby reserves for Developer for use throughout the Project of up to 700,000 gross square feet of buildings occupied by uses consistent with land use designation 714 in the

ITE *Trip Generation Manual, 10th Edition* (2019) for the term of this Agreement, the following transportation capacity consistent with the number of trips calculated in the traffic study for purposes of transportation concurrency, chapter 11.70 VMC: 5,565 daily trips. The City shall make complete transportation concurrency findings related to the Project at the time of development review for individual buildings, phases, and Master Plan approvals up to 700,000 gross square feet of buildings.

Any development exceeding 700,000 gross square feet of buildings on the HP Property, or not consistent with land use designation 714 in the ITE *Trip Generation Manual, 10th Edition* (2019) will not be governed by this traffic report, will require an updated traffic report, and a new concurrency determination.

In the event that the City of Vancouver proposes an alternative traffic capacity vesting mechanism acceptable to both Parties, the Parties may mutually agree to modify certain provisions of this Section 4(g).

Section 5. Reserved Capacities

Section 4 of this Agreement reserves capacity for sanitary sewer, and vehicular trips (collectively "Reserved Capacities"). As contemplated under Section 12 of this Agreement, Developer may come into ownership of the full 98 acres, or some portion, thereof. In the event that Developer does not purchase all of the HP Property, the reserved capacities shall be reserved only for land owned by Developer and covered by this Agreement. For purposes of this section, the definition of "owned by Developer" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise, and the terms "controlling" and "controlled" have the meanings correlative to the foregoing. As used herein, "Affiliate" shall mean any person or entity that directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with Developer. For purposes of this Section 5, owned by Developer shall include (i) any transfer to a subsidiary, Affiliate of Developer, parent company, any company that owns 50% or more of the voting stock of Developer, (ii) any collateral security transfers in connection with any debt or equity financing or transfers pursuant to a foreclosure or a deed in lieu thereof; (iii) transfers to any Affiliate of Developer; (iv) transfers in connection with a sale of all or substantially all of Developer's assets or its stock; (v) transfers in connection with a lease back of the HP Property or all improvements thereon by Developer; (vi) the sale or transfer of shares of Developer, including, without limitation, transfers of shares that would change Developer from a publicly traded company to a privately held one; (vii) transfer made in connection with a portfolio sale of two (2) or more buildings; or (viii) transfers to any "spin off" from, or business unit of Developer. The transfers described in (i) through (viii) are herein together called "Permitted Transfers". Permitted Transfers will carry forward any Reserved Capacities in this Agreement. Any other transfer of HP Property, except a Permitted Transfer, will not be entitled to a transfer of any Reserved Capacities. Developer shall have sole discretion to distribute Reserved Capacities across HP Property and any Annexed Property that may be added to this Agreement in the future.

Section 6. Traffic Impact Fees

(a) Project Designation for Calculating Traffic Impact Fees ("TIF")

TIF for the Project shall be assessed using land use code designation 714 in the ITE *Trip Generation Manual*, 10th Edition (2019); provided, however, that any development of the HP Property that does not meet the intent of ITE land use code designation 714 shall be assessed TIF based on the appropriate ITE designation as determined by the City in its sole discretion.

(b) TIF Business Development Incentive

The City Council will hold a public hearing to (1) extend the Business Development TIF Incentive in chapter 20.915 VMC; and (2) consider an amendment to chapter 20.915 VMC to reduce Traffic Impact Fees by 50%, up to a maximum of \$200,000, for any business that (1) relocates 700 or more employees with a median salary of equal to 125% of current median individual income, as set by the federal department of Housing and Urban Development for the Portland-Vancouver USA ("TIF Ordinances"). In the event that the City adopts the foregoing Business Development TIF Incentive mechanism that is acceptable to both Parties, the Parties may mutually agree to modify certain provisions of this Section 6(b). Nothing in this Section 6 shall be construed to obligate the City to approve the TIF Ordinances.

(c) TIF Credits

Provided all criteria in chapter 20.915 VMC are satisfied, the Developer shall be entitled to TIF credits pursuant to VMC 20.915.090 for constructing a collector arterial off of SE 1st to serve Phase 1 (e.g. extension of 184th Avenue), and any other east/west collector arterial off of 184th connecting to 172nd Avenue and 192nd Avenue (e.g. construction of 9th Street). To the extent the credit exceeds the Developer's TIF assessment for Phase 1, Developer may apply any excess credit to Subsequent Phases during the term of this Agreement. Developer is permitted to accumulate TIF credits for any qualifying road projects it constructs throughout the term of this Agreement and any extensions thereof, provided, however that TIF credits will not be available if the City contributes City Reinvestment Funds to cover the full cost of a qualifying road project pursuant to Section 7 of this Agreement. In the event the City issues a partial contribution to Developer for qualifying road projects, Developer shall be entitled to TIF credits for the portion the Developer funded provided the criteria of chapter 20.915 VMC are satisfied. Any TIF credits for the Project accumulated by Developer will not be deducted from the City's Reinvestment Funds.

(d) Applicability of TIF Incentive

As contemplated under Section 12 of this Agreement, Developer may come into ownership of the full 98 acres, or some portion, thereof. In the event that Developer does not purchase all of the HP Property, this Section 6 shall only apply to Developer's owned HP Property, subject to Permitted Transfers.

(e) Dedications

Once Developer dedicates real property for public infrastructure, subject to the City's acceptance, the City shall maintain the system located on City property.

Section 7. City Contribution Towards Section 30 Redevelopment Infrastructure

(a) Funding to Coincide with Developer's Phased Development

Developer's Project will be the first project to develop under the Subarea Plan and will require a significant investment in infrastructure. Infrastructure constructed by the Developer for the Project will facilitate development of the rest of Section 30. As set forth in this Section 7 and considering these unique circumstances the City agrees to reinvest up to Ten Million Dollars (\$10,000,000.00) ("City Reinvestment Funds") towards Core Public Improvements defined in Section 7(b) of this Agreement.

i. Phase I

The contribution of City Reinvestment Funds for Core Public Improvements in Phase I shall be limited to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) that may be used as soon as Developer submits a complete building permit application for Phase I improvements. Any unused amount of City Reinvestment Funds allocated in Phase I may, in Developer's sole discretion, be applied to Core Public Improvements in Subsequent Phases.

ii. Subsequent Phases

The contribution of the City Reinvestment Funds during the Subsequent Phases shall be limited to Six Million Five Hundred Thousand Dollars (\$6,500,000.00) that may be used once Developer submits a complete building permit application for a building that will cause the total square footage of development in the Subsequent Phases to meet or exceed 330,000 gross square feet.

(b) Funds to be Spent on Core Public Improvements

The City Reinvestment Funds shall be used to construct or contribute to Core Public Improvements. To qualify as a core public improvement the infrastructure must provide a public benefit to future redevelopment of Section 30 ("Core Public Improvements"). Examples of Core Public Improvements include, but are not limited to, collector arterials (inclusive of all frontage improvements including sidewalks, roundabouts, landscaping, street lighting, and water mains), public recreational trails, public transportation facilities, public stormwater collection facilities and related infrastructure, public water facilities and related infrastructure, public sanitary sewer facilities and related infrastructure. Notwithstanding whether the Developer decides to utilize the City Reinvestment Funds for particular Core Public Improvements, the City agrees that the following public infrastructure improvements shall, so long as the above criteria are met, be considered Core Public Improvements eligible for reimbursement: the extension of 184th Avenue

from Phase 1 to 9th Street, construction of 9th Street between 172nd Avenue and 184th Avenue, payment of System Development Charge fees (including the One Pacific Agreement related fees), any Developer-dedicated public recreational trail, and construction of Area 2 Pump Station and related infrastructure as contemplated in the Subarea Plan. Without limiting the foregoing, the City shall make Section 30 public infrastructure improvements a top priority in the City's grant writing program and other public funding plans.

(c) Method of Contributing City Reinvestment Funds

Developer may, in its sole discretion, use City Reinvestment Funds to contribute to all or a portion of Developer's costs to construct a Core Public Improvement or to fully fund City construction of a Core Public Improvement. In the event the Core Public Improvement includes land dedicated to the City, the value of the land dedicated for such improvement may, at Developer's option, be included as an actual cost of construction. The land valuation of the dedicated property shall equal the Developer's cost to acquire the property calculated on a square foot basis.

In no event will Developer be permitted to recover City Reinvestment Funds through available cost recovery mechanisms including, but not limited to, those cost recovery mechanisms identified in Section (4)(e) of this Agreement. The City reserves and retains all rights to recover City Reinvestment Funds used for Core Public Improvements and may use any recovered City Reinvestment Funds in its sole and absolute discretion.

i. City Construction of Core Public Improvements

Developer may request that the City construct a Core Public Improvement. Developer shall identify the Core Public Improvement by providing the City with notice that includes build-ready plans for the City's review and approval. The City may, in its sole discretion, agree to construct the Core Public Improvement based on terms and conditions it deems appropriate; provided, however, that the City shall not construct a Core Public Improvement unless there are sufficient City Reinvestment Funds to cover the full cost of construction. The City shall signify its agreement to construct a Core Public Improvement by providing Developer with an estimated cost to construct the Core Public Improvement, an estimated construction schedule, and terms and conditions, if any, within thirty (30) days of receipt of the build-ready plans ("Construction Terms"). Developer shall notify the City in writing within fifteen (15) days of its receipt of the Construction Terms of its election to have the City proceed with construction of the Core Public Improvement. If notice is not provided as set forth in this Section, it shall be presumed that the City will not construct the Core Public Improvement.

Nothing in this Section 7(c)(i) shall be construed to obligate the City to construct a Core Public Improvement for Developer within a certain timeframe or at a pre-determined cost. Developer acknowledges that City construction of a Core Public Improvement requires that it comply with chapter 39.12 RCW and procurement practices in chapter 3.05 VMC. If Developer elects to have the City proceed with construction, the estimated cost shall be immediately

deducted from available City Reinvestment Funds. The City shall provide Developer with its actual cost of construction within thirty (30) days of completion. If actual costs of construction are less than the estimated costs, the difference shall be credited back to the City Reinvestment Fund balance. If actual costs exceed the estimated costs the difference shall be deducted from the City Reinvestment Fund balance, or paid by the Developer if there are insufficient City Reinvestment Funds remaining.

ii. Core Public Improvement Constructed by Developer

Developer may choose to construct a Core Public Improvement and request full or partial contribution for the costs from the City Reinvestment Funds. Developer shall identify the Core Public Improvement and the amount of contribution it seeks in the Type II review application for Phase 1 or in the Master Plan for Subsequent Phases. To be eligible for contribution, the Core Public Improvement must (i) be bid and constructed pursuant to City procurement practices in chapter 3.05 VMC, as amended; (ii) be constructed in full compliance with chapter 39.12 RCW, as amended; (iii) meet all applicable City, State, or Federal standards; (iv) be constructed in a good and workmanlike manner; and (v) dedicated to the City after passing all City inspections. Developer shall provide documentation substantially in the form of Exhibit 8 attached hereto, of the cost to construct the Core Public Improvement for contribution after the inspection occurs. Developer shall also submit documentation that all applicable City procurement procedures and the requirements of chapter 39.12 RCW were followed, including, but not limited to, all forms submitted to the Department of Labor and Industries. The City shall have thirty (30) days to review documentation provided by Developer in relation to a contribution request for a Core Public Improvement and the Parties shall resolve all documentation matters within forty-five (45) days of submittal, unless otherwise mutually agreed. Any contribution for construction activity undertaken by Developer shall be subject to inspection. The City shall schedule a requested contribution inspection within thirty (30) days from Developer's request. The City shall provide the requested contribution to Developer within sixty (60) days of passing inspection or dedication of the Core Public Improvement to the City, whichever occurs sooner.

Developer may, at its sole option, request partial contribution of City Reinvestment Funds for the Core Public Improvement. In such a case, Developer reserves the right to apply to recover the non-City Reinvestment Funds pursuant to available cost recovery mechanisms including, but not limited to, latecomer's agreements under chapters 11.10 and 14.04 VMC. By way of example only, if Developer constructs the Area 2 Pump Station contemplated under Section 4(d)(v) of this Agreement, Developer may seek a partial contribution of City Reinvestment Funds to cover Developer's proportionate share of the cost and fund the remaining cost with its own monies. Developer could then apply for a latecomer agreement to recover the money it contributed to the cost to construct the Area 2 Pump Station.

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Section 8. City Processing and Review of Project Permits

(a) Project Type

i. Phase 1

Pursuant to VMC 20.690.030(D), the City determines that Phase 1 will not have area wide infrastructure or land use implications and shall be processed as a Type II decision provided that Phase 1 satisfies the conditions in Section 8(b) through 8(f) of this Agreement. A description of the Phase 1 Property in Exhibit 9 in relation to surrounding properties provides information to conclude that adequate infrastructure can be achieved in the short term while Developer's master planning for Subsequent Phases occurs.

ii. Subsequent Phases

Subsequent Phases of the Project shall be processed using the master planning process contained in VMC 20.690.050 in effect as of the date of this Agreement. The Phase 1 Property shall be incorporated in any future master plan involving adjacent HP Property. This Section 8(a)(ii), shall survive termination of this Agreement, except that the survival language shall sunset upon (i) approval of Developer's Master Plan for Subsequent Phases (including the Phase 1 Property); or (ii) construction of 184th Avenue between SE 1st Street and SE 9th Street, the construction of SE 9th Street between 172nd Avenue and 184th Avenue, and the Area 2 Pump Station.

(b) Road Infrastructure

Phase 1 shall include design of a full-width, thirty-four (34) foot curb-to-curb collector arterial extending from SE 1st Street in the approximate location of 182nd Avenue and 184th Avenue ("184th") to serve the Phase 1 Property, consistent with the right of way depicted in Exhibit 10 with Developer improving the street sufficient for two-way vehicular traffic, inclusive of a 12 foot recreational trail subject to Section (8)(d) of this Agreement ("184th Extension"). The 12 foot recreational trail satisfies the requirement for the trail identified in Section 8(d) of this Agreement.

Developer acknowledges and agrees that two roundabouts are contemplated at intersections along 184th between SE 1st Street and SE 9th Street and may be located on all or a portion of the HP Property. The location of such roundabouts will be selected during the master planning process for Subsequent Phases. Developer shall dedicate, at no cost to the City but subject to Section 7 of this Agreement, land necessary to construct such roundabouts and any planned collector arterials from said roundabouts. To the extent the 184th Extension is located entirely on the Phase 1 Property, Developer shall allow access to 184th through the Phase 1 Property at no cost. This Section 8(b), shall survive termination of this Agreement, except that the survival language shall sunset upon (i) approval of Developer's Master Plan for Subsequent Phases (including the Phase 1 Property); or (ii) construction of 184th Avenue between SE 1st

Street and SE 9th Street, the construction of SE 9th Street between 172nd Avenue and 184th Avenue, and the Area 2 Pump Station.

(c) Sewer Infrastructure

Phase 1 shall provide all required sanitary sewer infrastructure in the 184th right of way to connect to the Area 2 Pump Station, including gravity lines that will carry sewer flows from Phase 1 to the sanitary sewer pump station and a force main to carry sewer flows from the sanitary sewer pump station to SE 1st Street. Developer may construct the Area 2 Pump Station as contemplated in the Subarea Plan as part of Phase 1, or temporarily connect to a sanitary sewer pump station outside of Section 30 to service Phase 1; provided, however that Developer agrees that the Area 2 Pump Station shall be constructed, consistent with Section 4(d)(v) of this Agreement, within three (3) years of issuance of the first certificate of occupancy for a Phase 1 building. The deadline to construct the Area 2 Pump Station may be extended in the City's sole discretion in the event Developer demonstrates good faith progress towards a Master Plan for Subsequent Phases and eventual construction of the station. Upon completion of the Area 2 Pump Station Developer shall connect Phase 1 to the sanitary sewer pump station at its sole cost and expense.

(d) Dedication of Public Recreational Trail

The Subarea Plan contains a conceptual location for a public recreational trail on the western boundary of the HP Property. The recreational trail location in the Subarea Plan is conceptual and allows for deviation to be determined through the master plan process, however, to meet the goals of the Subarea Plan the recreational trail must be open to the public and must connect north to a location near 9th Street and west towards 172nd Avenue along or near the northern boundary of the HP Property. The City agrees that in the event the trail is located on HP Property and maintained in Developer's ownership it shall be considered a trail used solely for recreational use purposes. Any other purpose specified in any other City document related to any public recreational trail on HP Property is superseded by this Agreement.

To satisfy this Subarea Plan goal, in Phase 1 Developer shall design and construct a 12 foot recreational trail adjacent to 184th. The trail shall be designed to allow for future connectivity along 184th and connection to 9th Street in Subsequent Phases as will be designed during the master plan process. Upon dedication of the recreational trail to the City, the City shall maintain the trail.

(e) Boundary Slopes and Final Elevations

Developer's design of the Phase 1 boundary slopes and final elevations is to be consistent with the description in Exhibit 9.

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(f) State Environmental Policy Act ("SEPA")

i. Existing SEPA Documents

The City adopted a Determination of Nonsignificance ("DNS") in accordance with SEPA requirements when the Subarea Plan was adopted in 2009 through Ordinance No. M-3930 in relation to File Numbers CPZ2009-00010/SEP2009-00025. The DNS explained that future development within Section 30 would require compliance with SEPA.

ii. Project SEPA Compliance

Consistent with Ordinance No. M-3930 and the DNS, all applications for the Project shall comply with the State Environmental Policy Act, chapter 43.21C RCW and chapter 20.790 VMC. The Developer shall implement all mitigation measures imposed during the SEPA process for Phase 1 and Subsequent Phases of the Project.

(g) City Review Team

The City shall form an experienced, multi-disciplinary review team to review all applications associated with the Project. The review team shall be coordinated by a manager who shall serve as the designated point of contact for the Project.

(h) Streamlined Permitting

The City will utilize its streamlined review process for land use, engineering, and building permit review that provides for consolidated and expeditious approvals and permit review for the Project at no additional charge. The City commits to completing its review of land use, engineering, and building plans, studies and associated application material within ninety (90) calendar days of submittal. Review time may be added by the City if application materials remain incomplete within two review cycles or if more than three civil engineering reviews are required. This timeframe shall not apply to the master plan process necessary for Subsequent Phases of the Project. Instead, the City shall endeavor to make a decision on any Developer proposed Master Plan subject to this Agreement within one hundred twenty (120) calendar days from the date the Master Plan application is deemed complete.

(i) Permit Fees

The City shall cap the valuation of the Project for the sole purposes of calculating building permit review and inspection fees pursuant to VMC 17.08.130(G), Table I as follows:

Phase 1 – Building construction and investment for the first phase of the Project is estimated to have a value of Fifty Million (\$50,000,000.00) to Eighty Million Dollars (\$80,000,000.00). The City shall cap the valuation at Ten Million Dollars (\$10,000,000.00) for purposes of assessing fees under VMC 17.08.130(G).

Subsequent Phases – The City shall cap the valuation at Ten Million Dollars (\$10,000,000.00) for purposes of assessing fees under VMC 17.08.130(G) in Subsequent Phases.

Therefore, the City shall cap the valuation at Ten Million Dollars (\$10,000,000.00) for purposes of assessing fees under VMC 17.08.130(G) for each building permit application for the Project on HP Property and Annexed Property, and that cap will be applied separately to each permit during the term of this Agreement and any extensions thereof.

(j) Applicability of Section 8

As contemplated under Section 12 of this Agreement, Developer may come into ownership of the full 98 acres, or some portion, thereof. In the event that Developer does not purchase all of the HP Property, this Section 8 shall only apply to Developer's owned HP Property, subject to Permitted Transfers.

Section 9. Business License Surcharge Fees

(a) Business License Surcharge Fee

Upon application for building permits to construct Phase 1, business license surcharge fees assessed against Developer under chapter 5.04 VMC (as it may be amended) shall not exceed ninety dollars per full-time employee and shall not be assessed against more than seven hundred ninety-nine (799) full time employees. This Section 9(a) shall expire on December 31, 2024; provided, however, that Developer may, at its option, elect to terminate this provision prior to December 31, 2024. Upon termination of this Section 9(a), Developer shall be subject to then-existing business license surcharge fees.

(b) Anticipated Code Amendment

The City Council will hold a public hearing to consider an amendment to chapter 5.04 VMC regarding Business License Surcharge fees to consider a five-year waiver of the per employee annual business license surcharge fee for companies that relocate employees from outside the City boundary and employees already located within the City boundary under the following circumstances:

- A minimum of 700 employees earning no less than 125% of current median individual income, as set by the federal department of Housing and Urban Development for the Portland-Vancouver USA.
- For companies relocating employees located in the City to other locations within the City, the employees are relocated to an owner-occupied building or group of buildings comprising a minimum of 200,000 square feet in an Employment Center Plan District.

The City will hold a public hearing to consider an amendment to chapter 5.04 VMC regarding Business License Surcharge fees to consider an extension of the waiver of the per employee annual business license surcharge fee for companies eligible for the waiver that expand employment by 20% above the currently employed numbers in the City where 75% of the new employment offer no less than 125% of current median individual income, as set by the federal department of Housing and Urban Development for the Portland-Vancouver USA.

In the event that the City of Vancouver proposes the contemplated code amendment in a form acceptable to both Parties, then the Parties may mutually agree to modify certain provisions of this Section 9. Nothing in this Section 9 shall be construed to obligate the City to adopt a code amendment.

(c) Verification and Employment Decline

During the term of the incentive, the Developer shall provide the City with a sworn statement verifying that the number of employees and salary meets or exceeds the applicable thresholds for the waiver in substantial compliance with the form attached hereto as Exhibit 11. The City, or its designee, may, no more than once per year, request information to verify applicable thresholds have been met. In the event that the code amendment contemplated above is enacted and the parties mutually agree to modify this Agreement, if employment or salary declines below the thresholds specified in the applicable code provision, the Developer shall reimburse the City for the relevant reduction and/or waived business license surcharge fees during the period of noncompliance with the thresholds.

Section 10. Vested Rights

The Development Standards of the VMC, inclusive of all provisions referenced in Section 4(d) of this Agreement that are in effect on the date of this Agreement shall apply to the Project, except as otherwise provided in this Agreement and as follows:

Public Health and Safety

The City reserves the authority to modify one or more of the standards or requirements of development for the HP Property during the term of the Agreement, after notice, a public hearing, and adoption of findings and conclusions, to the extent required to avoid a serious threat to public health or safety, as provided in RCW 36.70B.170.

State and Federal Law

This Agreement does not relieve Developer of any obligations to comply with state or federal laws or regulations of any kind, including, but not limited to, those related to endangered species or stormwater. The Project shall not be vested against the application of development standards imposed by virtue of federal or state preemption of the City's regulatory authority.

State and International Building Codes

The International Building Code and International Fire Code in effect in the State of Washington on the date of filing a complete application for a building permit shall apply to all new development of the HP Property, unless mutually agreed to between the Parties.

Charges and Fees

This Agreement does not vest Developer to plan review fees, system development charges, or impact fees, except as otherwise provided in this Agreement.

Any amendments or additions made during the term of this Agreement to zoning or development regulations, transportation concurrency regulations, SEPA regulations and substantive SEPA policies or other laws, ordinances, comprehensive plan policies or other policies governing land development which may be applicable to the Project shall not apply to or affect the conditions of the Project, except as otherwise provided in this Agreement. Developer may request to be bound by future amendments to the VMC. This vesting provision shall be applicable, without limitation, to all land use applications, permits, uses and development of the Project that occur on the HP Property within the term of this Agreement. This vesting shall continue beyond the term of this Agreement as to any implementing land use application in process or granted by the City during the term of this Agreement, for the normal term of approval of any such application, permit, or approval.

Section 11. Authority

Developer represents and warrants to the City that it has ownership or control of the HP Property as that term is used in RCW 36.70B.170 and that its signatory has the authority to enter into this Agreement and bind the HP Property thereto. The City represents that its signatory has full power and authority to execute and deliver this Agreement on behalf of the City. Each Party will defend, indemnify, and hold harmless the other Party and signatory from any claim that he or she was not fully authorized to execute this Agreement on behalf of the person or entity for who he or she signed.

Section 12. Applicability of the Agreement, Binding on Successors, and Recording

This Agreement shall be effective and binding upon proper execution and delivery by the City and Developer. As contemplated under the recitals, Section 1, and Section 12 of this Agreement, Developer may come into ownership of the full 98 acres, or some portion, thereof. In the event that Developer does not purchase all of the HP Property, this Agreement shall only apply to Developer's owned HP Property, subject to Permitted Transfers. This Agreement shall run with the land and be binding upon and inure to the benefit of the successors, successors in title and assigns of Developer and upon the City as to all of the HP Property (or any portion thereof) that Developer acquires, and will be binding and enforceable against each Party in accordance with the terms herein. This Agreement shall be recorded with the Clark County

Auditor against the HP Property. Developer may sell or otherwise lawfully dispose of all or any portion of the Developer acquired HP Property to another person, corporation, partnership, or other entity who shall be bound by and benefitted by the requirements and terms of this Agreement, except as set forth in Section 5 of this Agreement.

Section 13. Further Discretionary Actions

Nothing in this Agreement shall be construed to limit the authority of the City to process development applications for the HP Property, including one or more building permits, under the processes established by the City; provided, however those processes shall not impose any conditions inconsistent with the provisions of the Agreement.

Section 14. Interpretation; Severability

(a) Interpretation

The Parties intend this Agreement to be interpreted to the full extent authorized by law as an exercise of the City's authority to enter into such agreements, and this Agreement shall be construed to reserve to the City only that police power authority which is prohibited by law from being subject to a mutual agreement with consideration.

(b) Severability

If any provision of this Agreement is determined by a court of law to be unenforceable or invalid, then the remainder of the Agreement shall remain in full force and effect. Further, as to those provisions held by a court of law to be unenforceable, the Parties shall confer and agree to amend the Agreement to implement the mutual intent of the Parties to the maximum extent allowed by law.

Section 15. Waiver

Failure by either Party at any time to require performance by the other Party of any of the provisions hereof shall in no way affect the Parties' right hereunder to enforce the same, nor shall any waiver by the Party of the breach hereof be held to be a waiver of any succeeding breach or a waiver of this nonwaiver clause.

Section 16. Amendment

This Agreement shall not be amended without the express written approval of the City and Developer (or its successors, successors in title and assigns with respect to the HP Property in which they have an interest). The Vancouver City Council must approve, in its sole discretion, all amendments to this Agreement by ordinance or resolution. The City agrees to present to the City Council any Developer requested amendment within ninety (90) days of such request, unless the Parties mutually agree otherwise.

Section 17. Headings

The headings in this Agreement are inserted for reference only and shall not be construed to expand, limit, or otherwise modify the terms and conditions of this Agreement.

Section 18. Governing Law and Venue

This Agreement shall be construed with, and governed by, the laws of the State of Washington. The Parties agree to venue in the Superior Court for Clark County, State of Washington, to resolve any disputes that may arise under this Agreement.

Section 19. Attorneys' Fees

Should it be necessary for any Party to this Agreement to initiate a legal proceeding against the other Party to adjudicate any issues arising hereunder, the Party that substantially prevails shall be entitled to recover from the other Party such sum as the court or arbitrator may adjudge reasonable attorneys' fees, costs, expenses, and disbursements (including the fees and expenses of expert and fact witnesses) reasonably incurred or made by the substantially prevailing Party in preparation to participate in mediation or arbitration, to bring suit, during suit, on appeal, on petition for review, and in enforcing any judgment or award, from the other Party or Parties.

Section 20. Default

In the event either Party fails to perform the terms and provisions of this Agreement, which failure continues uncured for a period of sixty (60) days following written notice from the other Party (unless the Parties have mutually agreed in writing to extend this period) shall constitute a default under this Agreement. Any notice of default shall specify the nature of the alleged default and, where appropriate, the manner in which the alleged default may be satisfactorily cured. If the nature of the alleged default is such that it cannot be reasonably cured within the sixty (60) day period, then the commencement of actions to cure the alleged default within the sixty (60) day period and diligent prosecution of such actions necessary to complete the cure of the alleged default, shall be deemed to be a cure within the sixty (60) day period. Upon a default that is not cured as provided above, the non-defaulting Party may institute legal proceedings to enforce the terms of this Agreement or terminate this Agreement. If the default is cured, then no default exists, and the noticing Party shall take no further action. In recognition of the possible assignment and sale of portions of the HP Property (see Section 12) any claimed default shall relate as specifically as possible to the portion of the HP Property involved and any remedy against any party shall be limited to the extent possible to the owners of such portion of the HP Property with remedies that do not adversely affect the rights, duties or obligations of any other non-defaulting owner of portions of the Property not in default under this Agreement.

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Section 21. Cooperation

The City and Developer shall take such action (including, but not limited to, the execution, acknowledgement and delivery of documents) as may reasonably be requested by the other party for the implementation or continuing performance of this Agreement. In the event of any administrative, legal, or equitable action or proceeding instituted by any person or party to this Agreement challenging the validity of any provision of this Agreement, or any subsequent action taken consistent with this Agreement, the parties shall cooperate in defending such action or proceeding to settlement or final judgment, including all appeals. The City and Developer shall select its own legal counsel and retain such counsel at its own expense.

Section 22. No Third-Party Beneficiaries

This Agreement is made and entered into for the sole protection and benefit of the Parties hereto and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

Section 23. Notice

All communications, notices, and demands of any kind under this Agreement shall be in writing and delivered by (a) a nationally recognized overnight courier, or (b) deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and as follows:

To the City:	City of Vancouver, City Attorney Attn: Jonathan Young 415 SW 6 th Street Vancouver, WA 98660
To the Developer:	JLL 260 Forbes Avenue, Suite 1300 Pittsburgh, PA 15222 Attn: Lease Administration – HP Inc.
With a copy to:	HP Inc. 1501 Page Mill Road Palo Alto, CA 94304 Attn: Global Functions Legal Jennifer Bragar Tomasi Salyer Martin 121 SW Morrison St, Suite 1850 Portland, OR 97204

Section 24. Construction

This Agreement is the product of negotiation and drafting by both Parties and their legal counsel, and it shall be deemed to have been drafted by no Party individually but as a joint effort of the Parties. The Parties intend this Agreement to be interpreted to the full extent authorized by law. To the extent of any conflict with any City regulations which may otherwise govern the HP Property, the terms and conditions of this Agreement shall prevail.

Section 25. Entire Agreement

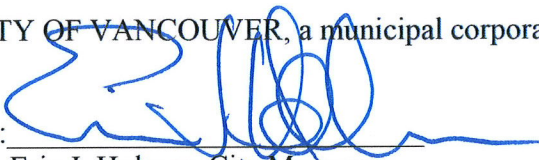
This Agreement consists of the Resolution approving the Agreement, the Agreement, Exhibits 1-11. This Agreement constitutes the final and complete expression of the Parties on all subjects relating to the terms herein. This Agreement supersedes and replaces all prior agreements, discussions and representations on all subjects discussed herein, without limitation, except as set forth in Section 4(f). No Party is entering into this Agreement in reliance on any oral or written promises, inducements, representations, understandings, interpretations or agreements other than those contained in this Agreement and the exhibits hereto.

Section 26. Vancouver Municipal Code Provisions and Standards

The City shall maintain a binder with a printed copy of all Development Standards governing development of the Project as set forth in this Agreement, including but, not limited to, the Subarea Plan, the City of Vancouver Stormwater Management Standards, City of Vancouver Water Design and Construction Requirements, and City of Vancouver General Requirements and Details for the Design and Construction of Public Sanitary Sewers, to be signed by each Party.

Dated this 10th day of December, 2019

CITY OF VANCOUVER, a municipal corporation

By: 

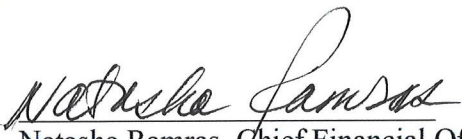
Eric J. Holmes, City Manager

HP, INC., a Delaware corporation

By: 

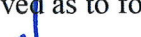
HEAD OF RE STRATEGY, HP

Attest



Natasha Ramras, Chief Financial Officer
City of Vancouver

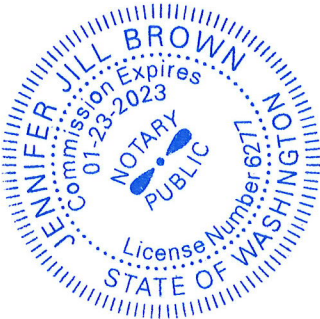
Approved as to form



Nathan Young, City Attorney

STATE OF WASHINGTON)
) ss.
County of Clark)

GIVEN under my hand and official seal on 12-16-19, 2019.




Notary Public for Washington

HP Development Agreement
Page 24 of 25

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

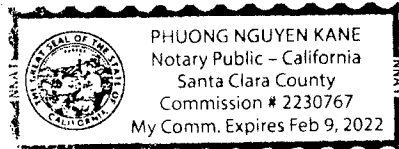
State of California
County of Santa Clara

On Dec 18, 2019 before me, Phuong Nguyen Kane
(insert name and title of the officer)

personally appeared Keith Tabacek
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Phuong Nguyen Kane (Seal)

EXHIBIT 1

LEGAL DESCRIPTION OF PROPERTY

PARCEL I:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN IN CLARK COUNTY, WASHINGTON.

PARCEL II:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CLARK COUNTY, WASHINGTON.

PARCEL III:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND UTILITIES, INCLUDING BUT NOT LIMITED TO THE RIGHT TO CONSTRUCT AND MAINTAIN A PRIVATE ROAD FOR HEAVY HAULING OF AGGREGATE AND EQUIPMENT UNDER, OVER AND ACROSS THE EAST 60 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, AS SET FORTH IN THE AMENDED AND RESTATED EASEMENT AGREEMENT RECORDED MARCH 19, 2009 AS RECORDING NO. 4541545.

PARCEL IV:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON.

EXCEPT ANY PORTION LYING WITHIN SOUTHEAST FIRST STREET.

ALSO EXCEPT THAT REAL PROPERTY SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 01°36'19" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 455.55 FEET; THENCE SOUTH 27°07'48" EAST A DISTANCE OF 147.46 FEET; THENCE SOUTH 88°12'07" EAST A DISTANCE OF 177.17 FEET; THENCE SOUTH 43°23'44" EAST A DISTANCE OF 34.77 FEET; THENCE SOUTH 01°45'27" WEST A DISTANCE OF 296.45 FEET TO THE SOUTH LINE OF SAID

SOUTHEAST QUARTER OF SECTION 30; THENCE NORTH 89°22'11" WEST ALONG
SAID SOUTH LINE A DISTANCE OF 271.90 FEET TO THE POINT OF BEGINNING.

EXCEPT ANY PORTION LYING WITHIN THE PUBLIC RIGHT-OF-WAY.

CONTAINING 7.719 ACRES, MORE OR LESS.

EXHIBIT 2

LEGAL DESCRIPTION OF ADDITIONAL PROPERTY

REAL PROPERTY SITUATED IN THE CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON, BEING THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN.

TOGETHER WITH:

REAL PROPERTY SITUATED IN THE CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON, BEING DESCRIBED AS THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN.

EXCEPTING THEREFROM:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE NORTH $01^{\circ} 37' 33''$ EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 97.35 FEET; THENCE SOUTH $79^{\circ} 30' 36''$ WEST TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 477.79 FEET; FROM WHICH POINT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER BEARS SOUTH $88^{\circ} 44' 01''$ EAST A DISTANCE OF 467.16 FEET; THENCE SOUTH $88^{\circ} 44' 01''$ EAST A DISTANCE OF 467.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 29.548 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

EXHIBIT 3

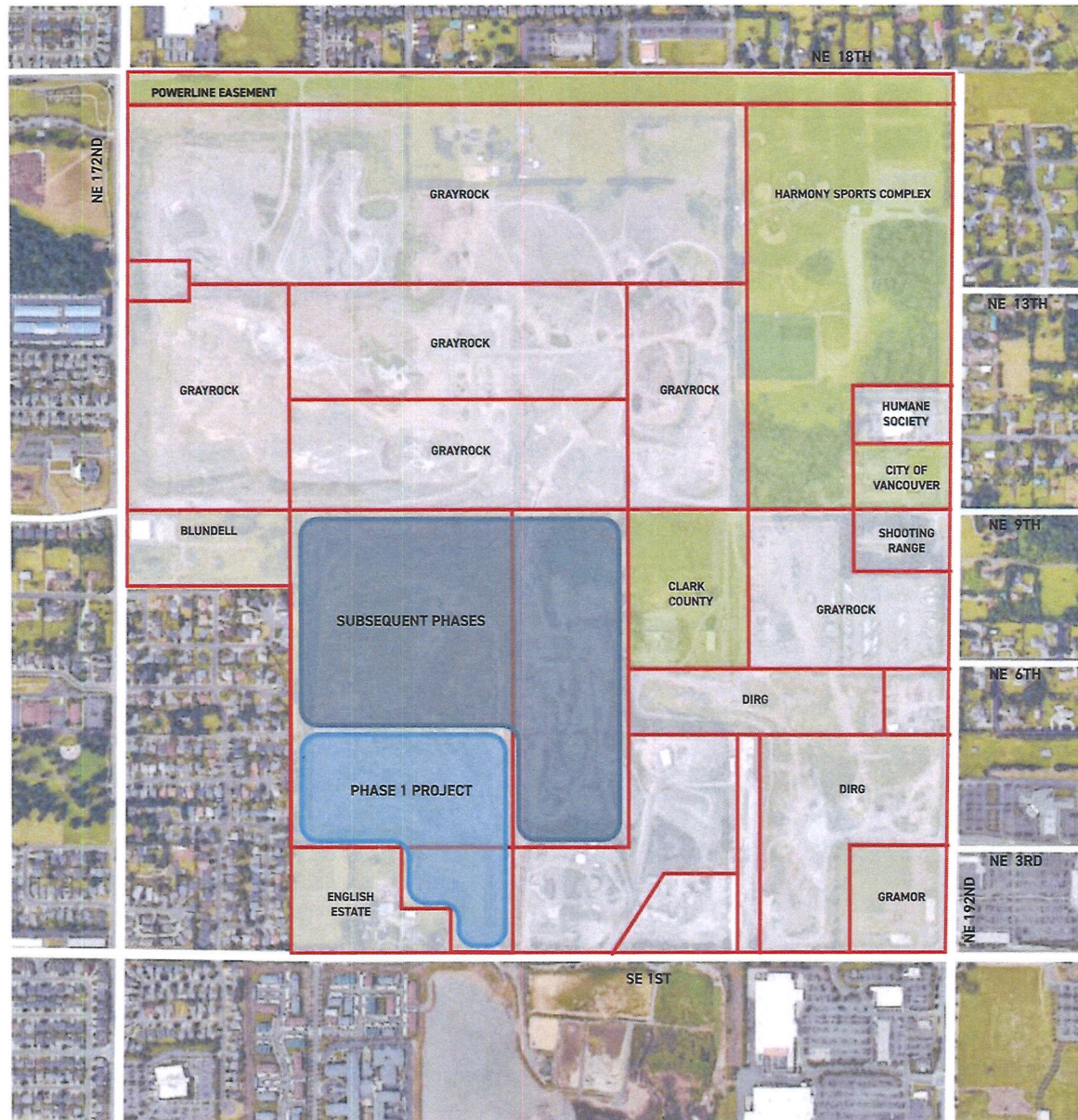


EXHIBIT 4

Vancouver Municipal Code:

Applicability to the Multi-Tenant Building aspect of Developer's Project

The City intends to apply the following Vancouver Municipal Code standards to the Project on the HP Property that includes reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources, and accommodates a national, multi-building development of up to 1,500,000 gross square feet of building space, with office, research and development, industrial services, manufacturing and production, light industrial uses, as well as the potential for occupant-supported small scale retail, restaurant, accessory uses, and related parking and associated onsite improvements, and any associated Phase 1 review, Master Plan review, and/or future phase site plan reviews associated with this aspect of Developer's Project. As set forth in the Recitals of the HP Development Agreement, the Subarea Plan was adopted more than 15 years ago when the City anticipated development to occur on a parcel-by-parcel basis instead of a coordinated effort led by Developer's catalyzing Project, involving a significant portion of Section 30's privately owned land. The Subarea Plan anticipates some flexibility in its application and is referred to as a framework that envisioned joint effort for development between the City and property owners and between the Developer and its neighbors. Developer, through this Development Agreement signifies its willingness to join this endeavor to turn the framework into a reality and transform Section 30 into the neighborhood envisioned in the plan. Given this context, the City considers the Developer's proposal as an unique catalyst that deserves the City's attention and direction in advance of land use application review for Phase 1 and master planning for Subsequent Phases to allow achievement of the vision set forth in the Subarea Plan. To the extent that it is determined that code amendments are required to support the below application of the code, the City agrees to pursue such amendments; however, the City shall not be obligated to approve any such code amendment.

Capitalized terms have the same meaning as set forth in the HP Development Agreement unless otherwise specified in this exhibit.

VMC 20.440.030, Table 20.440.030-1:

City application to Developer: All ECX uses listed in VMC Table 20.440.030-1 as permitted, limited, or conditional uses shall be allowed on the HP Property except as set forth in Section (4)(a) of the HP Development Agreement prohibiting specific uses on the HP Property.

VMC 20.690.040(D):

VMC 20.690.040 Development Standards

Development within the Plan District shall be subject to the development standards contained in VMC 20.440.040 and 20.440.050 except as modified herein. Urban Neighborhood Overlay development is subject to the development standards contained in VMC 20.690.070, Section 30 Urban Neighborhood Overlay.

D. Building Setbacks.

1. Any development adjacent to the Principal Arterial streets bordering the Section 30 Plan District shall provide a 20 foot minimum landscaped setback from the back of sidewalk.

2. All other street setbacks shall be a landscaped 10 foot maximum from the back of sidewalk. An exception for up to a 20 foot maximum setback shall be allowed for proposed green street features, publicly accessible plazas, or due to topographic constraints.

3. New Heavy Industrial uses allowed by recorded Development Agreements shall provide a minimum 10 foot landscaped side and rear set back. Landscape shall include shrubs to form a six foot high buffer screen 95% opaque year-round.

4. All landscaped setbacks shall at a minimum meet the Section 30 Landscape Design Guidelines.

City application to Developer: Developer may submit a landscape plan under VMC 20.925.110 that at a minimum meets the OCI standards, unless the foregoing standards under VMC 20.690.040(D)(1)-(4) apply stricter standards for Phase 1.

Subsequent Phases of Developer's Project subject to the HP Development Agreement shall be subject to the Master Plan landscape plan requirement under VMC 20.690.050.

Developer's Phase 1 and the Master Plan will involve a mix of interface with public right of way, private streets, and local streets. VMC 20.690.040(D)(2) provides maximum setbacks for landscaped setbacks on streets, other than collector arterials, of 10 feet from the back of the sidewalk, with an exception allowed up to 20 feet. The City interprets this provision to apply to Developer's Project as a 10 foot minimum landscaped setback from the back of the sidewalk with the option to exceed the minimum to ensure architecturally sound design of landscaped setbacks taking into account factors including, but not limited to, pedestrian interface, vehicular circulation, and building design. Further, back of sidewalk shall also refer to any back of a public recreational trail that may be co-located on public rights of way, private streets, or local streets.

VMC 20.690.040(E):

VMC 20.690.040(E)

Parking spaces provided for individual uses shall be no less than 80 percent of the minimum required indicated in Table 20.945.070-2, and no more than 115 percent to the amount provided in Table 20.945.070-2. The planning official may approve parking beyond the maximum or a parking reduction from the required minimum based on a parking study that justifies the change. Structural parking is permitted subject to the design standards contained in VMC 20.945.060. Structural parking shall count toward the minimum but not the maximum number of parking stalls.

City application to Developer: The parking space description in Table 20.945.070-2 lists the minimum number of parking spaces associated with a particular use. The City may interpret VMC 20.690.040(E) to suggest that a maximum parking space limit applies to Section 30 development, subject to exceeding the maximum if a parking study is submitted. As stated above and throughout the HP Development Agreement, the Subarea Plan and implementing code did not envision a catalyzing development such as Developer's Project that incorporates a mix of uses on the scale of nearly 100 acres. In order to allow flexible, successful, and efficient development of nearly 100 acres within Section 30, the City will apply the foregoing provision to allow development of the HP Property with parking on the following terms and determines that these parking ratios and the concomitant requirement for a parking study in the course of development is consistent with this code provision because a parking study completed prior to development would have no context in terms of the performance of parking to serve Phase I of the Project.

Parking spaces shall be provided for in the following ratios:

Office uses	2.5 to 5 spaces per 1000 square feet
Research and Development uses	1.25 to 3 spaces per 1000 square feet
Light industrial uses	1.25 to 3 spaces per 1000 square feet
Occupant-supported retail, restaurant, and accessory uses	1 space per 250 square feet

Reference to occupant-supported retail, restaurant, and accessory uses is for parking for such uses that are primarily meant to be open to HP employees. Other such uses that are incidental to an office building will meet the parking ratios for Office uses listed above.

Consistent with the Design Guidelines of Section 30 and to ensure that parking is sufficient, readily accessible, and safe, Developer will conduct a parking study after Phase I, as part of master planning. The parking study could provide different use scenarios for the different buildings and how parking will be brought into compliance

with the code as the Project develops. The overall parking plan could be conceptual with the understanding that it could change as the Project develops. In Subsequent Phases, Developer may modify the foregoing standard subject to review and approval by the City.

VMC 20.690.040(G):

VMC 20.690.040(G)

G. Roadways and Access.

- 1. Collector arterial roadway alignment shall be consistent with the conceptual roadway alignments shown in the Section 30 Employment Center Plan document.*
- 2. Connections to streets that border Section 30 Plan District shall be substantially as shown in the Section 30 Employment Center Plan document.*
- 3. All collector arterial to collector arterial intersections internal to the Plan District (excludes the four surrounding arterials) shall be roundabout intersections. Use of roundabouts for local roadway connections is also encouraged to promote system efficiency and create a unique identity.*
- 4. Traffic calming and context sensitive design shall be incorporated into the design of all internal roadways.*
- 5. The maximum block face length within the Plan District shall be 600 feet generally, and 300 feet in the Urban Neighborhood Overlay areas.*
- 6. All new streets and street improvements shall meet the intent of the Section 30 Design Guidelines.*

City application to Developer: The provisions of VMC 20.690.040(G)(2), (3), (5) and (6) will be applied consistent with the City's interpretation of the Subarea Plan in Exhibit 5 to the HP Development Agreement. In addition, given the scale of the Project area, the City agrees that Developer may seek approval for maximum block face length of "600 feet generally" to allow for some maximum block lengths of up to 700 feet as consistent with the use of "generally" in the code. Developer's Phase I does not currently intend to exceed a 600 foot block length. Therefore, any potential block lengths exceeding 600 feet will be reviewed as part of the master plan.

VMC 20.960.070(K):

VMC 20.960.070(K)

K. Industrial complex signs (free-standing signs).

1. Allowable Area: 1.5 square foot per face per lineal foot of industrial complex frontage up to a maximum of 250 square feet per face. Provided that an industrial complex with less than thirty-two (32) lineal feet of frontage shall be allowed a maximum thirty-two (32) square foot sign per face.

2. Number of Signs: 1 per complex frontage.

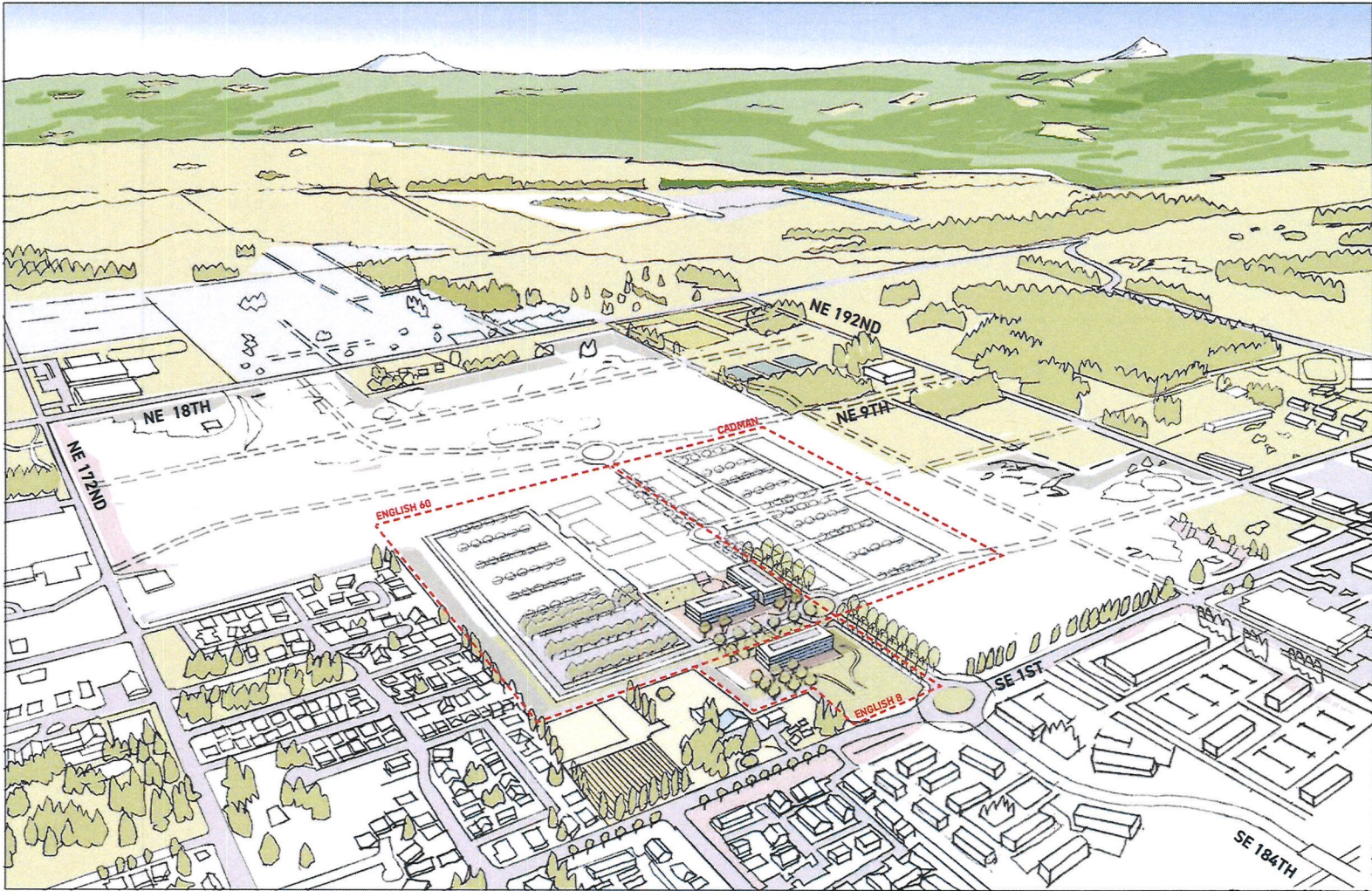
3. Height of Sign: Maximum 25 feet.

City application to Developer: The City's sign code does not address a situation such as a Developer's multi-building type development. As stated above and throughout the HP Development Agreement, the Subarea Plan, and implementing code did not envision a catalyzing development such as Developer's Project that incorporates a mix of uses on this scale. Further, the City's code does not define the term "industrial complex." Therefore, the City concludes that Developer may apply for signs allowed for an industrial complex under this provision for those signs that serve a particular building in a multi-building type environment. Thus, as applied to Phase 1, Developer may seek approval to install an industrial complex sign for each individual building constructed as part of Phase 1 and such sign installation could be consistent with the intent of the sign code and the Subarea Plan.

Consistent with chapter 20.960 VMC, all other signs not visible from a public right-of-way are exempt from review. VMC 20.960.070 does not have a sign type that refers to public recreational trails. The City views all recreational trail signs that may be located on HP Property as part of the master planning may be considered outside the sign types identified under VMC 20.960.070 and may be exempt from any sign maximum.

The City will allow Developer to establish a Project-wide sign program for signs visible from the public right-of-way as part of the master planning process.

EXHIBIT 5



Infrastructure locations are preliminary. Final locations will be determined through the master planning process

Exhibit 5

Page 1 of 1 **CONCEPTUAL PROJECT LAYOUT**

OCTOBER 23, 2019

ZGF

EXHIBIT 6

SUBAREA PLAN POLICIES

HP Section 30 Urban Employment Center Subarea Plan:

Applicability to the Multi-Tenant Building aspect of Developer's Project

The Subarea Plan (dated October 5, 2009) contains a combination of aspirational and mandatory policies. The City intends to apply the following Subarea Plan policies to the Project on the HP Property that includes reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources and accommodates a national, multi-building development of up to 1,500,000 gross square feet of building space, with office, research and development, industrial services, manufacturing and production, light industrial uses, and reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources, as well as the potential for occupant-supported small scale retail, restaurant, accessory uses, and related parking and associated onsite improvements, and any associated Phase 1 review, Master Plan review, and/or future phase site plan reviews associated with Developer's Project. As set forth in the Recitals of the GF Development Agreement, the Subarea Plan was adopted more than 15 years ago when the City anticipated development to occur on a parcel-by-parcel basis instead of a coordinated effort led by Developer's catalyzing Project, involving a significant portion of Section 30's privately owned land. The Subarea Plan anticipates some flexibility in its application and is referred to as a framework that envisioned joint effort for development between the City and property owners and between a Developer and its neighbors. Developer, through this Development Agreement signifies its willingness to join this endeavor to turn the framework into a reality and transform Section 30 into the neighborhood envisioned in the plan. Given this context, the City considers the Developer's proposal as a catalyst that deserves the City's attention and direction in advance of land use application review for Phase 1 and master planning for Subsequent Phases to allow achievement of the vision set forth in the Subarea Plan. To the extent that it is determined that Subarea Plan amendments are required to support the below application of the plan, the City agrees to pursue such amendments; however, the City shall not be obligated to approve any such code amendment.

Capitalized terms have the same meaning as set forth in the HP Development Agreement unless otherwise specified in this exhibit.

Intersection Spacing (p. 43)

TR-7 – Collector streets within Section 30 shall be spaced about 800 ft. apart with connections as generally depicted on the concept map. These are flexible corridors, so long as spaced to provide adequate collector level street access and sufficient capacity to all portions of Section 30 is provided.

TR-9 – To simultaneously promote continuous, smooth traffic flow, and slower travel speeds that promote safety for cars, trucks, pedestrians, and bikes; to conserve buildable land through

efficient use of public rights-of-way; to promote lower energy use through eliminating traffic lights and minimizing vehicle idling time; the Section 30 internal collector arterial intersections shall be single lane urban roundabouts with 100 to 130 foot inscribed circle diameter to accommodate all vehicle types that will access the site.

Access to Streets by Motorized Vehicles (p. 44)

TR-21 – Direct access to arterial streets, when allowed, should meet minimum intersection spacing requirements.

City application to Developer: The City may apply TR-7, TR-9, and TR-21 to Developer to allow variation from the requirements as long as Developer provides 200 foot minimum separation between intersections of local collector streets as long as the design meets the intent of the policies. If this condition is met, the City may allow the possibility of restricted turn movements (e.g. right-in/right out). The roundabout design requirement under TR-9 is achieved if the design of the roundabout is similar to the design of the roundabout at the intersection of 1st Street/184th Avenue. The City further recognizes that should Developer vary in these ways, the development could comply with the intent of these provisions because these traffic control measures would achieve the goals set forth in the Subarea Plan. The Developer has the option to improve streets in a different configuration based on measured traffic flow subject to City review and approval. In addition, the Developer may seek approval to incorporate same-side ingress/egress for Developer's research and development buildings at the northern most boundaries of the HP Property for truck deliveries and low density (by head count) facility parking. The parties mutually acknowledge that in addition to the planned roundabouts along 184th, additional access to 184th between 1st Street and 9th Street will be necessary to provide adequate access to the Project. Upon review of Exhibit 5 to the HP Development Agreement, the City agrees that Developer may be permitted to include "right-in, right-out only" access to 184th between roundabouts where necessary for the Developer to construct safe and efficient circulation and necessary emergency access to future buildings and parking areas contemplated as part of the anticipated Master Plan for the Project. However, this permission for "right-in, right-out only" access shall not be construed as any exemption to the City's Street and Development standards (chapter 11.80 VMC). Further, the City will review in good faith any standards modification requests (*i.e.* road modification requests) under VMC 11.80.160 that are deemed necessary to achieve sufficient access to 184th to effectively implement the master plan vision for the Project. Parties with responsibility to construct certain streets and roundabouts will be identified during the master plan process. Developer has the option, but not the obligation, to provide that access to arterial streets meet minimum intersection spacing requirements, and such proposals shall be reviewed by the City in the master planning process.

Pedestrian Facilities (p. 43)

TR – 10 All trails and sidewalks shall be consistent with the connectivity and grade policies of the Plan.

Exhibit 6

Page 2 of 8

TR – 11 To encourage pedestrian connectivity, development standards should describe allowed maximum slopes for trails or sidewalks constructed outside of the street development.

TR – 12 Sidewalks shall be developed consistent with typical street cross sections for collector and local access streets at a minimum. Wider sidewalks and additional landscaping are encouraged.

TR – 13 Mid-block and other safe pedestrian crossings shall be developed to provide very high pedestrian level of service, especially in mixed use urban neighborhoods.

TR – 14 Where possible and desirable, sidewalks and trails should be constructed of pervious surface, and be integrated into the storm water control plan.

Trail Linkages (p. 53)

OS – 14 Remaining side slopes, especially the western perimeter slopes created from past mining activities, should be considered as a combined green open space, stormwater infiltration, and perimeter trail system.

City application to Developer: To the extent that the policies above contain mandatory language, the Development Agreement's Section 8 shall govern how those policies are treated for purposes of the public recreational trail associated with the HP Property. To the extent that Developer's western slopes are required for design and material purposes for Developer's Project, Developer retains sole discretion to make use of its western slopes in the design of Phase 1, the Master Plan, and Subsequent Phases of its Project as set forth in HP's Development Agreement. The City agrees that the cross sections for collector arterials, attached as Exhibit 10 to the HP Development Agreement, are consistent with typical cross sections for collector, private roads, and local access streets. Pedestrian crossings will be proposed during master planning based on the position of various structures and proposed uses, with the intent that crosswalks will be installed at roundabouts, and if necessary to serve connectivity, mid-block pedestrian crossings may be considered.

Parking – Motorized Vehicle (p. 44)

TR – 16 Off street parking should be located behind or to the side of structures in all districts with the exception of "tech flex" development, which may locate parking for customers only between the street and building front.

City application to Developer: The intent of this policy is to prohibit parking in the area between a "building front" and a collector arterial so that parking is hidden from view from the vantage of a collector arterial. Developer's conceptual plan is consistent with this approach.

TR – 17 On street parking may be provided where appropriate and the parking spaces immediately adjoining a property shall be counted towards a development's overall parking requirement.

City application to Developer: On street parking is not planned for Developer's Phase I. Developer shall continue to have the option to design for on street parking as part of the Master Plan and Subsequent Phases.

TR – 18 Joint use parking facilities are encouraged where peak parking lot use is different between adjoining users.

City interpretation and application to Developer: Developer is permitted, but not required, to provide joint use parking facilities.

TR – 19 Access between off street parking facilities without requiring street access to travel between lots is encouraged.

City application to Developer: Developer is permitted, but not required, to provide direct parking lot links. Developer is required to establish local streets for ingress and egress with parking areas for each building.

Access to Streets by Motorized Vehicles (p. 44)

TR – 22 Joint driveways accessing to two or more properties are encouraged.

City application to Developer: Developer is permitted, but not required, to provide driveways to two or more properties.

TR – 23 Minimize industrial truck traffic on residential areas, identify potential truck routes and identify streets to be posted for no through trucks through the master plan process.

City application to Developer: The City will allow Developer to identify truck routes as part of the Master Plan; and supports truck routes off of 172nd Avenue from 9th Street to 184th Avenue, and 1st Street to 184th Avenue. Today, most of Developer's truck deliveries use City-trucks; although other operations that may be located on the HP Property may require travel truck deliveries.

TR – 24 Within the Urban Neighborhood Center areas, alleys will provide automobile access for residential land uses. Dwelling units should front to all streets including arterial roadways to create an active, interesting, and welcoming environment for pedestrians.

City application to Developer: With no residential use planned at this time as part of the Project on the HP Property, the City concludes this policy is not applicable to this aspect of the Project.

Traffic Calming and Street Character (p. 45)

TR – 25 Street designs shall incorporate a full range of integrated urban traffic calming strategies to achieve safe, context sensitive roadways.

TR – 26 Street designs shall incorporate principles of context sensitive design to support active, attractive and healthy urban environments.

City application to Developer: These policies use mandatory language, but are conceptual in content. The City intends to apply these policies to require Developer to comply when practical and reasonable when considering traffic flow, safety, and design.

Transit Facilities (p. 45)

TR – 27 Vancouver Transportation Services, Vancouver Community Planning, CTRAN and property owners will continue to evaluate the need for a major transit hub to accommodate transit needs within Section 30 and evaluate potentials for transit systems such as bus rapid transit.

TR – 28 Master plans should include transit facilities (e.g. bus turnouts and shelters) where required by the City, and consistent with Section 30 roadway standard plans.

City application to Developer: The Developer is not required to locate a transit facility on land it owns. Developer is required to master plan to accommodate transit stops on or near arterial streets or local streets in its reasonable discretion and in coordination with public transportation providers.

General Utility (pp. 56 and 58)

PU – 1 Coordinated utility planning for the whole of Section 30 is essential to cost-efficient service provisions. Locate easements to consider future utilities' needs and be consistent with existing plans.

PU – 2 Include within sanitary sewer and water construction plans the design and construction of all facilities necessary for development of the site.

PU – 3 Coordinate pipe and pump station sizes to serve no less than the plan's land use build out assumptions.

PU – 4 Consider an efficient relationship between road and infrastructure line design and layout, and minimize utility line locations outside of existing or proposed rights-of-way.

PU – 5 Encourage and provide opportunities within rights-of-way for new energy systems piping or cabling needs.

PU – 6 Agreements between property owners that demonstrate how future public utilities will be extended beyond a proposed project are encouraged to be documented with the city.

City application to Developer: These policies are generally applicable to Developer subject to evaluation with Public Works. Further, during the master planning process the application of these policies will be considered in the context of planned uses, with reasonable growth for potentially higher density uses for those areas that remain unplanned. The City concludes fiber optic cables are part of “cabling needs” under PU-5, and Developer may install such cabling.

Sanitary Sewer (p. 58)

PU – 7 Provide a maximum of two public pump stations located at low points with gravity sewers extending outward to serve higher elevation areas. One main pump station is preferable.

PU – 8 Interim systems should not be allowed.

PU – 10 Design new sewer lines to allow for sequential development.

City application to Developer: Developer and the City understand that one sanitary sewer pump station will be required to serve the Project and the City requires that the sanitary sewer pump station be addressed in the Master Plan for the HP Property. The City may consider Developer's submission of an interim sanitary sewer service solution for Phase 1 to direct link to SE 1st Street/CTC because Phase 1 will not create intensive wastewater needs and the location of the sanitary sewer pump station cannot be determined until the location of 184th Avenue and 9th Street are designed for Subsequent Phases. Developer's Type II review of Phase 1 buildings will require evidence of the interim solution and agreement from the neighboring property owner to allow the direct link. Once the Area 2 Pump Station is constructed, likely near 9th Street, Developer's Phase 1 buildings will disconnect from the interim solution and pump to the new pump station, as specified in HP's Development Agreement and at Developer's sole cost and expense to disconnect from the interim solution.

PU – 9 Development with more intensive industrial wastewater needs shall be responsible for any needed additional improvements including pre-treatment and added or larger sewer mains, and an added or larger pump station with a longer force main to a "to be determined" discharge location.

City application to Developer: Developer represents that, at this time, it does not have industrial wastewater planned as part of Phase 1. The City shall review any proposed industrial wastewater improvements at the time of Master Plan review, or upon Developer's request for review pursuant to VMC 20.690.050(D) in effect on the date of HP's Development Agreement.

Water (p. 58)

PU – 11 Promote sustainability through water conservation and the use of water collection systems and existing wells.

City application to Developer: Developer is permitted, in its sole discretion, but not required, to reuse greywater, use existing wells for non-potable purposes (although no wells are located on the HP Property), rainwater collection, or install green roofs. Developer shall make commercially reasonable efforts to design its Project for sustainable water conservation, thereby achieving this aspirational goal of the Subarea Plan.

PU – 12 Design new internal water line systems to maximize system looping.

PU – 13 Design new internal water lines to allow for sequential development.

City application to Developer: Developer may not be required to use internal water line systems to maximize system looping for Phase 1 if there is no looping to maximize. However, Developer will be required to maximize system looping and design for sequential development as part of the Master Plan.

PU – 14 Coordinate new water lines with existing 12-inch water mains, connecting gaps in the existing system around the boundary of Section 30 where necessary for adequate service. Provide at a minimum 12 inch water mains on the perimeter of Section 30 and at least one 10-inch or larger water main in an east/west direction in the approximate center of the planning area.

City application to Developer: The City shall review Developer's proposed water mains for Phase 1 during the Type II review to determine that new water mains will be installed to meet the need for future expansion of the Project and development of Section 30. All other water main size choices and plans to connect gaps in the existing system around the boundary of Section 30 shall be designed to provide adequate service as part of the master plan process, through collaboration with adjacent landowners within Section 30.

Stormwater (p. 59)

PU – 16 Section 30 stormwater shall be managed within Section 30 plan area.

PU – 17 Require where physically feasible, low impact development stormwater management techniques including, but not limited to, decentralized infiltration facilities, compost filters within landscaped excavated basins, and various forms of vegetation.

PU – 18 When necessary based on physical feasibility, allow stormwater management techniques that combine low impact development and regional facilities.

PU – 19 Restrict individual development stormwater facility design in impacting other properties from surface and ground water runoff, particularly those at lower elevations.

PU – 20 Provide a geotechnical report prior to the design and construction of stormwater facilities including, general soil characterization, infiltration rates, and groundwater elevation.

PU – 21 Promote street right-of-way design to include sufficient width to accommodate stormwater facilities and/or integrated stormwater facilities with trails, shared paths, or greenways.

PU – 22 Provide appropriate stormwater methods that consider separately the industrial use portion and the non-industrial use portion of a site.

PU - 23 An integrated approach to greenway, trail and stormwater plans is encouraged to allow for intermittent flooding during major storm events.

PU – 24 Use of public open space for accommodating the 100-year storm event may be allowed.

City application to Developer: The City intends to apply these standards to Developer, to the extent Developer needs to connect to a public stormwater system, provided that

surface and subsurface natural rock infiltration partially occurs on private property within Section 30 to control water quality. Only after treatment and infiltration on private property shall stormwater feed into public right of way and public stormwater system areas owned and maintained by the City.

Private Streets

The Subarea Plan states that specific roadway alignments are not prescribed in the plan. In addition, chapter 20.690 VMC does not prohibit private streets. Further, the City has reviewed VMC 11.80.040(C)(1)(e) to conclude that the specific Section 30 Subarea Plan governs street design in Section 30 and that the Section 30 Subarea Plan and Design Guidelines do not prohibit private streets to serve the Project. In addition, the City determines that approval of private streets internal to the multi-building proposal in Phase 1 and Subsequent Phases will allow for the potential future dedication to a public street system should the master planning process result in a request from Developer to layout the streets in a public manner. Further VMC 11.080.040(C)(2) allows private streets in industrial developments. To the extent that VMC 11.080.050(B) is inconsistent with either VMC 11.080.040(C)(2), the Subarea Plan or Section 30 Design Guidelines, the City intends to resolve the inconsistency in favor of the specific allowance of private streets under VMC 11.080.040(C)(2) based on the reasons set forth here.

EXHIBIT 7



851 SW 6th AVENUE, SUITE 600
PORTLAND, OR 97204
P 503.228.5230 F 503.273.8169

September 5, 2019

Project #: 23182

Matt Oyen
PacTrust
15350 SW Sequoia Parkway, Suite 300
Portland, OR 97224

RE: Section 30 Property Due-Diligence

Dear Matt,

Per your request, below is an updated summary of transportation considerations to help inform your due-diligence assessment.

TRIP GENERATION ESTIMATE

Per the *Trip Generation Manual, 10th Edition*¹ development of 700,000 square feet of office space is estimated to generate:

- 5,565 Daily Trips (assuming Corporate Headquarters trip rate or 7,006 Daily Trips using the General Office trip rate)
- 684 weekday AM peak hour trips (588 in, 96 out)
- 723 weekday PM peak hour trips (116 in, 607 out)

TRAFFIC IMPACT FEE ESTIMATE (TIF)

- The development site is located in the Cascade TIF District (\$223 fee/daily trip currently)
- Current TIF estimate based on 700,000 square feet of Corporate Headquarters is \$1,054,846 (by comparison, the general office rate is estimated at \$1,327,987). The final TIF amount is subject to determination by the City at the time of building permit issuance (current rates may increase).

¹ The City of Vancouver adopted use of the *Trip Generation Manual, 10th Edition* for trip estimation in 2019. Weekday AM and PM peak hour trip data for the Corporate Headquarters use cited in the *Trip Generation Manual, 10th Edition* is limited to one study and is therefore not applicable and General Office was assumed. The peak hour trip rate for General Office in the 10th Edition is less than the Corporate Headquarters trip rate in the 9th Edition. Daily trip rates for Corporate Headquarters cited in the *Trip Generation Manual, 10th Edition* are based on 8 studies and appear reasonable for use in estimating daily trips.

- The development site also subject to Mill Plain Boulevard TIF Overlay, estimated at \$47,302 based on 700,000 square feet of Corporate Office Headquarters (by comparison, the General Office rate is estimated at \$59,551). The Overlay fee is also subject to final determination by the City at the time of building permit issuance.

VESTED TRIPS

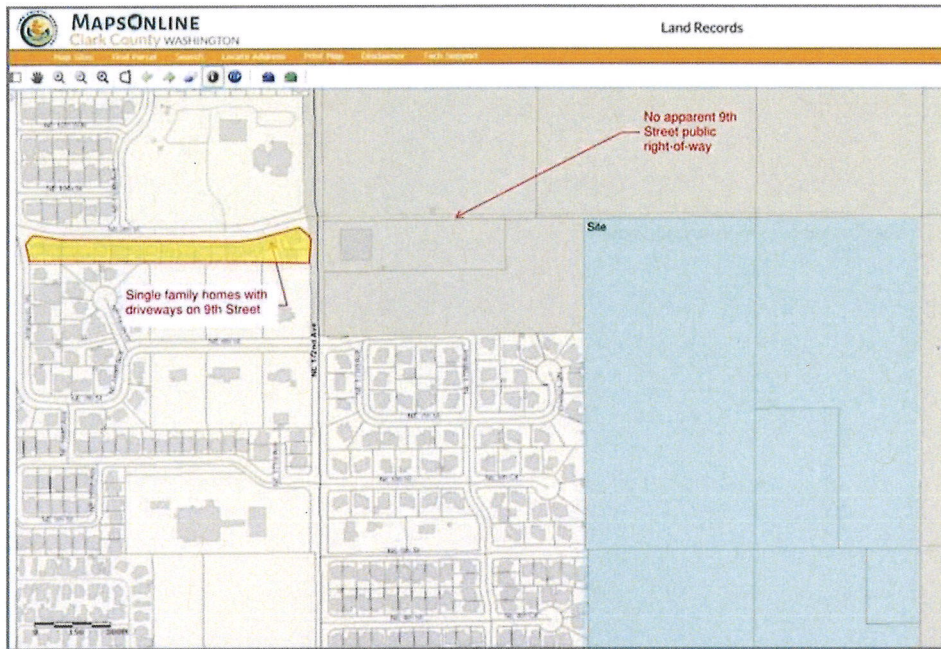
The former mining sites associated with some of the potential redevelopment area should have trip vesting for TIF purposes as well as concurrency review. Some studies of historic traffic volumes may be available from the respective property owners.

TRANSPORTATION NEEDS

The following infrastructure needs and considerations were identified based on review of studies in the area as well as dialogue with City of Vancouver staff. A formal traffic impact study and concurrency review will be required to obtain site development approvals and will provide a more detailed assessment.

- We assume SE 1st Street will be completed between SE 162nd Avenue and SE 192nd Avenue and that SE 184th Avenue will serve the site, linking the site to SE 1st Street at a new roundabout.
- The site could potentially benefit from a connection to SE 9th Street to the north (and half-street frontage improvements presumably would be required)
 - NE 9th Street is planned as a new three-lane urban collector (one lane in each direction plus center left-turn lane) and is a circulation route in the Section 30 Sub Area Plan concept.
 - NE 9th Street construction is an unfunded project in the 2019-2024 Transportation Improvement Program (TIP).
 - It appears there may not currently be a public right-of-way available linking the proposed development site with NE 172nd Avenue along the planned NE 9th Street corridor (see Exhibit 1 below).

Exhibit 1. 9th Street Connectivity Considerations



- As shown in Exhibit 1, the SE 9th Street corridor between SE 172nd Avenue and SE 167th Avenue serves single family homes with direct driveway access (some of which are highlighted above). Potential cut through traffic considerations will likely be an issue for local residents along the roadway.
- Connecting SE 9th Street to the site would likely trigger the need for improvements at:
 - SE 9th Street/SE 172nd Avenue (currently stop-controlled)
 - Potential need for north/south left-turn lanes (appears to require widening north intersection approach to the east)
 - Potential need for separate east-west left-turn lanes
 - Potential need for future roundabout or traffic signal
 - SE 9th Street/SE 162nd Avenue (currently stop-controlled)
 - Potential need to restrict westbound left-turn movement or signalize the intersection
- An alternative site-access option that could be considered (subject to right-of-way availability) would be to construct a new north approach to the existing SE 177th Avenue/SE 1st Street intersection. We anticipate the north approach would have a three-lane section

(one through lane in each direction plus a left-turn lane). This intersection is expected to be signalized in the future.

NEXT STEPS

The information above will be further assessed in the future as part of a formal traffic impact study. Most of the projects above, if required, could be made TIF creditable.

Please let me know if you would like to discuss or if you have questions.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Chris Brehmer, PE
Senior Principal Engineer

CORE PUBLIC IMPROVEMENTS CERTIFICATION

Developer submits and certifies that it has met or exceeded the applicable thresholds as set forth in the agreement and as indicated herein: Cost to construct Core Public Improvements during the time period listed above: \$_____

Vendor	PO Number	Invoice Number	Invoice Date	Scope of Work	Check Number	Date Paid	\$ Amount
EXAMPLE XYZ Co.	1234000	1111111	1.1.2021	Grading	1234	2.1.2021	\$23,685,509.41

Printed Name & Title: _____

STATE OF WASHINGTON)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of HP INC. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal on _____, 20____.

Notary Public for Washington

EXHIBIT 9

DESCRIPTION OF DEVELOPER'S ABILITY TO MEET INFRASTRUCTURE REQUIREMENTS FOR THE PHASE 1 PROPERTY

As set forth in the Recitals of the HP Development Agreement, the Subarea Plan was adopted more than 15 years ago when the City anticipated development to occur on a parcel-by-parcel basis instead of a coordinated effort led by Developer's catalyzing Project, involving a significant portion of Section 30's privately owned land. The Subarea Plan anticipates some flexibility in its application and is referred to as a framework that envisioned joint effort for development between the City and property owners and between the Developer and its neighbors. Developer, through this Development Agreement signifies its willingness to join this endeavor to turn the framework into a reality and transform Section 30 into the neighborhood envisioned in the plan. Given this context, the City considers the Developer's proposal as an unique catalyst that deserves the City's attention and direction in advance of land use application review for Phase 1 and master planning for Subsequent Phases to allow achievement of the vision set forth in the Subarea Plan. To the extent that it is determined that code amendments are required to support the below application of the code, the City agrees to pursue such amendments; however, the City shall not be obligated to approve any such code amendment.

Capitalized terms have the same meaning as set forth in the HP Development Agreement unless otherwise specified in this exhibit.

The HP Property is zoned ECX and anticipates reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources and development consistent with this zoning, including office, research and development, industrial services, manufacturing and production, light industrial uses, as well as the potential for occupant-supported small scale retail, restaurant, accessory uses, and related parking and associated onsite improvements. Phase 1 will be constructed on the southeastern corner of the Developer's Property as shown on Exhibit 3 of the HP Development Agreement – that portion of the HP Property in closest proximity to SE 1st Street, allowing for a continuation of commercial development and use of existing infrastructure. Therefore, the contemplated development is consistent with existing and surrounding land use.

The HP Property is currently a quarry with variable elevations ranging from 215 to 245 feet. Surrounding elevations include the English Family Vineyard property to the west at an elevation of 288 feet, the CTC Section 30, LLC property to the east at an elevation of 284 feet, and property to the north ranging from 225 to 235 feet.

Developer intends to develop the site to prepare for finished grades between 2 and 4% across the Phase 1 Property. Developer intends to fill the southern most portion of the Phase 1 Property to an approximate elevation of 246 feet, and other portions to an approximate elevation of 257 feet. Slopes to the west are intended to be less than 10% grade.

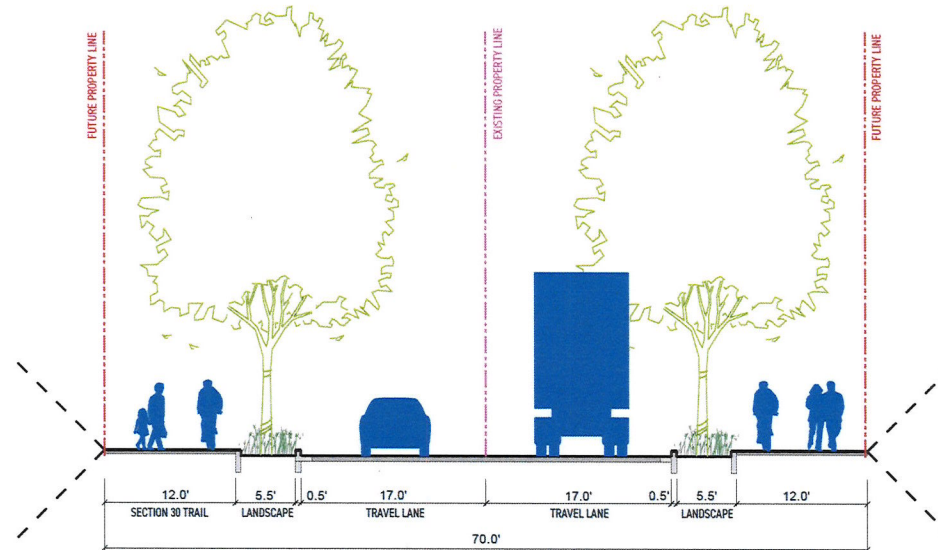
In addition, extension of SE 184th Avenue across SE 1st Street will occur during Phase 1 to provide transportation access to the HP Property. The extension will be approximately 1,000 linear feet and HP will construct this stub road as a Core Public Improvement. The extension will be built at an elevation to service the CTC Section 30, LLC property to the east of the HP Property. The Parties agree that extending SE 184th Avenue approximately 1000 feet north to serve the Phase 1 Property should be coordinated with construction scheduled to occur to improve SE 1st Street.

As Phase 1 is developed, a short-term sewer system is contemplated to allow Developer to connect to lift or pump stations outside of Section 30. The City has verified and will analyze at land use review the proposed design of the short-term sewer infrastructure. Notwithstanding the short-term solution, Developer shall install appropriate sewer infrastructure to allow transition to a permanent solution once the location of the Area 2 Pump Station is determined in the master planning process and installed as part of the extension of SE 184th Avenue to connect to SE 9th Street, consistent with the terms of the HP Development Agreement.

A public recreational trail is conceptually located on or near the HP Property in the Subarea Plan. Section 8 of the HP Development Agreement addresses this public recreational trail.

EXHIBIT 10

OPTION WITH 17' TRAVEL LANE



OPTION WITH CENTER TURN LANE

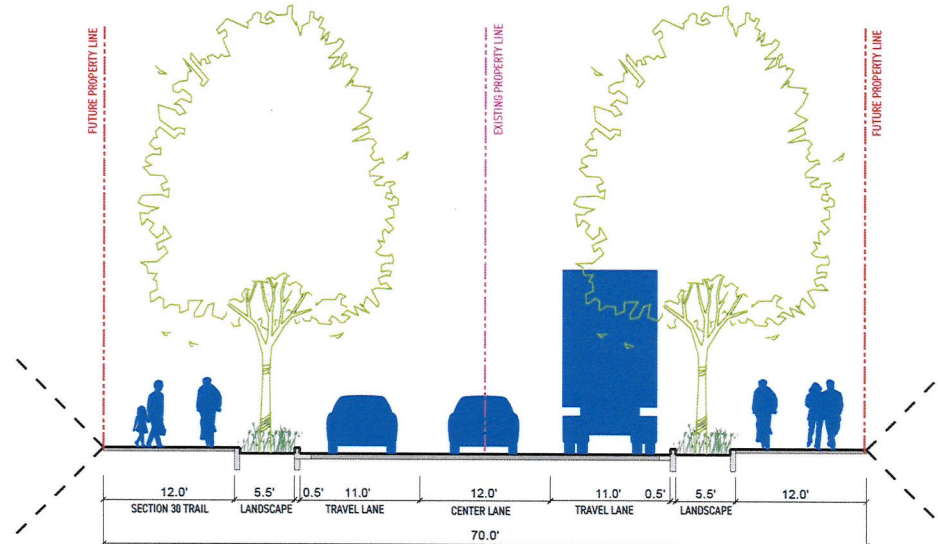


EXHIBIT 11

ANNUAL CERTIFICATION

Annual Certification for 20_____

Developer submits and certifies that it has met or exceeded the applicable thresholds as set forth in the agreement and as indicated herein.

Number of jobs located at site: _____

Average wage of jobs at site: _____

DEVELOPER

By:_____

Date:_____

Printed Name & Title:_____

STATE OF WASHINGTON)

) ss.

County of Clark)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ of HP INC. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal on _____, 20__.

Notary Public for Washington



SECTION 30

Urban Employment Center

October 5, 2009



Acknowledgements

Vancouver City Council

Royce Pollard
Mayor

Pat Jollota
Jeanne Harris

Jeanne E. Stewart
Tim Leavitt

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Pat Campbell

Pat McDonnell,
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Table of Contents

Introduction	1
Plan Purpose	1
Plan Approach	1
Plan Context	3
Economic Trends	10
Economic Trends and Future Opportunities	10
Future Use Potential in Section 30	10
Industrial (light industrial and tech/flex)	11
Office	11
Retail	12
Residential	12
Continued Existing Uses	13
Urbanizing Over Time	13
Future Businesses	14

Subarea Concept	17
Fulfilling the Vision	17
Vision	17
Development Principles	18
Concept Overview	18
Master Plan and Plan District Approach	29
Unifying Urban Design Framework	30
Elevations and Grading	33
Transportation	36
Open Space, Trails And Public Facilities	49
Public Utilities & Services	55
Infrastructure Costs	60
Overview	60
Public Utility Services Cost Estimates	61
Transportation Infrastructure Cost Estimates	64
Strategies and Next Steps	65
Funding Strategies, Grant Opportunities and Partnerships	65
Marketing and Branding Section 30	68



Figures

FIGURE 1.	Vicinity Map	2
FIGURE 2.	Section 30 Map	2
FIGURE 3.	Overall Concept Map	19
FIGURE 4.	Comprehensive Plan Designations	20
FIGURE 5.	Zoning Designations	20
FIGURE 6.	Conceptual Grading Plan	33
FIGURE 7.	Estimated Elevations Concept Plan	34
FIGURE 8.	Flexible Collector Street Concept	36
FIGURE 9.	Parks, Trails and Open Space Concept	50
FIGURE 10.	Possible Harmony Field/Miracle Field Relocation Areas	52
FIGURE 11.	Area 1 Utility Concept	56
FIGURE 12.	Area 2 Utility Concept	57
FIGURE 13.	Area 3 Utility Concept	57

Tables

TABLE 1.	Section 30 Transportation Study Area Roadway Classifications	8
TABLE 2.	2008 PM Peak Hour Intersection Levels of Service	9
TABLE 3.	Projected Land Use Needs	16
TABLE 4.	Water and Sewer Improvements/Cost Estimates for Section 30 Concept Plan	61
TABLE 5.	Transportation Improvements/Cost Estimates for Section 30 Concept Plan	64

Introduction

Plan Purpose

The Section 30 Employment Center Plan presents the vision and policies related to the future development of properties within the Section, many that either are, or in the future will no longer be utilized for aggregate resource extraction and processing. In 2004, Clark County and the City of Vancouver adopted a Plan to guide the redevelopment of the Section, but since then the area has undergone significant changes that include annexation to the City, extensive new development to the south of the plan area, newly annexed areas by the City of Camas to the east, and the termination of a proposed land fill. This updated plan considers these changes as well as input from all the stakeholders. It addresses both the opportunities and constraints presented by the site, while providing guidance for future development, provision of needed infrastructure, promotion of low impact quality development, and connection to adjacent existing neighborhoods, schools, and parks.

The Plan update recognizes and respects existing property owner development agreements, while proposing a long term vision with flexible plan implementation approaches that reflect market conditions and interests within the Plan's anticipated 20 to 30 year build out period.



The plan envisions a dynamic mix of urban development.

Map of Section 30, showing the location of the proposed development area (Section 30) within the Vancouver City Limit. The map includes the Columbia River, Lake Vancouver, and various city streets. A legend in the bottom left corner identifies the red dashed line as Section 30, the green area as Vancouver City Limit, and the yellow area as Camas City Limit. A scale bar shows 0 to 2 miles, and a north arrow is present.

28TH

162ND

172ND

18TH

18TH

13TH

9TH

172ND

1ST

1ST

164TH

192ND

MILL PLAIN

15TH

BYBEE

20TH

--- Section 30

0 0.25 0.5 Miles

2007 Orthophotography

The project approach for the Plan included compiling information on existing conditions in the study area to create a “baseline” for future planning, actively engaging property owners and interested citizens, and soliciting advice from development, real estate, and regulatory specialists.

In February 2008, the public engagement for the Plan began with property owner interviews. The purpose of these interviews was to inform stakeholders of the plan update, share information about the planning process, and discuss individual property owner goals.

Following these initial stakeholder interviews, staff and consultants solicited information and shared ideas in a variety of ways; including group property owner meetings, public open houses, neighborhood meetings, individual property owner meetings, meetings with various specialists and meetings with interested public agencies, including Evergreen School District, Washington Department of Natural Resources, City of Camas and Clark County.

In addition, the city provided information on the Plan through e-mails, newsletters and a project website. Public workshops and hearings were held before the Vancouver Planning Commission and City Council leading to plan adoption in the fall of 2009. Refer to the Public Process Summary report located in the Technical Report Appendix for more detail.

Plan Context

Annexation

On July 16, 2008, the City of Vancouver annexed Section 30 and as part of this process, the city made individual development agreements with several of the property owners. In general, the agreements address allowed uses (preserving the right to continue resource related heavy industrial uses as the area redevelops), as well as rights of access to surrounding arterial streets. Initial zoning upon annexation is the City of Vancouver zone equivalent to previous Clark County zones that applied to the site prior to annexation.

Surrounding Area Characteristics

The lands to the west, north, and east of Section 30 lie within Unincorporated Clark County and for the most part contain suburban residential communities with churches, parks and schools.

To the south and within the City's boundary is the 400-acre master planned mixed-use development called the Columbia Tech Center (CTC). It is one of the city's largest employment centers employing over 6,000 people and includes light industrial and office campus uses, a regional commercial center, and residential communities. The newly constructed Clark College East Satellite Campus is located in CTC and includes classrooms, science and electronics labs and a work force development program.





Existing gravel processing

Section 30 is located in a key area between Eastern Vancouver and Camas and is expected to be influenced by Camas growth to the Northeast. In this larger context of east Vancouver and west Camas, several major employers have sited their headquarters or branch offices. Companies such as, Hewlett Packard, Wafertech Semiconductor, SEH America, Sharp Labs and Microelectronics, Nautilus World Headquarters, Logitech, Novellus, Dynex, and Underwriters Laboratories to name a few.

Plan Area Characteristics and Land Use

The Section 30 planning area is approximately 553 acres bounded on the west by a subdivision and NE 172nd Avenue, on the east by NE 192nd Avenue, on the south by SE 1st Street and on the north by NE 18th Street. Refer to Appendix for *Existing Conditions Memorandum*.

For more than four decades property owners used the bulk of the planning area for gravel mining and mining-related uses. Over time, the mining has provided a growing Clark County with a significant economic resource in the form of sand and gravel for roads and buildings. Today, owners of the gravel mine sites are no longer extracting gravel and the majority of mined sites are vacant and in various stages of reclamation, a process governed by the State Department of Natural Resources. Some of the mine sites have completed reclamation and are filling and grading in preparation for future development. A few sites continue with mining related activities, such as gravel processing, asphalt batching and concrete manufacturing.

Clark County owns over one hundred acres of which approximately 40 acres is leased to the Harmony Sports Association for the use of youth sports facilities. The Association includes the Vancouver United Soccer Alliance, the Cascade Little League, and the Columbia River Miracle League. This leased property has not been mined for sand and gravel. The remaining County properties include a monitored closed solid waste facility and two shooting ranges, one for law enforcement and one leased for public recreation.

The law enforcement range is operated adjacent to the closed solid waste facility site on lands owned by the Clark County Solid Waste fund. This range is managed for law enforcement

training, and is used by agencies from throughout the Vancouver/Portland metropolitan areas. The Clark County Gun Club operated facility is the only private outdoor shooting range that allows for public use in Clark County. The public uses the range for gun safety classes, sighting in firearms, and general recreational shooting. The range is also heavily used by area law enforcement agencies, including the Vancouver Police Department (VPD) and the interagency SWAT team.

A new 8-acre commercial development, the Lacamas Market Center, has been approved for the northwest corner of NE 192nd Ave. and SE 1st Street. A Humane Society facility has been approved for construction on a 5 acre portion of the City of Vancouver public works site located on NE 192nd Ave., near where a future extension of 9th Street would occur. The existing City public works operations center located south and adjacent to the Humane Society parcel is planned for relocation to an identified site away from Section 30.

In the north portion of the plan area there are two residences, a construction materials recycle business and the Bonneville Power Administration easement and owned lands with high voltage transmission lines. Some of the transmission line corridor is owned by BPA and some is on easements. An active business named, Ultrablock is located on a small parcel on the west side of the plan area at the corner of 172nd Ave, near where a future extension of 9th Street may occur. Located in the southwest corner is the English Vineyard and Winery a unique commercial agriculture enterprise. The owner intends to remain and continue to nurture the growth of the vineyard and winery.

The list below identifies the key properties and existing uses as of the date of this plan update. Of these listed uses, only a few are likely to remain over the life of the 20 to 30 year plan - the Closed Solid Waste Disposal Facility; Harmony Sports Complex; the English Vineyard and Winery; the Humane Society; and the proposed Lacamas Market Center.

Key Existing Properties and Uses

- CEMEX – Gravel Processing, Asphalt Batching;
- Glacier Northwest – Concrete Manufacturing;
- Columbia Rock and Aggregate – Vacant (former mine)
- Schmid – Construction Materials Recycle;
- English – English Vineyard and Winery;



Remaining Quarry side slopes



The plan promotes the relocation of the existing shooting ranges.

- Blundell – Ultra Block Business;
- FGE/Bjornsen – Vacant (former mine);
- Grayrock – Vacant (former mine);
- DIRG – Vacant (former mine);
- Friberg Properties – (former mine);
- Gramor – Proposed LaCamas Market Center;
- Clark County – Harmony Sports Complex leased by the Harmony Sports Assoc;
- Clark County – Sheriff Firing Range;
- Clark County – Recreational Shooting Range;
- Clark County – Closed Solid Waste Facility;
- City of Vancouver – Department of Public Works Operations facility;
- City of Vancouver – Humane Society Facility;
- Bonneville Power Administration – High Voltage Transmission line.



Existing vineyard and winery

Reclamation Grades and Slopes

Decades of mining and subsequent reclamation activities have left much of Section 30 as a deep depression from nearby terrain. Some areas of Section 30 are 90 feet below the adjacent street elevation of plus or minus 290 feet. Many of the owners are modifying grades through filling based on reclamation plans for their properties.

The initial assessment of reclamation grades is based on the property owner's estimated reclamation elevations for their properties and the generalized cross-sections shown in the Appendix *Surface Mine Reclamation Considerations Technical Memorandum*. The project area is divided into a "north portion" and "south portion" with the existing 9th Street haul road separating the two.

Reclamation bottom grades on the north portion vary from elevation 210 to elevation 285. In the south portion, bottom elevations are more variable and range from 215 ft to 280 ft. The attached cross-sections show typical slope variability across the site. In general, grades on individual parcels on the south portion of the site vary by 20-ft or greater compared to grades on adjacent property. These grade differentials create substantial side slopes, which take up significant potentially developable property, as well as create drainage, access and building set-back constraints. For example, the bottom grade of site S-3 creates slopes totaling about 5.5 acres of property on parcels S-1 and S-4.

In general, it appears that additional excavation or fill to create a single consistent bottom elevation may not be feasible since several sites are in the process of being filled, or are at grade with surrounding roads. Filling of individual properties to several common elevations is likely the most feasible option other than maintaining existing conditions. Refer to the *Grading and Elevations* Section of this Plan.

Utilities

Currently, water and sanitary sewer do not serve most of Section 30. The City of Vancouver will be the purveyor of both water and sanitary sewer as Section 30 develops. Gravity sewer service to existing sewer mains is not feasible for most of Section 30. A 12-inch sanitary sewer main is located near the intersection of SE 1st Street and NE 192nd Avenue. This main will provide a discharge point for domestic sewage pumped from Section 30. A few 12 inch water distribution mains exist within portions of the street right-of-ways located along the boundaries of the plan area. There are long gaps between these existing water mains and as development progresses; the water mains will eventually need to be connected. To date there are no stormwater facilities developed in Section 30.

Private utility providers to the Section 30 plan area include Northwest Natural Gas and Clark Public Utilities (CPU). Electric power is supplied to the planning area by CPU. BPA maintains a high-voltage transmission line that runs in the east-west direction along the north edge of the plan area.

Existing Transportation Conditions

The undeveloped and recently annexed Section 30 plan area does not have internal public streets. The existing perimeter roads although classified as principal and minor city arterials, are today 2 lane unimproved rural type roadways.

A list of the roadways that serve the Plan area and their classification is shown in Table 1 and the existing operating level of service are shown in Table 2.

The *Transportation Existing Conditions Report* (see appendix) addresses congestion, safety, transit, roadway design, and pedestrian and bicycle facilities. In summary:

Congestion

Today, the worst traffic congestion in the study area is on Mill Plain Boulevard and on 164th Avenue. Key intersections on each corridor operate at level of service D. Queue backup between



Table 1. Section 30 Transportation Study Area Roadway Classifications

Street	From	To	Classification
NE 18th Street	NE 136th Avenue	NE 192nd Avenue	Principal Arterial
SE 1st Street	SE 164th Avenue	East URB	Principal Arterial
SE Mill Plain Boulevard	SE 136th Avenue	SE 192nd Avenue	Principal Arterial
SE 34th Street	SE 164th Avenue	East URB	Principal Arterial
NE/SE 162nd/164th Avenue	NE 28th Street	SR 14	Principal Arterial
NE/SE 192nd Avenue	NE 18th Street	SR-14	Principal Arterial
NE 28th Street	NE 138th Avenue	NE 172nd Avenue	Minor Arterial
NE 138th/SE 136th Avenue	NE 28th Street	SE McGillivray	Minor Arterial
NE/SE 172nd Avenue	Tech Center Drive	NE 39th Street	Minor Arterial
NE 13th Street	NE 192nd Avenue	East URB	Collector Arterial
NE 9th Street	NE 162nd Avenue	East UGB	Collector Arterial
NE 176th Avenue	SE Mill Plain Boulevard	NE 9th Street	Collector Arterial
NE 11th Street	NE 162nd Avenue	NE 172nd Avenue	Local Street
NE 11th Street	NE 192nd Avenue	East URB	Local Street

intersections, especially on 164th Avenue, also adds to peak hour congestion. Several minor intersection movements experience excessive delay.

Safety

No significant safety problems have been identified at intersections adjacent to Section 30 (defined as more than 1.0 collision per million entering vehicles (MEV)). The intersection of SE Mill Plain Boulevard and SE 164th Avenue experience a higher than average collision (e.g., over 40 during the five year analysis period between 2003 and 2007), but the city has proposed signal timing and/or intersection improvements to address this.

Transit

Aside from CTRAN Route 30, which passes through the intersection of SE 1st Street and 172nd Avenue, Section 30 is not served by public transit. However, a high level of transit service is provided on SE 164th Avenue, particularly during peak travel periods.



Table 2. 2008 PM Peak Hour Intersection Levels of Service

PM PEAK HOUR					
No.	Signalized Intersections		Average Delay (sec./veh.)	V/C Ratio	LOS
1	NE 28th Street @ NE 138th Avenue		11.4	0.61	B
2	NE 28th Street @ NE 162nd Avenue		49.9	0.71	D
3	NE 18th Street @ NE 138th Avenue		20.7	0.55	C
4	NE 18th Street @ NE 162nd Avenue		45.4	0.72	D
5	NE 18th Street @ NE 172nd Avenue		13.0	0.55	B
7	NE 13th Street @ NE 192nd Avenue		16.1	0.64	B
8	NE 11th Street @ NE 162nd Avenue		27.5	0.34	C
11	SE 1st Street @ SE 164th Avenue		39.0	0.58	D
12	SE 1st Street @ SE 172nd Avenue		13.9	0.54	B
13	SE 1st Street @ SE 192nd Avenue		25.8	0.43	C
14	SE Mill Plain Boulevard @ SE 136th Avenue		54.0	0.72	D
15	SE Mill Plain Boulevard @ SE 164th Avenue		52.6	0.72	D
16	SE Mill Plain Boulevard @ SE 172nd Avenue		28.1	0.42	C
17	SE Mill Plain Boulevard @ SE 192nd Avenue		25.5	0.58	C
18	SE 34th Street @ SE 192nd Avenue		21.3	0.35	C
No.	Unsignalized Intersections	Critical Movement	Average Delay (sec./veh.)	V/C Ratio	LOS
6	NE 18th Street @ NE 192nd Avenue	EB all	10.7	0.38	B
		WB all	39.5	0.05	E
9	NE 9th Street @ NE 162nd Avenue	WB all	>100.0	1.31	F
10	NE 9th Street @ NE 172nd Avenue	EB all	10.6	0.05	B

Pedestrian and Bicycle Facilities

Section 30 has little standard urban infrastructure. Surrounding areas that have developed recently do include sidewalks, bike lanes, and safe roadway crossings. But, most of the streets directly adjacent to Section 30 today have wide travel lanes, relatively high vehicle speeds, and spotty roadway frontage improvements. As a result, pedestrian and bicycle level of service is low.





Depending on national employment growth and market conditions in the Vancouver/Portland Metropolitan Area, Section 30 is projected to fully develop over a 20 to 30 year planning horizon.

Economic Trends

Economic Trends and Future Opportunities

Multiple indicators of the past, current, and projected market conditions in the area are positive for new community development for an area as large as Section 30. Refer to Appendix, *Economic Analysis Reports*. The East Vancouver/Camas area has experienced robust growth in employment, housing and retail uses in the past decade and continues to be a locus of development for high end housing and excellent jobs. This activity made the area attractive for the new retail development that has emerged south of Section 30 in the CTC.

Current office, retail and industrial development activity has been in response to the substantial employment base in the area, including major employers such as Hewlett-Packard, Wafertech, Underwriters Laboratories and Nautilus. In addition, Clark College is building a satellite campus in CTC that will add to the estimated 6,500 jobs already in this project alone. Depending on national employment growth and market conditions in the Vancouver/Portland Metropolitan Area, Section 30 is projected to fully develop over a 20 to 30 year planning horizon.

Future Use Potential in Section 30

Overall demand appears strong for all major urban uses—industrial (including light industrial and tech/flex), office, retail and residential in Section 30. Many urban uses could develop in Section 30, complimenting existing uses that will continue in Section 30 and add to the mix of uses that have or will develop in the immediate area. However, specific locational characteristics of the site and the immediate area do present relative advantages and disadvantages for some uses that are discussed below:

Industrial (light industrial and tech/flex)

Industrial uses in Section 30 will likely take two forms—light industrial buildings and so-called “tech/flex” buildings. Light industrial buildings tend to be single story buildings with high ceilings, over 20 feet, to accommodate manufacturing equipment and storage. Tech/flex buildings also tend to be single story with large free span spaces that easily transition between uses—assembly, storage and office uses for individual businesses. Both are typical in suburban business parks. Warehouse/distribution is not envisioned as a likely use on the site because this industry typically prefers to be near freeways. In addition, warehouse/distribution generally creates relatively few jobs per acre and is not conducive of developing an urban environment.

Demand for light industrial or tech/flex buildings will likely be strong in Section 30 when national demand resumes. Shortages of industrially designated lands within the Vancouver/Portland metropolitan area puts Vancouver, and Section 30 in a good position to capture a healthy portion of future growth. Based on past growth, Section 30 could absorb about 100 net acres of industrial lands in approximately 24 years.

Section 30 also presents the opportunity to support development on larger (50 acre plus) sites. In the Vancouver/Portland metropolitan area, there continues to be a shortage of larger, unfragmented sites that could accommodate large industrial facilities, similar to the large industrial land users already in east Clark County.

Office

The immediate area where Section 30 is located has become a significant node of high quality, professional office development in east Clark County. To the south, CTC has developed a number of high-quality, mid-rise office buildings. These buildings are typically three or four stories in height. This type of development can be expected in Section 30 as redevelopment begins.

Based on past employment growth in east Clark County, demand for office space should be healthy, and sites in Section 30 will provide opportunities for new mid-rise office buildings. Based on growth projections, about 100 acres of land developed as office uses would fully develop in around 30 years.

The site also lends itself well to large, institutional uses that have characteristics similar to office complexes. Technical schools and medical facilities are potential uses for Section 30 and could accelerate the time horizons for development of the site.

Shortages of industrially designated lands within the Vancouver/Portland metropolitan area puts Vancouver, and Section 30 in a good position to capture a healthy portion of future growth.





As people seek more urban environments to live closer to their employment, new development patterns may include more developments that integrate housing into employment environments.

Retail

Retail development has been booming in the area immediately south of Section 30 with major retailers establishing new stores that serve a large trade area in east Clark County. In the near future, a new community scale shopping center will be built on a 9 acre site at the SE corner of Section 30, as well as another proposed for a 20 acre parcel just east and adjacent to the Section 30 plan area.

Due to topography and existing retail services in the immediate area, Section 30 is not likely to be a major retail center, but retail at a more neighborhood scale. There will be demand for small-scale retail in the center of Section 30, and possibly along a perimeter arterial to serve new development and the adjoining neighborhood. This retail could develop as part of one or two new “town centers” that will be developed in mixed use structures with retail at street level and housing or offices above. These new town centers will be supported by new residential development immediately adjacent to them within Section 30 and the immediately adjoining neighborhoods. Retail uses could include convenience-scale retail (coffee shops, modest restaurants, business-support services) up to neighborhood scale retail, which could include a modest supermarket, and one or two larger restaurants.

Some retail development could occur in a town center positioned along a perimeter arterial in conjunction with some new residential development immediately adjacent to it. Development of a town center in the center of Section 30 would likely only occur after substantial employment development occurred in the area and in conjunction with additional housing development in the immediate area.

Residential

Housing will be an integral part of a new urban center in Section 30. As an employment center, housing in Section 30 will not be a dominate use, but will be integrated into mixed use nodes. Attached housing developed as townhouses will be the most likely initial housing form, with condominium “flats” only coming later as land values justify construction cost associated with more dense housing, including structured parking.

To create flexibility in the plan to respond to future housing trends, housing on second stories or above is encouraged throughout Section 30. As people seek more urban environments to live closer to their employment, new development patterns may include more developments that

integrate housing into employment environments. This trend has been seen in a number of developments throughout the metropolitan area in mixed use retail/residential projects and is a potential in other employment areas, including office and some industrial uses.

Residential development is projected at approximately 1800 units, incorporated in both mixed use buildings and town homes. More residential development is possible, especially if housing is included in development plans for second story and above in industrial and office uses.

The pace of residential development will be governed by both market demand and the nature and pace of redevelopment within Section 30. Adequate buffering between existing heavy industrial uses and future residential development will have to occur before new projects are likely.

Continued Existing Uses

Several uses that contribute to the character and the economic base of Section 30 will continue and are not planned at this time for redevelopment. The English family plans to retain the vineyard and winery that is developed on 20 acres at the SW corner of the site. Besides the jobs, retail trade and aesthetic contribution of English Winery, it also has the potential for additional, complementary uses on the site.

Harmony Fields has provided a generation of children and their parents with a place for sports—baseball and soccer. Amateur sports generate its own economic activity as families from both in the immediate area, and from a broader area, visit and end up spending money in the community. Harmony Fields has the potential to be a benefit to all of Section 30 through bringing activity to the area, especially on weekends, and by providing open space, and potentially shared parking benefits. It is understood that other uses will continue in Section 30 for a period of time.

Urbanizing Over Time

One of the key challenges for Section 30 is to promote immediate development, while keeping the perspective that this area will likely develop over a 20 to 30 year planning horizon. To fulfill

Harmony Fields has the potential to be a benefit to all of Section 30 through bringing activity to the area, especially on weekends, and by providing open space, and potentially shared parking benefits.



the vision of a major urban employment center for East Vancouver, Section 30 must be planned in a way that allows for more intensive future development to occur as market forces permit.

This plan and associated implementation policies and codes set standards that optimize the flexibility for future developers to maximize utilization of their properties, promoting a smooth transition from more suburban development forms to denser, urban environments. The speed of transitions and character of new urban form will depend on a number of factors, including evolving markets, good planning by the “pioneers” in Section 30 and the level of public participation in partnerships to facilitate urbanization.

Planning must emphasize flexibility to allow different forms of buildings to house employment—whether it is a computer workstation in one’s spare bedroom or an automated factory floor packed with high tech equipment.

Future Businesses

The character of how and where people work has changed dramatically over the last 30 years, and will change again in the 20 to 30 year planning horizon for Section 30. Planning for future uses and types of facilities demanded by a future workforce is a daunting challenge. Planning must emphasize flexibility to allow different forms of buildings to house employment—whether it is a computer workstation in one’s spare bedroom or an automated factory floor packed with high tech equipment.

Leading the regional economic development efforts on an international stage is the Columbia River Economic Development Commission (CREDC) located in Vancouver and Greenlight Greater Portland. The City of Vancouver also follows economic development trends through its Economic Development Services group in the City Manager’s office.

Some trends are evident in the daily news coverage of our changing workplace and are born out in the analysis of employment trends for this market area. Manufacturing employment has declined and non-manufacturing employment has grown, including such broad areas as professional services, information, education, and healthcare, among others.

How we obtain our goods and services and where they are produced may go through another set of major adjustments due to a shift from oil based energy to other sources. Past “conventional wisdom” on the future of employment in the Vancouver/Portland metropolitan



area, may be seen as very short sighted as demands for new products and an accounting of the costs of transporting goods will create a new environment for business closer to home.

Economic development efforts will continue to focus on “traded sector” business clusters that sell goods and services in competition with firms outside the immediate trade area, be it local, state or national. Clusters of businesses (similar firms, using similar suppliers and workers), by selling most of their products or services primarily outside of their immediate trade area bring new revenue and income into the area. Examples of traded sectors in Washington include manufacturing, information services, professional and management services, and even the federal government.

Several “clusters” of economic activity are expected to contribute significantly to local economic growth.

- Renewable Energy—investments in a range of alternative energy equipment, from wind turbines to solar panels present the possibility of a boom over the next several decades in this area. The Pacific NW provides significant incentives through the provision of cost effective water and energy. The solar industry is a seamless transition from the semiconductor industry both in using the same facilities and in the use of silicon by-products in photovoltaic cells. The recent siting of Solar World in Hillsboro, Oregon is a precursor of more development in this sector.
- High Tech — both semiconductor/electronics and software development have strong footholds in the region and in Vancouver. Factors that lured the semiconductor industry here initially—low labor costs, inexpensive water and competitively priced power—still positively impact industry decisions on expansions or siting new facilities. The Vancouver-Portland area has drawn disproportionately high numbers of professionals in the software development area. The region’s “freelance” community includes 2,900 software consultants, significantly higher than the national per capita averages.
- Based on evolving trade policies creating a more “level playing field” and the desire to improve quality and create some goods closer to home, the high tech sector that once grew rapidly in Vancouver may very well see resurgence.

Economic development efforts will continue to focus on “traded sector” business clusters that sell goods and services in competition with firms outside the immediate trade area, be it local, state or national.

- Professional Services/Corporate Headquarters—a number of corporate headquarters have chosen Vancouver as their home, including Fisher Investments, Hewlett-Packard and Nautilus. Issues of quality of life, tax structure and strong workforce all support a continuation of additional professional services and corporate headquarters being developed in Vancouver.
- Biomed—medical research has been a part of the Metro area for years. With the new Genentech manufacturing facility recently opened in Hillsboro, Oregon, the potential for related medical manufacturing facilities building in this region is greatly enhanced. With increasing concerns over quality control, opportunities to develop biomed facilities in the U.S., and hence, in Vancouver is more likely.

The Plan's employment target is approximately 9400 jobs with 8,346 jobs of office and industrial type and the remaining 1,054 jobs in the retail/commercial type. This employment target compares to the 9,400 target of similar character in the Vancouver City Center and the existing jobs of (approximately 7,000) located in CTC.

Table 3. Projected Land Use Needs

Land Use	Net Acres	Dwelling Units
Traditional Retail	9 acres	
Mixed-Use Town Centers	20 acres	360 units
Town homes/Apartments	70 acres	1400 units
Office Industrial	100 acres	
Industrial	113 acres	
Subtotal	312 net acres	1760 units
Existing Uses	134 acres	
Total	446 net acres	1760 units



Subarea Concept

Fulfilling the Vision

The City of Vancouver envisions Section 30 as a major urban employment center on the city's eastern boundary. Considering the magnitude of development issues in Section 30, creating reality from such a vision must be based on realistic principles that encompass the needs of the city, property owners and adjoining neighbors. The development principles for Section 30 listed below will guide the direction of plan policy and inform the paths to implementation over the next 20 to 30 years as the approaches to community development respond to changes in the world.

The vision will most realistically be achieved through coordination among property owners and where the mix of uses provides the opportunity for a new urban community where people work and live. This new community will minimize transportation impacts around it, "capturing" internal vehicle trips and thus minimizing the costs of development. A unified plan also will lessen energy use, provide efficient stormwater management, provide for more affordable living and working environments and provide an efficient environment for businesses to flourish.

Vision

Envisioned as one of Vancouver's largest 21st Century urban employment centers, Section 30 will attract emerging technology and provide for growth in family wage jobs. Unique urban neighborhoods where people live and shop are neatly interwoven with enterprising workplaces. Workers and residents benefit from convenient shopping, available recreation, walking and driving on attractive interconnecting trails and tree lined streets, and the amenities of interesting vistas, public plazas, and green spaces that promote a healthy, prosperous economy and lifestyle.

Development Principles

- Create an urban center with an emphasis on employment uses as primary land uses, with commercial and residential use as secondary
- Create a dense urban community with a unique identity
- Protect property values through a coordinated plan that emphasizes lasting quality
- Maximize developable land and minimize costs for off-site project improvements
- Foster environmental stewardship and energy conservation design

Concept Overview

Broadly, the concept plan reflects the City of Vancouver's Comprehensive Plan policies, identification of Section 30 as a future major urban center, and the established past and present expectation that Section 30 will provide land for many of the city's future family wage jobs. More specifically, it recognizes topographic opportunities and constraints, unique existing uses that plan to remain, and opportunities for integration by means of land use, connecting street patterns, and open space/park systems.

The concept plan is intended as a framework to serve several functions: as a visual depiction of the plan's vision and goals, as an illustration of one response to the site planning constraints and opportunities of the mined area; a cohesive street and open space layout based on east/west and north/south collector access; and as a concept which illustrates the proposed future character. The concept illustration, additional figures shown within the plan, and the accompanying text provide the framework for the development of all of the land within Section 30. For example, where the concept plan depicts an open space linkage or trail, it is important that a proposed development through a master plan process incorporate the intent of the linkage, or that an alternative linkage be designated at that time.

The broad uses depicted, as well as the conceptual collector street and open space systems organize the concept illustrated on Figure 3. Discussion of the concept plan's implementing measures of land use and zoning approaches, and flexible street and open space systems follows.



FIGURE 3. Overall Concept Map



FIGURE 4. Comprehensive Plan Designations

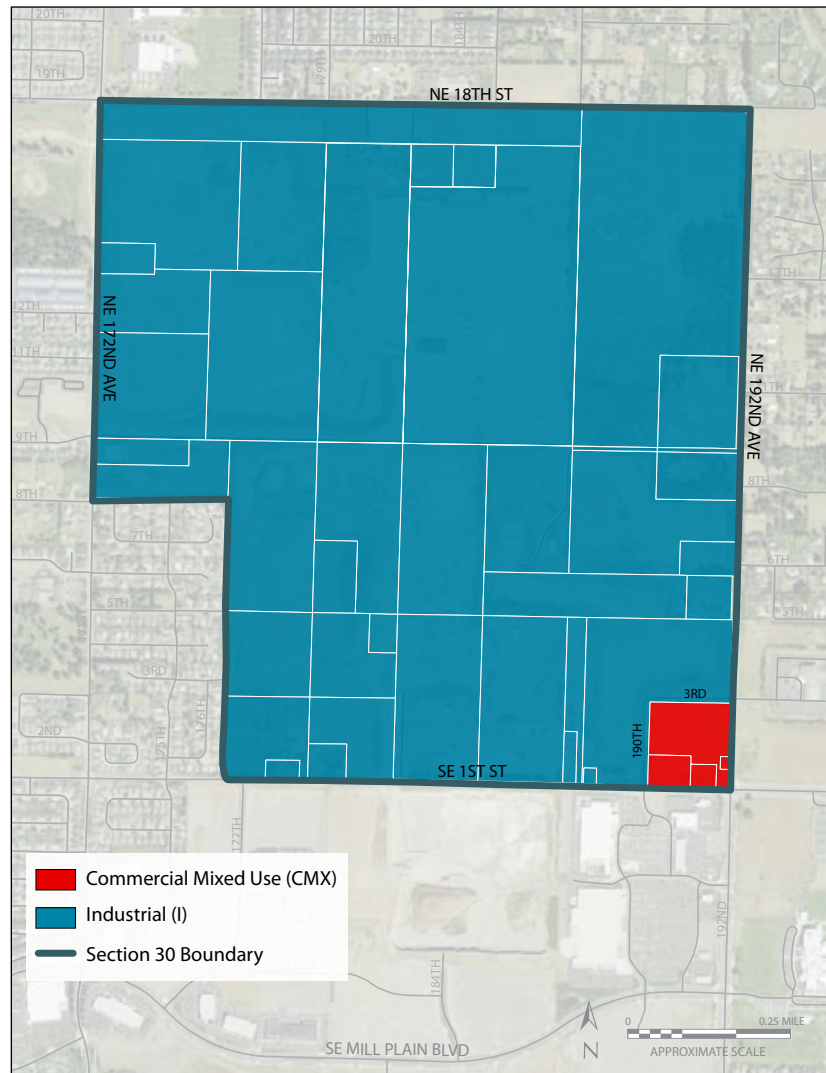
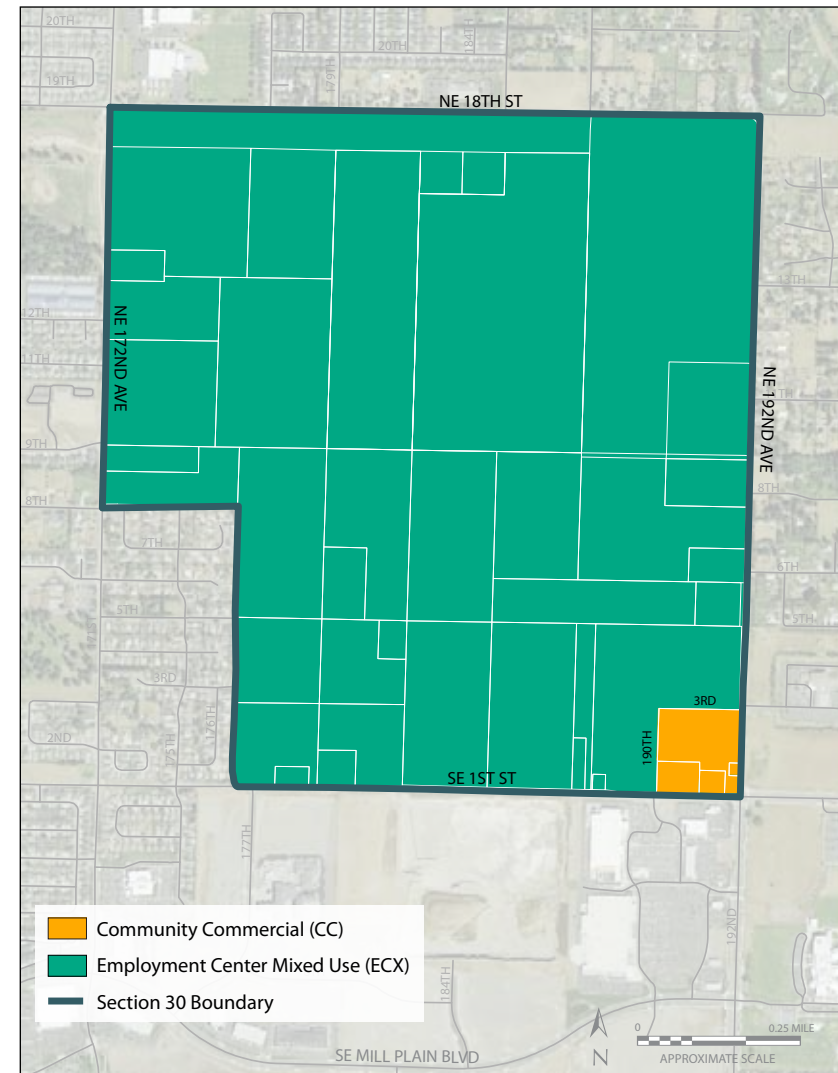


FIGURE 5. Zoning Designations



Land Uses and Zoning

Industrial

By far, the largest land use within the Section 30 Plan is employment development. Envisioned in this employment urban center is an approximate 30 year land supply of a mix of office and light industrial uses. For example, initially the market for office development may favor lower rise buildings of 2 to 3 stories. However, over the life of the plan, it is envisioned that a more intensive urban form to maximize ratios of available land to family wage jobs would occur. To ensure the opportunity for the assumed number of family wage jobs, the plan must consider effective implementation measures that allow flexibility for the future transition to a more intensive urban form.

Commercial

A 9 acre retail development located in the southeast corner of Section 30 acts as an extension of an established and expansive regional commercial center just to the south of the plan area. Additionally, directly to the east are 20 vacant acres of commercially zoned land. Due to the existence of the mentioned commercial lands, the plan acknowledges that any future commercial development over and above the amount already allowed will need to be of a different character. New commercial should be more intimate, with a neighborhood “Main Street” appeal or small scale commercial directly serving future employment development.

Urban Neighborhoods

The addition of one or two mixed-use urban neighborhoods will support and enhance the vision of a Section 30 employment center. These urban neighborhoods with housing and small scale retail and services will offer opportunities for people to live and shop in the same close knit community where they work.



Initially, the market may favor 2-3 storey buildings.



Over the life of the plan, it is envisioned that a more intensive urban form will occur.



A variety of housing units is envisioned, types from live-work units to clusters of townhomes and urban condominiums.

This plan envisions the opportunity to develop two urban neighborhoods accessed by new collector level streets that will provide transportation connections within the site. The Overall Concept Plan illustrates the flexible urban neighborhood concept, but does not designate a location. Establishing the specific location and character of both urban neighborhoods will occur through the master planning process and under the guidance of the Vancouver Municipal Code as discussed under the *Master Plan and Plan District Approach*.

The urban neighborhoods are envisioned to encompass between 50 and 100 acres with approximately 1700 housing units of a variety of types from live-work units to clusters of townhomes and urban condominiums. This number of units is needed to support the economic success of the mixed use center, but is not so large as to change the overall character of an employment center.

The two Section 30 urban neighborhoods should develop around a public focus or center and follow traditional neighborhood design principles. Whether the focus is a “main street” with shops and offices on the ground floor and housing above, arrayed along a pedestrian friendly street, or a town square, or an open space such as a small lake or park, the center will act as the nucleus where commerce and living activity concentrates. Clusters of town homes and/or urban condominiums will develop around the established mixed use center. Additionally, design principles such as narrow tree lined streets and 200’ to 300’ blocks will establish the sense of place and character envisioned.

Special Uses and Features

Over the last decades, Section 30 has been a very active place beyond the gravel mining and processing. Four non-mining uses on site create opportunities for growth and transformation in the future. This plan recognizes the continuation of three of these uses in Section 30 and includes options for their expansion, redevelopment or relocation.

Harmony Fields Sports Facility

Harmony Fields has been a focal point for youth sports in east Clark County for over 26 years. The facility includes sport fields for soccer and baseball, and an off-street parking lot. The Harmony Sports Association (HAS) manages the fields and leases the 40 acres of the 58 acre Clark County owned parcel. The existing fields were built primarily with private donations and

volunteer labor. Further expansion of the facility through work done by the Miracle League is currently in the works. This site is also identified for improvements to the sports fields as part of the Greater Clark Park District (GCPD) program. Monies will be spent by 2012 to improve the baseball fields. Updated use agreements will be adopted as part of the GCPD improvements.

Over the last 5 years, there have been discussions on relocating Harmony Sports Fields within Section 30 in order to improve the fields and allow mining of the aggregate on the site. By the terms of their lease, relocation would only occur within close proximity to their existing location and with new fields built at or better than the existing facility. New fields would have to be built and fully functional before gravel mining on the site would be allowed to start.

The Concept Plan will accommodate the relocation of Harmony Fields in several locations within Section 30. For further discussion and illustration refer to Figure 10 located in the *Openspace, Trails, and Public Facilities Section* of this plan. Harmony Fields is located on land zoned Office/Commercial/Industrial. If relocation of the fields should occur, maintaining a similar amount of employment land in any land trades is essential.

English Vineyard and Winery

The English family has transformed the original family “homestead” on the southwest corner of the Section 30 planning area into an active winery, with vineyards, tasting rooms, and wine production. Plans call for a continuation of the winery and potential growth to encompass a variety of related activities, such as gift shop and restaurant. The 20 acre site even includes an area terraced for development as an outdoor amphitheater where weekend concerts could be performed.

While much of the grapes to produce the wine are brought to the site, the retention of a small vineyard on the site is important to the character of the overall development and provides an aesthetic amenity to the community.

Clark County Closed Solid Waste Facility

For decades, Clark County operated a solid waste facility in Section 30. Today, the site is distinguished by the remaining waste transfer building and a four acre “mountain”



English Vineyard and Winery



Potentially, a park may transform the closed solid waste facility.

that rises over 30 feet above the surrounding lands. The county closed the facility in 1977 and the Clark County Solid Waste department has managed it since. To minimize water infiltration and the potential for groundwater contamination, the county placed a clay cap on the landfill. In addition, the county has monitored groundwater quality since 2002 with almost no gas or leeching from the site.

The county has reviewed ideas to remove the material and allow the land to redevelop for some other use. To date, the cost of removing all the material and transporting it to a disposal site does not make economic sense.

The county supports leaving the 4-acre hill of the 15-acre site essentially untouched, and exploring the potential it offers as a park or open space, and possibly a small vantage point where people could walk up to the top for the view or a picnic. For additional discussion and policy, refer to Section *Open Space, Trails and Public Facilities*.

Shooting Ranges—One Public and One Private

Outdoor shooting has been a part of Section 30 for decades with many years of target practice. Currently, there are two ranges, one operated by Clark County Sheriff's Office and a second range known as the English Shooting Range. Open to the public, the English Shooting Range is operated by the Clark County Gun Club and publicly owned and managed.

The Clark County Sheriff's Office will relocate their shooting range at some point. No immediate plan to move the facility is in place, although the Sheriff's Office has explored opportunities to relocate to Camp Bonneville when that property is available for county use.

Clark County owns the land that the private shooting range is located. The private shooting range is operated under a lease arrangement between Vancouver-Clark Parks and Recreation (VCPRD) and the Clark County Gun Club. There are no plans at this time to relocate this well-used facility.

There is a clear demand for several shooting ranges in Clark County that would be used by law enforcement and the general public. Opportunities exist for partnerships between Vancouver, Clark County and the private gun clubs to work together and develop one large facility in Clark County. The joint use of facilities that support the ranges, parking lots, restrooms and meeting

rooms, are obvious opportunities, since peak use times between public agency and the general public are generally different.

The Vancouver Police Department, and County Sheriff's Office will actively work together to relocate these facilities at such time as either the lands are sold for redevelopment or redevelopment on adjacent lands creates an incompatibility between land uses.

Potential for Lake Development

Sub-grade development is generally very expensive due to excavation costs. Because excavation has already occurred in Section 30, there may be an opportunity for an attractive large water feature such as a lake or series of lakes. A lake would be an amenity and could act as a catalyst for development providing a center attraction, where people gravitate for shopping, working, living and recreating. Such a unique attribute has the potential to deliver a premium price for adjacent properties.

The feasibility of creating a lake in the plan area is more fully discussed in the *Surface Mine Reclamation Considerations Technical Report* found in the appendix. In brief, the report states that mining beneath the water table, sometimes referred to as “wet” mining, is allowed by the State Department of Natural Resources subject to adequate environmental and hydro-geologic analysis. The benefits of wet mines include additional aggregate extraction, and creation of a surface water feature that has recreational, aesthetic, habitat, and stormwater management value.

A wet mine in the project area may be feasible depending on hydro-geologic conditions and land use economics. The feasibility of creating a lake would likely depend, at least in part, on the resulting long term land use benefit (increase in property value, positive impact on surrounding lands, stormwater management benefits etc.) relative to the costs for lake creation and reduction in potential development area.



A lake would be an amenity and could act as a catalyst for development.

Land Use Policy

General

- LU – 1 Create a new self-sufficient urban employment center that attracts emerging technology, growth in family wage jobs, and provides live, work, shop and play opportunities in close proximity.
- LU – 2 Provide unique urban neighborhoods that offer the choice for people to live in the same close knit community where they work.
- LU – 3 Promote an integrated park, open space and trail network to support health and well being through enhanced recreation, aesthetics and quality pedestrian experiences.
- LU – 4 Promote the vertical mix of uses in individual buildings.
- LU – 5 Promote utility and transportation service approaches to efficiently serve different areas of the site, depending on which area develops first.
- LU – 6 Create a plan district, utility plan and transportation network that will facilitate creation of appropriately sized and served development sites.
- LU – 7 Since Section 30 will likely develop over a 20 to 30 year period, site and development designs should plan for future more intense urbanization by considering and allowing for additional structures, taller structures, new access ways and structured parking critical to fulfilling Section 30's vision.
- LU – 8 The City in partnership with the private sector should complete a branding exercise and prepare a promotional packet to effectively market Section 30 as an employment center.

Industrial

- LU – 9 Designate and zone most of the Section 30 plan area to allow for family-wage employment-based development and to promote success in reaching the employment target.
- LU – 10 Encourage large site retention and property consolidation to provide opportunities for major employers to develop larger facilities, such as corporate headquarters or large manufacturing facilities needing 50 acres or greater.



- LU – 11 If Harmony Fields is relocated from its current site, land trades shall not reduce land designated for employment.

Commercial

- LU – 12 Limit auto-oriented retail to the one existing retail center located with prime visibility at the corner of 192nd Avenue and 1st Street.
- LU – 13 Promote pedestrian-oriented retail integrated with office and/or residential within mixed use urban neighborhood areas. Promote only small scale pedestrian-oriented commercial uses to serve industrial and office developments.

Urban Neighborhoods

- LU – 14 Provide for the development of two unique urban neighborhoods within Section 30 Subarea. Develop an overlay district with design principles to guide form, size, uses, character, and scale of these mixed use urban neighborhoods. The precise location of the neighborhoods will be determined as part of a master planning process.
- LU – 15 Provide a mixed use center with civic focus, whether a plaza, park, lake, or “Main Street” within the urban neighborhoods where commerce and living activities concentrate.
- LU – 16 Mixed use buildings and residential buildings should front the street to create an active, interesting pedestrian street environment.
- LU – 17 Promote a variety of attached housing types and prohibit single family detached housing within the urban neighborhoods.
- LU – 18 Approximately 1000 housing units are envisioned within the urban neighborhood, targeting approximately 200 units within the mixed use center and approximately 800 clustered housing units adjacent to the mixed use center of the urban neighborhood.
- LU – 19 Provide a variety of options for people to get to the urban neighborhood and to move about it conveniently.



- LU – 20 Master plans for each of the mixed use urban neighborhoods should include a publicly accessible open space that meets the City’s design guidelines.

Special Features

English Vineyard and Winery

- LU – 21 Encourage the preservation and economic vitality of the English Vineyard and Winery.
- LU – 22 Establish guidelines and standards to reduce possible agriculture impacts to adjacent residences.

Shooting Range

- LU – 23 Support efforts to find a new site for both the Sheriff’s Office and privately managed range. The City of Vancouver will work through the VCPRD and Vancouver Police Department to site these important community uses in coordination with the Clark County Sheriff’s Office.

Potential Lake Development

- LU – 24 Encourage further investigation into the unique opportunity within Section 30 to create a lake amenity that would provide numerous benefits from the standpoint of an aesthetic community focus, increased land value, and sustainable storm water management practices.



Master Plan and Plan District Approach

The plan area's size of approximately 550 acres, the number of property owners, the absence of urban infrastructure, and the physical characteristics of the area (especially varying elevations from past mining) present a challenge to implementing the vision of a cohesive integrated urban employment center. Development will occur in phases, over a 20 to 30 year period.

Coordinated planning will be necessary to, at a minimum, ensure:

- adequate access and efficient internal circulation that is integrated into the regional street system
- an integrated park/open space and trail network
- equitable development of infrastructure
- various property grades and finished elevations are appropriately determined to allow for balanced grade transitions between properties and to maximize land development
- compatible development and appropriate buffers or screening

Nearly all of the properties within Section 30 have related Development Agreements (DAs). These existing DAs control the uses and development standards of the affected properties. Owners of properties with DAs will have the option of developing,

1. solely under the uses and standards determined by the DAs; or
2. solely under the current zoning code including uses and standards; or
3. solely under the uses determined by the DAs and current code standards.

Considering these unique challenges of the Section 30 Plan area, the regulatory program must balance predictability with flexibility, be fair to all, and promote desired development. The requirement to master plan development provides a decision point for new projects where overall efficiencies of services within Section 30 can be assessed. Without this higher level of coordination, the overall cost of development will increase for all properties within Section 30.

The Vancouver Municipal code allows for the creation of a Plan District to meet the unique characteristics and needs of a plan area. In addition, the Plan District will include a master planning process for all development within the Section 30 Subarea.

Considering these unique challenges of the Section 30 Plan area, the regulatory program must balance predictability with flexibility, be fair to all, and promote desired development.

Master Plan Policy

- MS – 1 Create a Section 30 Plan District to address the plan area’s unique circumstances and to ensure cohesive development.
- MS – 2 Use master planning to direct development proposals over time, consistent with the goals and policies of this plan.
- MS – 3 Require a master plan development approach that supports development of all properties by ensuring compatible development, appropriate buffers or screening, transitional grades, efficient extension of public utility services, and effective transportation and pedestrian connectivity.
- MS – 4 Allow existing mining activities to continue under the review of the Vancouver zoning standards.
- MS – 5 Recognizing that market dynamics create new development, the implementation strategy should afford a reasonable degree of flexibility while addressing important public policy issues.
- MS – 6 Establish design standards and guidelines to direct new development in a way that is consistent with the Section 30 Plan vision.

Unifying Urban Design Framework

A successful community that incorporates good urban design will in turn maximize economic benefit to all Section 30 land owners and businesses. The most memorable communities that endure as centers of employment, commerce, and are great places to live have common qualities that can inform new development. These successful communities include:

- buildings of complementary architectural style giving them a sense of cohesiveness;
- places for people to meet and congregate are well located and well used;
- people can move about in a variety of ways on attractive tree-lined streets and trails; and
- the community has a cohesive network of parks, open spaces and trails.

Currently, urban designs that promote these tested principles are moving from the special to the commonplace. As a “blank slate,” Section 30 also affords the possibility to implement many new

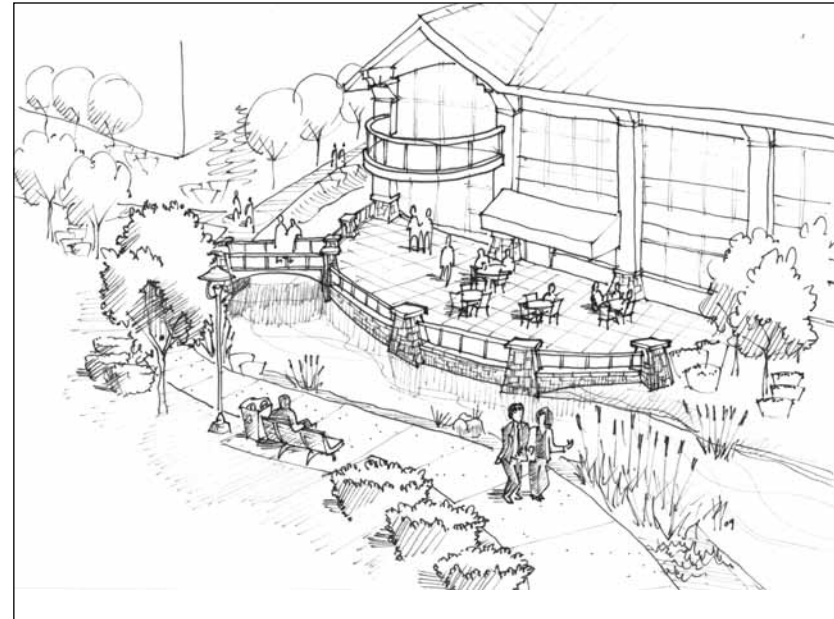


approaches to development that are environmentally friendly, increase property value, and minimize the costs of development and ongoing maintenance.

A commitment to a design framework that emphasizes urban form, health, safety, aesthetics, and low impact development techniques would ensure a unique development image and community character envisioned by this plan.

Urban Design Policy

- UD – 1 Ensure compatibility between different land uses through careful site design.
- UD – 2 Recognize existing uses that will not redevelop in the foreseeable future, and provide adequate screening for new development where appropriate.
- UD – 3 Encourage compact and urban forms of development.
- UD – 4 Ensure that proposed developments plan for future increased density by identifying a phased or “shadow platting” approach, reservation of future rights-of-way and potential locations of structured parking.
- UD – 5 Promote “green” designs and practices that minimize environmental impacts and energy use.
- UD – 6 Encourage use of local energy efficient building materials and development of small scale energy systems that recognize evolving opportunities in the area of wind, solar, geothermal and biomass sources of energy.
- UD – 7 Encourage the preservation of mature tree stands located within the plan area.
- UD – 8 Provide an attractive and connected system of sidewalks, trails, and pathways throughout the Section 30 site.



The plan promotes places for people to meet and congregate and for a cohesive network of parks and trails.



The plan envisions that people can move about on attractive-active-tree-lined streets.

- UD – 9 Emphasize human scale, façade articulation, fine detailing, quality building materials, and an inviting appearance in new buildings.
- UD – 10 Promote the use of distinctive design treatments along 192nd Avenue and 1st Avenue and other highly visible locations including street corners.
- UD – 11 Promote convenient vehicular circulation without negatively impacting the pedestrian environment and visual character of the area.
- UD – 12 Promote parking configurations that minimize impacts to the pedestrian environment.
- UD – 13 Site design should orient building entrances to street frontages, pedestrian ways or plazas in a manner consistent with an overall project concept and complementary with the approach to building orientation in adjacent development.
- UD – 14 Emphasize landscaping as a prominent design element of development and encourage the use of native plant materials and minimize irrigation of landscaped areas.
- UD – 15 Locate and design service elements and mechanical equipment to minimize impacts to the visual environment and surrounding uses.
- UD – 16 Promote common themes that help create a unique identity—by street design, grading plans, street tree selection, open space network and other amenities.
- UD – 17 Design standards and guidelines should be established to direct new development in a way that is consistent with the Section 30 Plan vision.

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Grade Transitions, Slope Utilization and Maximizing Developable Lands

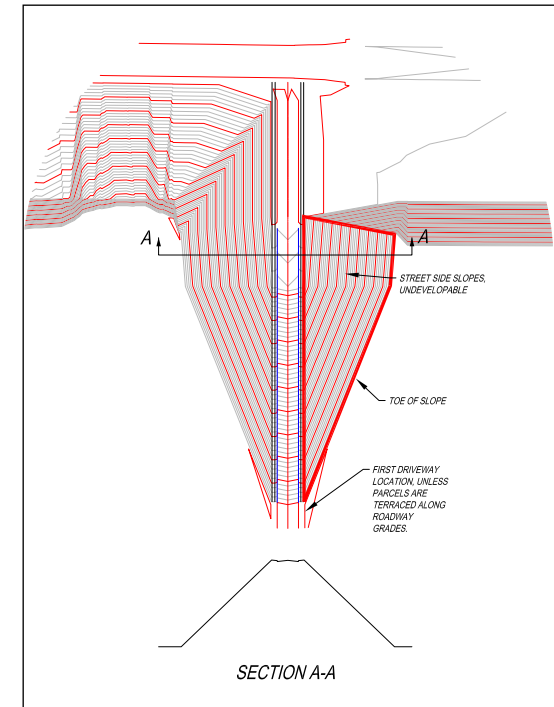
Tall berms along property lines will detract from the overall development potential in Section 30 because tall berms will obscure sight lines, impair internal connectivity, and segregate land uses. That outcome would be inconsistent with this plan. The development concept for Section 30 is designed to maximize the potential for the entire site by integrating internal land uses, creating an interesting landscape and excellent internal connectivity, and creative incorporation of green and active spaces.

The Master Planning process will provide one venue for grade coordination. Property owners will also likely coordinate development elevation and grade transitions between sites through private understandings.

One challenge shared by several property owners on the northwest side of Section 30 is the steep slope on the east side of 172nd Avenue. (designed to DNR specifications at a 2:1 slope). That edge of the Subarea will remain well below the street grade unless a significant amount of fill is applied. Because of the elevation differential, transportation connections in the northwest corner will be particularly challenging.



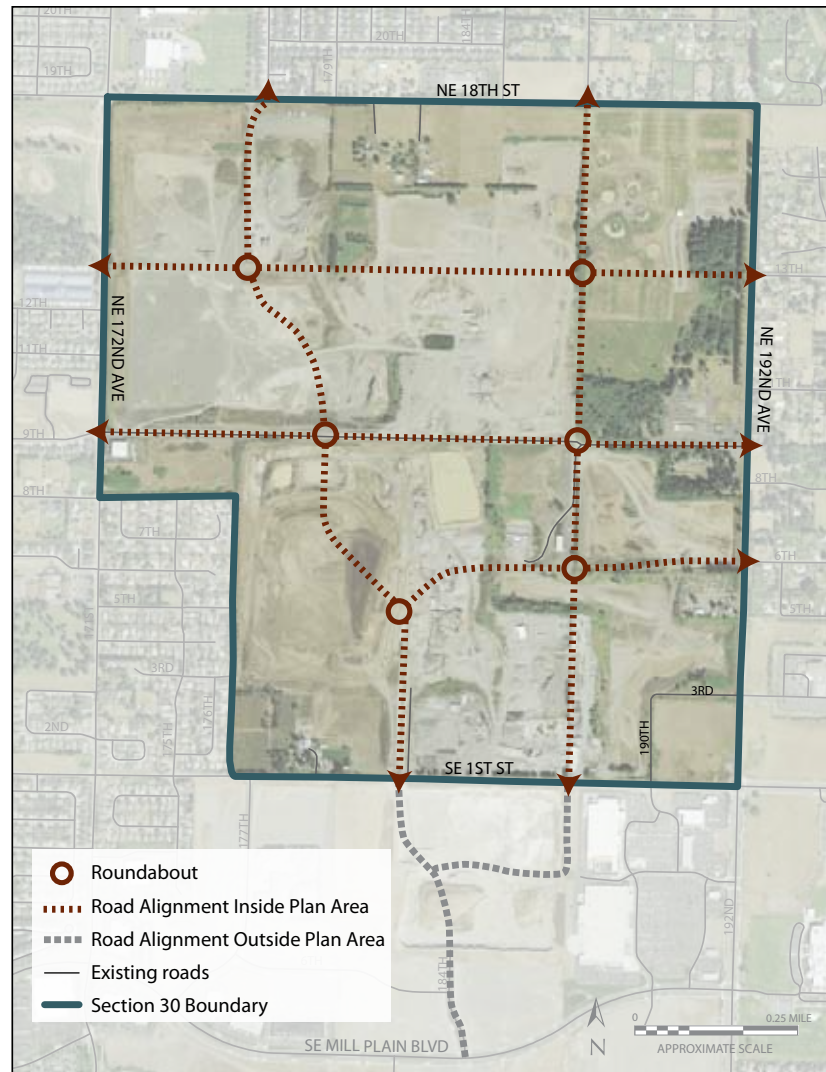
However, a steep slope, if properly planned and integrated into a master plan could become site assets rather than liabilities that “waste development potential”. For example, buildings can be designed to be built into slopes, or slope areas might be prime locations for stormwater infiltration and/or creating landscaped open space and trail corridors. Terracing development or creating plateaus of varying elevations where development occurs on each plateau may be a viable approach to developing Section 30 in a cohesive interconnecting manner.



Some existing elevations make it challenging for street and pedestrian connections.

- GE – 1 Master Plans for individual developments should include analysis of grade transitions on development sites and potential impacts on adjacent properties.
- GE – 2 Encourage property owners to enter into agreements that will ensure efficient, smooth and effective multimodal connectivity through balanced grading approaches between properties.
- GE – 3 Finished grades at property lines should not adversely impact the physical development of neighboring properties.
- GE – 4 Grading plans shall minimize the use of large retaining walls, and emphasize the use of landscaped slopes between building pads, pedestrian paths and streets.
- GE – 5 To ensure a safe and effective street network quarry elevations may need to be raised to reduce extreme elevation variations and appropriate customized street design requirements may need to be made.

FIGURE 8. Flexible Collector Street Concept



Transportation

Overview

Section 30 will develop as a major urban employment community that includes urban mixed use neighborhoods with integrated residential and retail development. This plan envisions a transportation system that enhances and creates a unique identity for the new Section 30 community. How people get around in a district – whether by foot, bike, car, bus, or motor scooter – is an important defining characteristic that can help create a unique and memorable place.

Arterial roadways serving Section 30

Section 30 is located on several main transportation corridors. Today N.E. 192nd Ave., S.E. 1st Street and N.E. 18th Street are designated principal arterial roadways. N.E. 172nd Ave. is a designated minor arterial. None are currently built to their designated standard. Today, 13th Street/Goodwin Road provides the major connection between east Vancouver and northwest Camas. In the future, 18th Street, which ends at 192nd Avenue today, may be extended to provide that major connection. Nonetheless, an 18th Street extension will be expensive and difficult to construct, so the 13th St./Goodwin Road connection will serve the area for the foreseeable future.

Significant transportation system improvements are needed to serve growth in Section 30 and surrounding areas. Transportation system improvements, consistent with Vancouver's adopted comprehensive plan, will balance the demands of motor vehicles, bicycles, pedestrians, and transit.

Efficient transportation system design will maximize developable lands and minimize the environmental impact of hard surfaced improvements. Because of Section 30's unique topography, development of the transportation system needs to be carefully coordinated to assure seamless street, sidewalk, and trail connectivity.

Transportation Strategy

The transportation strategy is designed to provide safe, efficient, and attractive connections to land uses and urban amenities, to minimize congestion and environmental impacts, and to encourage walking within the planning area and to surrounding areas.

Success will depend on strategic improvements to the regional roadways surrounding Section 30 and creation of a rational interconnecting hierarchy of internal collector and local roadways. External links to streets, bicycle facilities, sidewalks, and trails are important for efficient and safe multi-modal access to the district. Internal street patterns must allow for a walkable connected street network. These connections are essential to integrate new with existing development and to avoid congestion.

To serve a mix of uses within Section 30, from light industrial, to neighborhood commercial, to residential, a well thought out mix of transportation options is needed. The amount and mode of travel between uses within Section 30 (internal trips) will evolve over time with increasing congestion and changes in the relative cost of travel of various modes. Evolution of transportation modes used to access Section 30 from outside its boundaries will also occur.

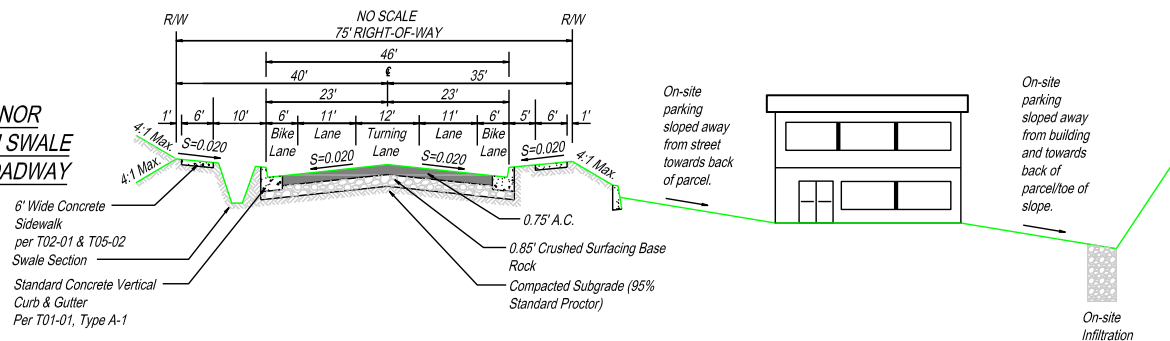
Transportation system development needs to fully respond to all transportation options and be flexible in its implementation. Within this broad direction, the future Section 30 transportation

NOTE: This street section is for dry weather conditions. Consult the Geotechnical Engineer for wet weather sections.

STREET SECTION FOR MINOR ARTERIAL/COLLECTOR WITH SWALE BUILDINGS LOWER THAN ROADWAY

NO SCALE
Soil Type: LgB AASHTO A-2

PER DETAIL T10-12
3-LANE COLLECTOR/MINOR ARTERIAL
WITH BIKE LANES



system will include design elements that provide for a mix of vehicle types, increased pedestrian and bicycle safety and convenience, traffic calming, and an attractive and pleasant urban environment.

Internal Trip Capture and Minimizing Off-Site Impacts

This plan is based on a representative range of land uses within Section 30 and accounts for growth in travel demand from the surrounding areas of Vancouver, Camas, and Clark County.

A mixed use development pattern generates fewer automobile trips than traditional (post-war) suburban single-use development. However, successful trip reduction depends on achieving the right mix and density of land uses, an internal transportation network of connected streets, bikeways, sidewalks, trails and open space, and good external connections to local and regional transit service and major roadways.

Creating an environment conducive to and convenient for bicycling and walking takes more than simply dense adjacent uses and a connected street network. The infrastructure must be designed with pedestrian and bicyclists in mind. Design elements such as wide sidewalks, pedestrian/roadway separation, convenient transit, street furniture, well marked pedestrian crossings, adequate bicycle parking all need to be incorporated to ensure internal trip capture and creation of a sense of place that makes it convenient and comfortable to walk around. External trips that are generated will add to the burden of off-site transportation improvements needed to address impacts from development of Section 30. External traffic impact mitigation will add to site development costs.

The discussion of traffic impacts below, including the mitigation plan is predicated on capturing shorter local trips within Section 30 by 1) designing an urban mixed use environment and 2) building multi-modal infrastructure to support walking, biking, and transit use. Higher internal trip capture will reduce external trips, and reduce the impacts of growth in Section 30 on the surrounding arterial street system. This analysis assumes up to 20% internal trip capture.

External Connections and Internal Flexible Collector Streets

The roadway system surrounding Section 30 is well established. As a result, the external links between Section 30 and its neighbors are well defined. See Figure 8 for key external connection locations.



Within Section 30, because it is a “blank slate” there is considerable flexibility in future roadway alignments. The primary constraint on internal alignment is to make key connections to the surrounding arterial system. Approximately five collector arterial roadways – running east/west and north/south - will provide for internal circulation and primary connection to the surrounding street system. Several other roadway types will serve the area. A small-block traditional street pattern characterized with narrow streets, alleyways, on-street parking in retail areas, and slow travel speeds will serve mixed use neighborhood areas. Larger scale developments will be served with narrow roadways, managed access, roundabouts with landscaped medians, and detached sidewalks. Modern roundabouts are designed to serve large truck as well as automobile capacity.

Specific roadway alignments are not prescribed in this plan. General alignments are illustrated to show the required external connections for internal roadway facilities, but internal roadway alignments are flexible to account for build-out of the site by different owners at different times.

Collector streets generally include two traffic lanes with medians or turn lanes, bike lanes, parking where appropriate, and sidewalks. Collector street to collector street intersections shall utilize roundabouts within Section 30. Overall right-of-way needs will typically be 80 feet, although more right-of-way may be needed at major site access intersections on SE 1st Street, NE 18th Street, and 172nd and 192nd Avenues. Those details will be determined either at master or site plan review. Streetscape designs that include required storm water facilities, sidewalks and street landscaping on easements outside the street right-of-way shall be considered.¹ Another important element in overall streetscape design will be the placement and types of landscaping needed to create tree-lined, canopied streets. Arterial and local streets should exhibit context sensitive design to achieve the overall land use and design goals of the Section 30 plan.

Roundabouts

Section 30 affords an excellent opportunity to build a system or grid of roundabout intersections to serve internal collector arterial street intersections, rather than traditional signalized intersections. When constructed as a system, roundabouts can provide considerably more efficient traffic flow with fewer severe accidents, and lower long-term operation and maintenance costs. Use of roundabout intersections is consistent with the Plan’s vision and development



Use of roundabouts maximizes development and minimizes cost.

¹ See attached civil roadway design technical report.

principles to create a dense urban community with a unique identity; to maximize developable land and minimize costs; and to foster environmental stewardship and energy conservation.

Roundabout intersections will promote a unique identity for Section 30, a continuous, smooth traffic flow and slower travel speeds that foster safety for cars, trucks, pedestrians, and bikes and provide a very efficient way of moving vehicle traffic through the collector street system.

Roundabouts are consistent with a low impact development concept. Modern urban roundabouts are designed to accommodate all vehicle types that will access Section 30 and will maximize buildable land through efficient use of public rights-of-way. As a system, roundabouts allow for narrower roadways (additional turn lanes not needed) which can minimize roadway stormwater impact, and continuous traffic flow minimizes acceleration, deceleration, and idling.

Local Streets

Local streets will provide access to all areas within Section 30, and should be designed to provide access to collector streets and not serve as routes for traffic passing through Section 30. Local streets should provide direct property access in order to avoid unnecessary driveway connections to collector arterial streets.

Local street design will generally include two traffic lanes for motorized vehicles, on-street parking where appropriate and consistent with the access needs of the planned development, and sidewalks. As with collector streets, design flexibility is intended to allow on-site storm water treatment options, including the potential of placing storm water facilities, sidewalks and street landscaping in easements outside the public right-of-way.

Traffic Calming Through Design

Maintaining vehicle traffic at safe speeds and avoiding conflicts between different types of transportation modes are important plan objectives. Traffic calming includes a full toolbox of strategies to integrate calming into roadway design and can be applied in Section 30 to achieve plan goals. The design of streetscapes for both collector and local streets shall be context sensitive and consistent with sustainable design principles, such as minimizing impervious surface. Conflicts between large commercial vehicles and, automobiles, motor scooters, bikes



and pedestrians shall be minimized through the placement of heavy industrial uses in locations with more direct access to the arterial street system.

Trails, Bike Paths and Sidewalks

As specific land development projects are designed, the location of trails, bike paths and sidewalk connections should be integrated into an overall accessibility and site grading plan, and not considered as an afterthought. Project master plans should accommodate regional and local trail corridors and provide for local pedestrian connections throughout the site and to all surrounding bike and pedestrian system infrastructure. In some cases, depending on the ultimate elevation and grade differences between uses or between a use and an adjacent roadway, public staircases may be appropriate. In addition to safe pedestrian crossing at intersections, mid-block crossing with median refuge and traffic calming will be appropriate where greenway trails intersect roadways.

Trail designs that provide off-street routes for recreational use, at times creating more direct pathways or more aesthetically pleasing passageways are encouraged. Due to challenges of topography within Section 30, some connections for trails and sidewalks may need to employ stairs, as long as alternative routes meet Americans with Disabilities Act requirements. Trails should be integrated with a greenway and storm water plan to allow for intermittent flooding during major storm events.

Transit Facilities

At full build out, Section 30 will be a thriving employment oriented community with well over 10,000 people working, visiting and living there. Demand for transit use beyond the minimal existing bus service will grow with development. As demand grows, the character and location of needed facilities will become more apparent. Roadway designs should anticipate this need, and make provision for transit stops where appropriate and provide efficient circulation routes.



Trail, bike path, and sidewalk connections should be integrated into an overall accessibility and site grading plan.

Transportation Policy

Sight Design and Automobile Trip Reduction

Successful trip reduction depends on an appropriate mix and density of land uses, an internal transportation network of connected streets, bikeways, sidewalks, trails and open space, and good external connections to local and regional transportation facilities (all modes) and transit service and major roadways. In addition, it depends on the creation of an environment conducive to and convenient for bicycling and walking with infrastructure designed with pedestrian and bicyclists in mind.

- TR – 1 Trip generation for development in Section 30 may be reduced if proposed development is consistent with the above principles and if trip reduction is justified in a traffic impact analysis completed by a licensed traffic engineer for a proposed development.

Street Connectivity

- TR – 2 Collector streets should be connected to the surrounding arterials substantially as shown in Figure 8. Internal alignments should be consistent with the general alignments illustrated, but may be varied somewhat to allow for site design.
- TR – 3 As each property owner plans for development, a master plan shall include a local circulation plan, demonstrating how the on-site connections proposed for the underlying development fit into the arterial, collector, and local street net work that will serve all of Section 30. The circulation plan will show both future alignments and street grades to allow for extensions beyond the property proposed for development.
- TR – 4 Minimize storm runoff by efficiently sizing streets and roundabout intersections, and by incorporating pervious pavement where possible.

Street Grades

- TR – 5 To foster efficient use of land and ensure quality connectivity, development standards should guide maximum grade for collector and local streets.
- TR – 6 Street and trail designs shall minimize the use of large slope easements.



Intersection Spacing

- TR – 7 Collector streets within Section 30 shall be spaced about 800 ft. apart with connections as generally depicted on the concept map. These are flexible corridors, so long as spaced to provide adequate collector level street access and sufficient capacity to all portions of Section 30 is provided.
- TR – 8 Local streets should provide access to all portions of Section 30. Local streets should be spaced at 200 to 300 feet apart in urban neighborhood mixed-use areas. Local streets should be spaced at 400 to 600 feet in business and industrial use areas. Exceptions may be justified where streets abut arterial streets, Harmony Sports Fields, and where elevations make the spacing infeasible.
- TR – 9 To simultaneously promote continuous, smooth traffic flow, and slower travel speeds that promote safety for cars, trucks, pedestrians, and bikes; to conserve buildable land through efficient use of public rights-of-way; to promote lower energy use through eliminating traffic lights and minimizing vehicle idling time; the Section 30 internal collector arterial intersections shall be single lane urban roundabouts with 100 to 130 foot inscribed circle diameter to accommodate all vehicle types that will access the site.

Pedestrian Facilities

- TR – 10 All trails and sidewalks shall be consistent with the connectivity and grade policies of the Plan.
- TR – 11 To encourage pedestrian connectivity, development standards should describe allowed maximum slopes for trails or sidewalks constructed outside of the street development.
- TR – 12 Sidewalks shall be developed consistent with typical street cross sections for collector and local access streets at a minimum. Wider sidewalks and additional landscaping are encouraged.
- TR – 13 Mid-block and other safe pedestrian crossings shall be developed to provide very high pedestrian level of service, especially in mixed use urban neighborhoods.
- TR – 14 Where possible and desirable, sidewalks and trails should be constructed of pervious surface, and be integrated into the storm water control plan.



Bicycle Facilities

- TR – 15 On street bicycle lanes shall be provided consistent with the collector street cross section.

Parking—Motorized Vehicle

- TR – 16 Off street parking should be located behind or to the side of structures in all districts with the exception of “tech flex” development, which may locate parking for customers only between the street and building front.
- TR – 17 On street parking may be provided where appropriate and the parking spaces immediately adjoining a property shall be counted towards a development’s overall parking requirement.
- TR – 18 Joint use parking facilities are encouraged where peak parking lot use is different between adjoining users.
- TR – 19 Access between off street parking facilities without requiring street access to travel between lots is encouraged.

Access to Streets by Motorized Vehicles

- TR – 20 Minimize driveway access directly to arterial streets, and prohibit driveway access to arterial and collector streets when local street access is possible.
- TR – 21 Direct access to arterial streets, when allowed, should meet minimum intersection spacing requirements.
- TR – 22 Joint driveways accessing to two or more properties are encouraged.
- TR – 23 Minimize industrial truck traffic on residential areas, identify potential truck routes and identify streets to be posted for no through trucks through the master plan process.
- TR – 24 Within the Urban Neighborhood Center areas, alleys will provide automobile access for residential land uses. Dwelling units should front to all streets including arterial roadways to create an active, interesting, and welcoming environment for pedestrians.



And, on street parking can be combined with other traffic calming strategies to serve short-term parking demand.

Traffic Calming and Street Character

- TR – 25 Street designs shall incorporate a full range of integrated urban traffic calming strategies to achieve safe, context sensitive roadways.
- TR – 26 Street designs shall incorporate principles of context sensitive design to support active, attractive and healthy urban environments.

Transit Facilities

- TR – 27 Vancouver Transportation Services, Vancouver Community Planning, CTRAN and property owners will continue to evaluate the need for a major transit hub to accommodate transit needs within Section 30 and evaluate potentials for transit systems such as bus rapid transit.
- TR – 28 Master plans should include transit facilities (e.g. bus turnouts and shelters) where required by the City, and consistent with Section 30 roadway standard plans.

Needed Improvements

Development of Section 30's transportation system will present various design challenges and relatively high costs, but will also afford substantial flexibility in how the system is developed. The unique topography of Section 30 will lend itself to unique and creative transportation infrastructure solutions. Listed below is a brief description of identified transportation needs. A more detailed analysis of design and costs are included in the *Infrastructure Costs* Section, *Transportation Facilities* (and related appendices to this plan).



Potential Transportation System Improvements

Based on the traffic operations analysis, improvements to the street system surrounding Section 30 should include the following:

- Widening NE 162nd Avenue south of NE 18th Street to a six through lane cross-section.
- Widening NE 18th Street to provide a five lane cross-section from NE 138th Avenue through NE 192nd Avenue. Widening NE 18th Street east of 177th Avenue may be phased.²
- Constructing NE 192nd Avenue to a full five-lane cross-section.
- Additional turn lanes in many locations.
- Improvement of SE Mill Plain Boulevard at SE 136th and SE 164th Avenues, consistent with the City's current capital improvement plans.
- Monitoring traffic operations at the intersection of NE 9th Street with NE 162nd Avenue.
- Widening SE 1st Street to a three lane section in the vicinity of NE 172nd Avenue, with right hand turn lanes where right-of-way allows. Widening east of 172nd will occur as need is identified by later traffic analyses, but the city anticipates a five lane cross section for SE 1st between 177th Avenue and 192nd Avenue. As with the widening of NE 18th Street east of NE 177th Avenue, the timing for future widening of SE 1st Street depends on specific land development activity, driveway location, and overall Section 30 trip distribution.
- A new north/south collector street south of SE 1st Street along the general alignment of SE 182nd Avenue to link Section 30 directly to SE Mill Plain Boulevard. This new road will enhance connectivity between CTC and Section 30 and will improve traffic operations along SE 1st Street, NE 172nd, and NE 192nd Avenue.

² A November 2007 transportation study conducted for the City of Camas recommends that the entire NE 18th/ NE Goodwin/ NE 28th Avenue corridor from NE 192nd eastward to NE 242nd Avenue be constructed as a five-lane facility. "Camas North UGA Expansion Traffic Analysis", DKS Associates, November 6, 2007.



Section 30 Internal Street System Findings and Recommendations

The internal collector arterial street system for Section 30 will consist of a series of north/south and east/west roadways to link every portion of the site with the external transportation system.

Two north/south roadways are proposed that would run generally parallel through the site, one just east of NE 172nd Avenue and one just west of NE 192nd Avenue. For purposes of this report, these streets have been named: NE 177th / 179th/ 182nd Avenue (westerly street) and NE 187th Avenue (easterly street). The exact alignments of these roadways are not as critical as the general north/south alignment and logical connection to the external roadway system.

Three east/west roadway will connect the site to NE 9th Street, NE 13th Street, and NE 6th Street. NE 13th Street will extend to the west from NE 192nd Avenue into the heart of the site, and could end in the northwest quadrant just to the west of NE 179th Avenue. Depending on the master plan, this street could be extended to connect with NE 172nd Avenue, although the existing grade differential between the existing street and the quarry floor make that connection problematic. NE 9th Avenue will connect NE 172nd Avenue to NE 192nd Avenue, serving as the major east-west spine. In the southern portion of the site, a third east/west street would run from west from NE 192nd Avenue near its existing intersection with NE 6th Street and will connect to both north/south arterial roadways.

Based on the City's street standards and proposed functional classification system for the internal street network in Section 30, it is recommended that collector arterial streets within Section 30 be designed to provide 60 - 70-foot right-of-way bike lanes, sidewalks, and turn lanes where appropriate.

Direct land use access to arterial roadways should be generally discouraged. In the Urban Neighborhood Center area, automobile access to residential developments will be by alleyway only.

Collector street intersections internal to Section 30 should be compact urban roundabouts.³

³ There is additional discussion of this strategy in the traffic and transportation engineering technical appendices.



Bicycles and Pedestrians

The Section 30 plan envisions an urban center with a mix of uses, urban densities, and capture of a certain level of urban activity within the site. A complete system of bicycle and pedestrian facilities is essential to achieve that plan vision. By providing a safe, pleasant and well-connected system for non-motorized travel, the Section 30 transportation system will encourage the use of modes other than the auto to reach work, shopping, school and other destination.

To serve pedestrians, sidewalks will be constructed along all internal streets and will connect to the existing sidewalk and trail system surrounding the development. It is anticipated that the regional shared use pathways, already planned and partially constructed on the 18th Street and NE 192nd Avenue corridors, will be carried through Section 30.

Bicycle lanes will be provided on all arterial streets within the development consistent with the City's existing Street Standards for these roads.

Public Transportation and Transportation Demand Management

Another critical part of building a successful mixed use development in Section 30 that can reduce the demand for auto travel, will involve providing improved public transportation services and offering an array of Transportation Demand Management (TDM) strategies to encourage reduced use of the automobile. To achieve that result, development of the master plan should include:

- Work with C-TRAN (the Clark County public transit provider) to offer improved public transportation services along major travel corridors adjacent to Section 30 and, to the extent practical, to connect with major internal destinations.
- Work with the Evergreen School District to provide pupil transportation services to the future residents of Section 30.
- Consideration of expanding the GTEC boundary for East Vancouver to add Section 30 and initiate increased efforts to provide effective TDM strategies to employers in the area.



Open Space, Trails And Public Facilities

Creating an interconnected system of parks, open space, and trails is manifestly more beneficial than creating parks in isolation. A cohesive green network will help establish the character and shape of a community, enrich the health of a community and an individual, buffer incompatible uses, enhance ecological functions, and reduce costs for stormwater management and flood control.

The vast undeveloped area of Section 30 provides ample opportunity for new parks, open spaces, and trails. Recognizing that land values surrounding these amenities will reflect a premium, coordinated development between property owners around the parks, open spaces and trails is encouraged.

Through coordination with the VCPRD, park impact fee credits may be available to property owners that dedicate public park land and provide improvements that meet the City's park and open space standards and are in accordance with the Section 30 Concept Plan.

Plan Concept

The Section 30 Concept Plan proposes open spaces and pedestrian connections to link to existing and proposed public and semi-public outdoor amenities such as Harmony Sports Fields, the proposed open space on the site of the County Closed Solid Waste Facility and the English Estates Vineyard and Winery. This open space and pathway system will encourage fluid and safe pedestrian movement from the proposed urban mixed use neighborhoods to parks to shopping to work. The network will connect with surrounding neighborhoods, adjacent parks such as Pacific Park to the west, nearby schools, and jobs and shopping located at the Columbia Tech Center to the south.

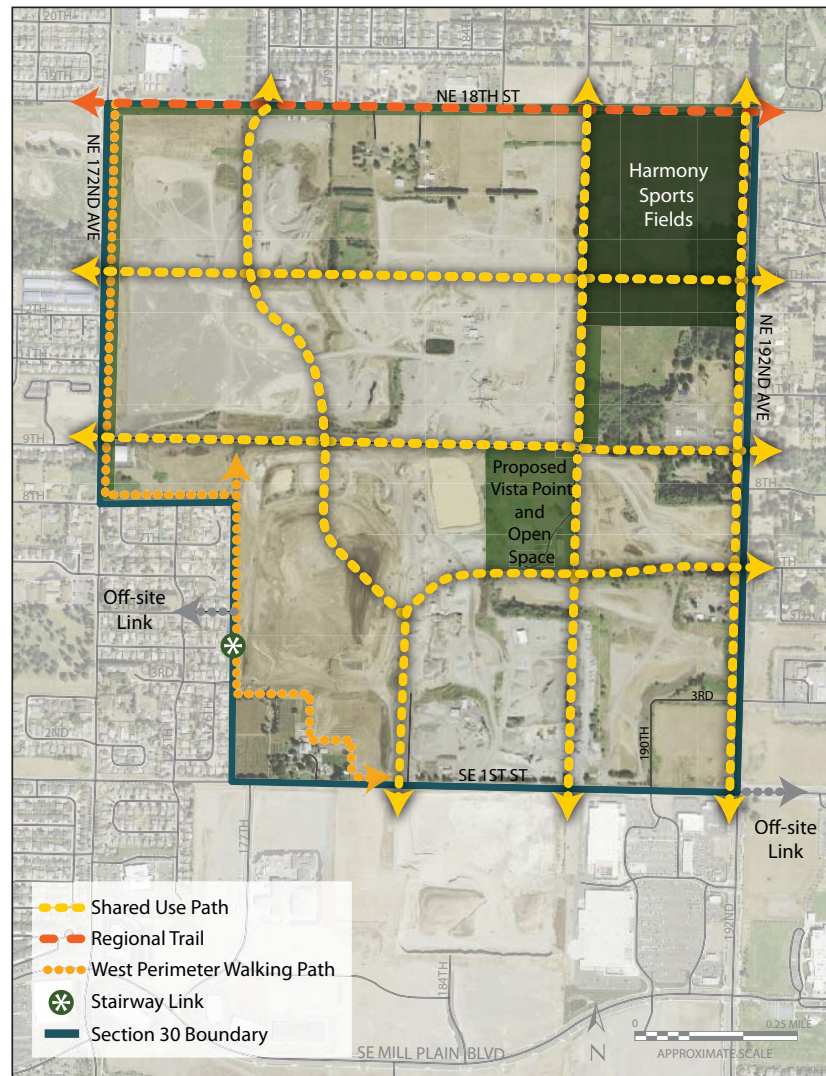


The plan encourages a connecting park, open space and trail system.



The plan promotes plazas as opportunities for informal public gathering places.

FIGURE 9. Parks, Trails and Open Space Concept



Open spaces are not limited to green parks, however. Central plazas, courtyards, promenades and other outdoor spaces provide opportunities for informal public gatherings, a farmer's market, or even organized musical events with graduated seating elevations incorporated into the built environment. These spaces can be designed to complement nearby development and connect different land uses. They can also be marketed as a premium amenity. The spaces can range in scale from small seating areas at sidewalk intersections to larger gathering places that allow for social interaction.

Opportunities

Regional Trail Linkages

The VCPRD Comprehensive Plan and the Clark County Regional Trails Plan identifies two major trails within the Section 30 Plan area – a link of the planned east/west LaCamas/Vancouver Regional trail system following the north edge of Section 30, and a north/south link of the 192nd Avenue shared-use path located along the eastern boundary of Section 30. It is essential that these two trail links are completed with the future development of Section 30 to contribute to the larger connecting regional trail system. The conceptual plan shows one possible alignment for the two trails within Section 30. Other alignments are certainly possible. To assure an integrated pedestrian system within the plan area, additional shared-use path alignments are depicted in concert with the transportation system.

West Perimeter Trail and Open Space buffer

The Section 30 parks, trails and open space concept also envisions the construction of a walking path following the west perimeter quarry slopes. Such a trail and open space amenity would significantly benefit Section 30 development by creating a natural buffer and connection

to existing adjacent neighborhoods and park facilities, preserving and enhancing the permeability of the existing slopes for possible stormwater infiltration, and increasing the aesthetics and value of future development. Presently, the western quarry slopes are steep and high. To successfully construct a west perimeter trail and open space system that allows for both north/south and east/west pedestrian travel, a set of staircases as shown on the concept plan may be the most feasible and cost effective means to achieve the east/west connections.

“Vista Point” Open space on the Closed Solid Waste Facility

The existing Clark County Closed Solid Waste Facility provides a potential site for a future public overlook park. This is the highest elevation in Section 30, and developing it into a multi-faceted public space with a primary vista point at the top would offer a great amenity to the area. The regulations tied to the cap on the landfill may limit park development opportunities on the actual elevated lands. The 15-acre parcel size could potentially support enough infrastructure (parking and restrooms) to allow some active recreation programming. Using the unconstrained flatter acreage to complement the overlook would provide the diversity in programming uses that creates a successful public park. An open space connection that could link this public space to the Harmony Sports Fields to the north would compliment the park amenities.

Harmony Sports Fields Potential Relocation

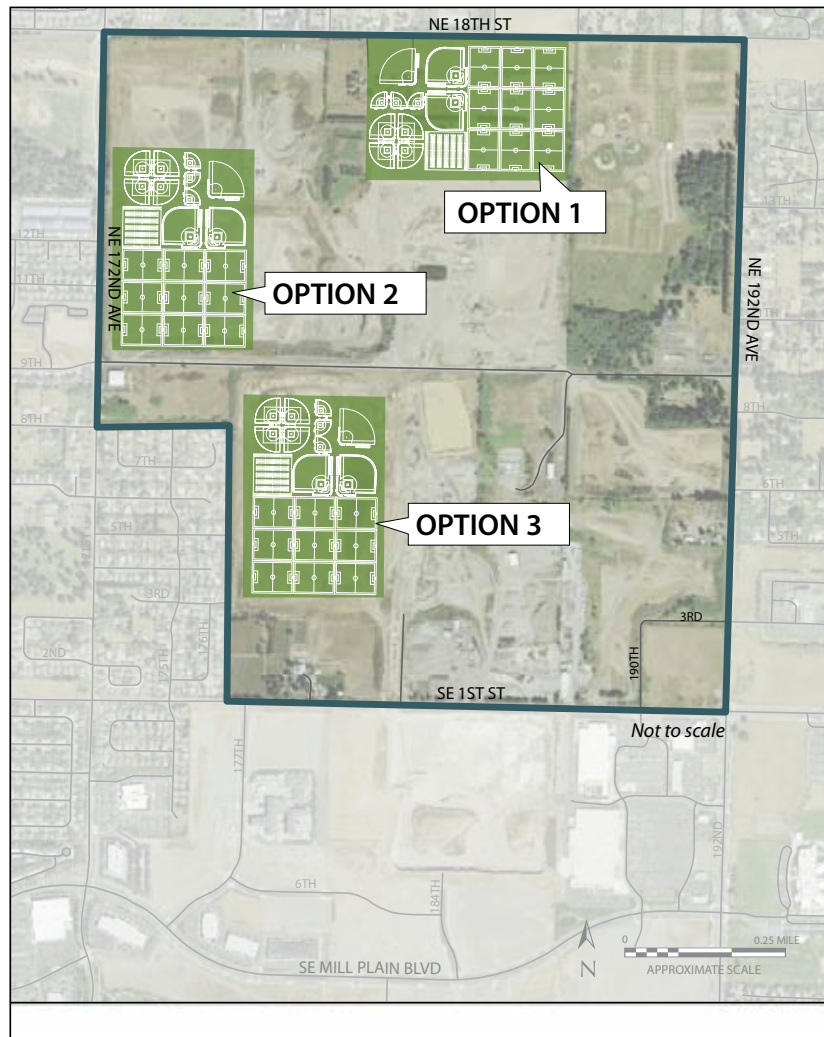
The conditions that would need to be met to relocate Harmony Sports fields will be challenging to meet. However unlikely it seems today that this facility would be relocated it would be remiss to simply ignore the future possibility. Therefore, this Plan illustrates three possible location alternatives that may yield a level, buffered, well accessed, and adequately sized site for developing sports fields equal to or better than the existing facility (See Figure 10). Any plans to relocate the fields need



There may be an opportunity for a “Vista Point” on the closed solid waste facility.

The plan promotes trails and open space as a unifying design element.

FIGURE 10. Possible Harmony Field/Miracle Field Relocation Areas



to ensure that the sports fields are accommodated at a level that meets or exceeds current field standards. Currently planned improvements for the Miracle Field and GCPD field improvements will continue to proceed until such time as a relocation of the fields has been negotiated.

Open Space, Trails, Public Facility Policy

General

- OS – 1 Construct trails, plazas, and parks in conjunction with master planned development. Locating and construction of parks and recreation amenities should not be undertaken at the last moment. The City should partner with the developers to ensure that parks and trails are available as the different phases of development occur.
- OS – 2 Open spaces, parks and trails should be configured generally as indicated in Figure 9, allowing for adjustments in the master planning process. Provision of more open space, trails, and a variety of different types of parks, open space, and recreation areas is encouraged.
- OS – 3 Park and recreation amenities should be located in convenient proximity to residential areas located within the plan area and on the perimeter of the plan area.
- OS – 4 Promote the combination of passive open space with stormwater facilities or areas where major storm events may cause temporary flooding as much as practicable.
- OS – 5 Encourage the integration of greenways, trails, and shared paths with stormwater facilities or areas as much as practicable.

- OS – 6 Open spaces near residential development should be designed to provide space for community gardens or mini-farmers' markets to encourage the use of local food sources.
- OS – 7 Open spaces, trails and community gardens should incorporate a rainwater management system and stormwater management facilities to provide onsite irrigation.

Trail Linkages (See also the transportation section.)

- OS – 8 The Section 30 links of the proposed east/west Vancouver/Lacamas Regional Trail and the north/south shared-use path of 192nd Avenue should be provided for as indicated in Figure 9, allowing for alignment adjustments in the master planning process.
- OS – 9 An internal network of multi-purpose trails, pathways, and sidewalks connecting to adjacent neighborhoods, parks and schools should be developed as conceptually shown on Figure 9.
- OS – 10 Non-motorized trails and pathways should be developed to connect residential areas to active recreation areas such as parks and sports fields.
- OS- 11 Trail connection opportunities between recreational and open space sites should be maintained.
- OS – 12 Trail connections may be achieved using stairways if suitable alternative routes are available that meet Americans with Disability Act requirements.
- OS – 13 Trail designs shall minimize the use of large slope easements.

West Perimeter Slope

- OS – 14 Remaining side slopes, especially the western perimeter slopes created from past mining activities, should be considered as a combined green open space, stormwater infiltration, and perimeter trail system.



Closed Solid Waste Facility as park/open space

- OS – 15 The VCPRD should consider converting the Closed Solid Waste Facility into a multi-faceted park with a trail leading to the top and complimentary recreational programming.
- OS – 16 Development of buildings and streets adjacent to the closed solid waste facility shall minimize soil disturbance.

Harmony Sports Facility

- OS – 17 The City of Vancouver, Clark County, and the Harmony Sports Association (and the individual leagues who utilize the field space) should plan cooperatively for the future redesign of Harmony Sports Facility to more efficiently and effectively serve the needs for youth sports, as relocation opportunities arise.
- OS – 18 If an agreement is reached to relocate Harmony Sports Fields, the new location should be within Section 30 or in the district serving all parties associated with the Harmony Sports Association.



Public Utilities & Services

Sanitary Sewer and Water

The City of Vancouver will be the purveyor of both water and sanitary sewer as Section 30 develops. The utility concept plans show the approximate location of the water and sewer mains needed to complete a connected system to serve Section 30.

Twelve inch sanitary sewer and water mains should be sufficient for most development; however, if an exceptionally large water user for example an industry like Wafertech were to locate in Section 30, additional improvements may be necessary to handle the intensive industrial water and wastewater needs.

Stormwater

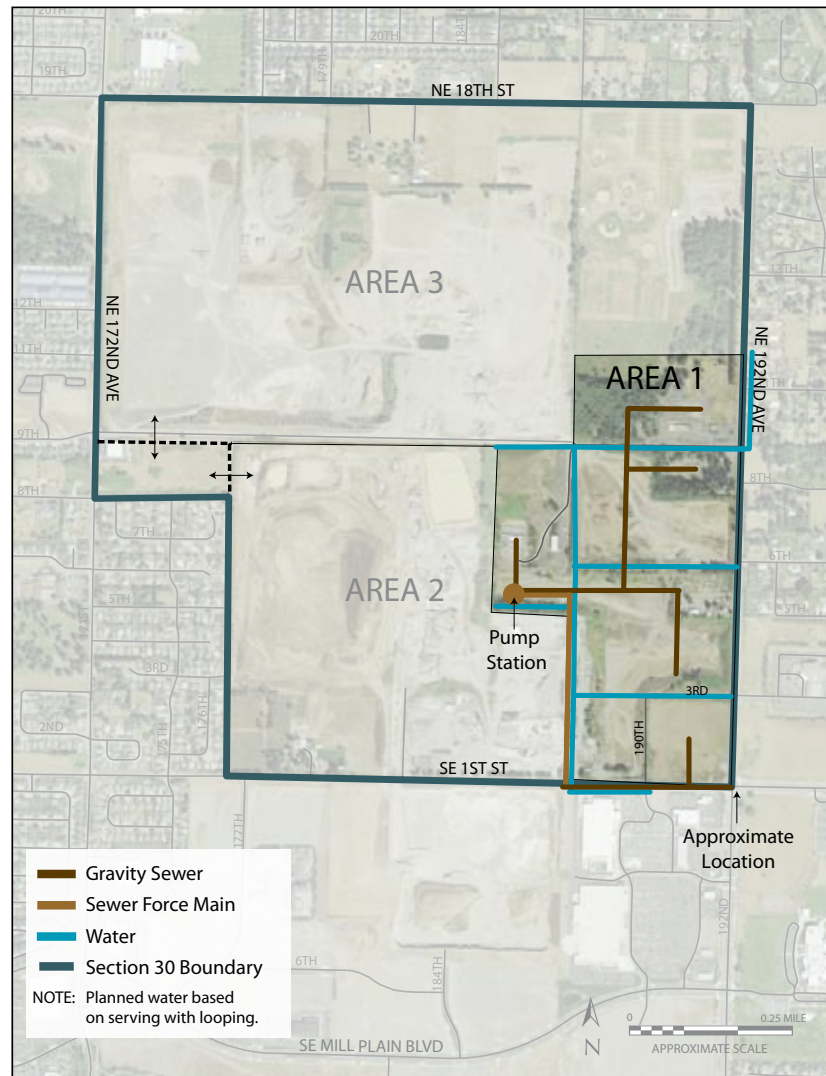
The ability to manage stormwater through infiltration into the ground will have a significant impact on developable acres and overall urban design of Section 30. Some areas, particularly around the perimeter of the basin created through mining, are seen as likely areas of use for infiltration of stormwater. As projects are developed within Section 30, there will be the “low point(s)” where Stormwater will either infiltrate or pond based on soil permeability or stormwater management facilities constructed (above or below ground). These site conditions and potential design challenges will not be fully known until geotechnical analysis is done within all of Section 30. This analysis will likely be done at the time of individual developments.

The City of Vancouver recognizes that optimal stormwater solutions are those that include low impact development (LID) methods, methods that most mimic natural processes of infiltration and biofiltration. Trees, vegetation, and permeable soil slow surface water flow rates and improve water quality. Among the acceptable LID options for private systems are pervious paving, eco-roofs/roof gardens; infiltration planters; flow through planters; sand filters; and tree boxes. Acceptable LID options for public systems include street swales, vegetated-filter strips, and vegetated-infiltration basins.

Low impact development is the preferred stormwater treatment methodology for the Section 30 plan area. However, the varied site features and potential land uses in Section 30 will require a need to assess stormwater methods on a site-by-site basis. The most suitable method would consider a combination of site features, land use, and current regulatory requirements. If low impact



FIGURE 11. Area 1 Utility Concept



development methods alone do not meet needed stormwater requirements, a combination of low impact development and regional facilities may be the most suitable approach to addressing stormwater issues.

Utility Concepts for Sanitary Sewer and Water Service

Three sewer and water utility service concepts are provided for the plan area. Each service concept was designed to stand alone without the requirement of prior development. The concepts took into account the property owner's suggested finish grades, likely transportation rights-of-ways, the location of existing water and sanitary sewer main lines and the most probable property clusters to develop. For efficiency and cost effectiveness, a maximum of two public pump stations should be sited to serve all of Section 30. These utility concepts represent only one efficient method of service - other approaches are possible. For example, if one large development occurs, adjustments to utility service approaches by remaining undeveloped properties may be needed.

Public Utility Policy

General Utility

- PU – 1 Coordinated utility planning for the whole of Section 30 is essential to cost-efficient service provisions. Locate easements to consider future utilities' needs and be consistent with existing plans.
- PU – 2 Include within sanitary sewer and water construction plans the design and construction of all facilities necessary for development of the site.
- PU – 3 Coordinate pipe and pump station sizes to serve no less than the plan's land use build out assumptions.



FIGURE 12. Area 2 Utility Concept

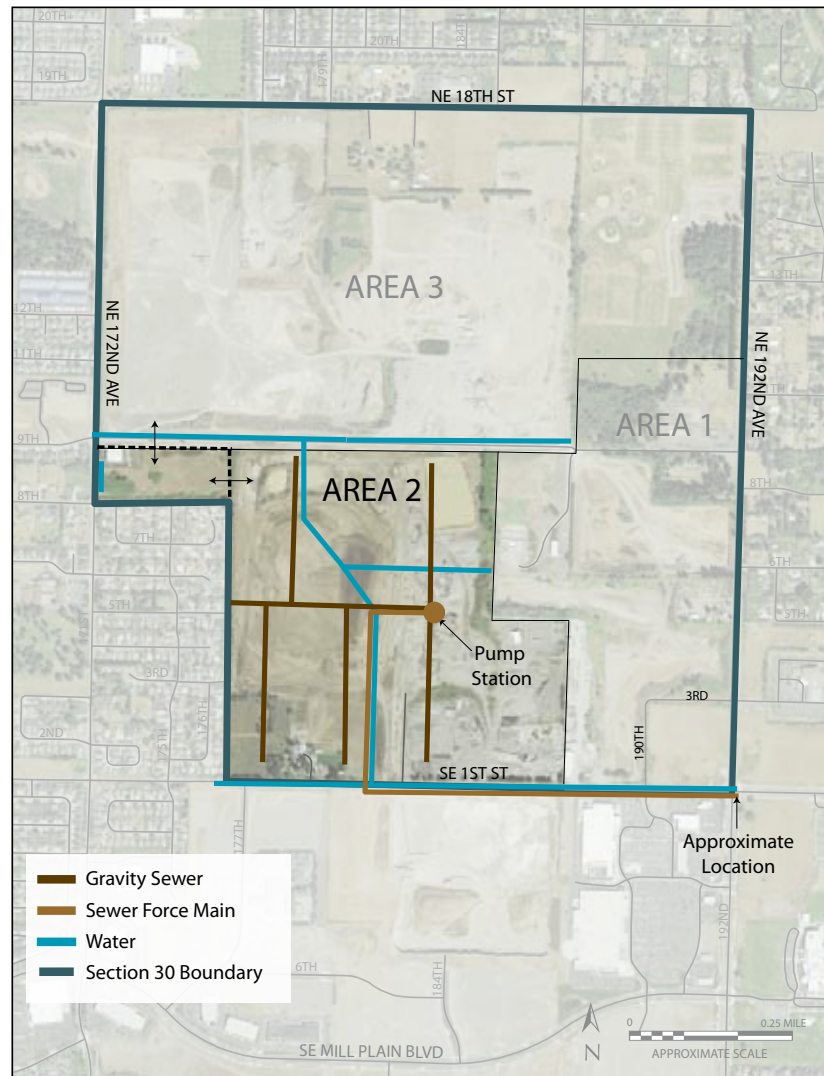
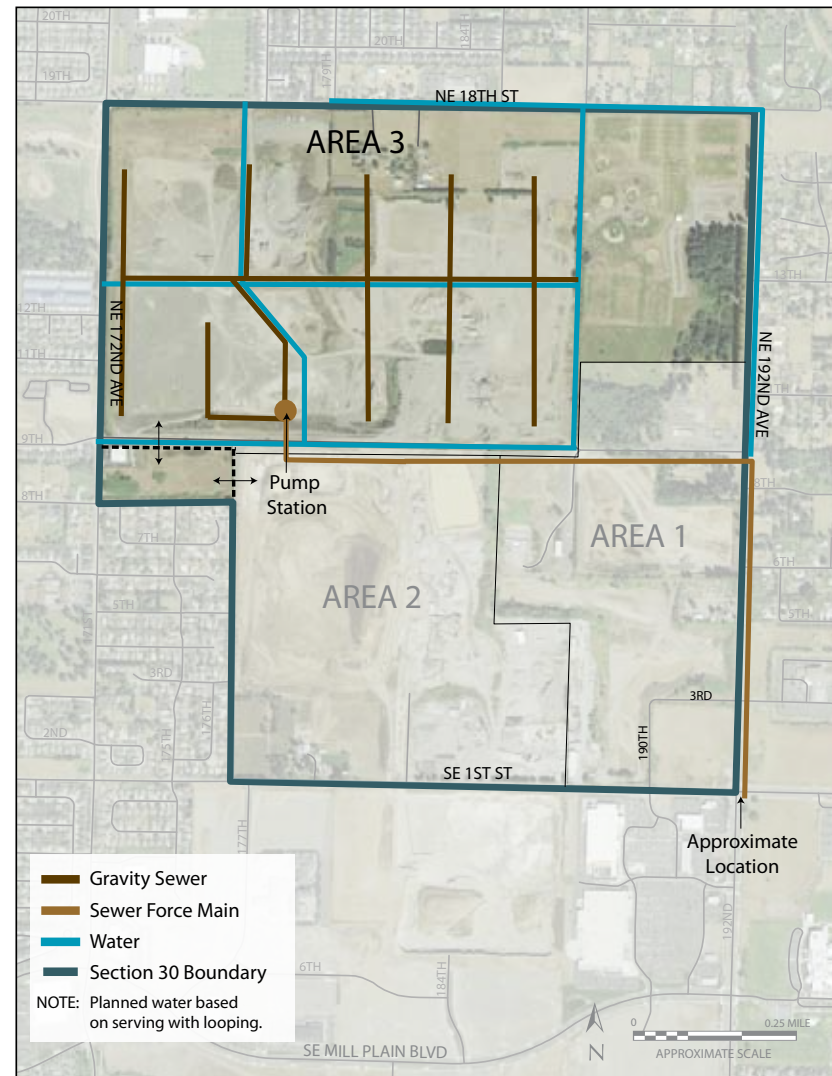


FIGURE 13. Area 3 Utility Concept



- PU – 4 Consider an efficient relationship between road and infrastructure line design and layout, and minimize utility line locations outside of existing or proposed rights-of-way.
- PU – 5 Encourage and provide opportunities within rights-of-way for new energy systems piping or cabling needs.
- PU – 6 Agreements between property owners that demonstrate how future public utilities will be extended beyond a proposed project are encouraged to be documented with the city.

Sanitary Sewer

- PU – 7 Provide a maximum of two public pump stations located at low points with gravity sewers extending outward to serve higher elevation areas. One main pump station is preferable.
- PU – 8 Interim systems should not be allowed.
- PU – 9 Development with more intensive industrial wastewater needs shall be responsible for any needed additional improvements including pre-treatment and added or larger sewer mains, and an added or larger pump station with a longer force main to a “to be determined” discharge location.
- PU – 10 Design new sewer lines to allow for sequential development.

Water

- PU – 11 Promote sustainability through water conservation and the use of water collection systems and existing wells.
- PU – 12 Design new internal water line systems to maximize system looping.
- PU – 13 Design new internal water lines to allow for sequential development.
- PU – 14 Coordinate new water lines with existing 12-inch water mains, connecting gaps in the existing system around the boundary of Section 30 where necessary for adequate service. Provide at a minimum 12 inch water mains on the perimeter of Section 30 and at least one 10-inch or larger water main in an east/west direction in the approximate center of the planning area.



- PU – 15 Development with more intensive water service needs, including fire flow and unique pressure requirements, shall be responsible for any needed additional improvements.

Stormwater

- PU – 16 Section 30 stormwater shall be managed within Section 30 plan area.
- PU – 17 Require where physically feasible, low impact development stormwater management techniques including, but not limited to, decentralized infiltration facilities, compost filters within landscaped excavated basins, and various forms of vegetation.
- PU – 18 When necessary based on physical feasibility, allow stormwater management techniques that combine low impact development and regional facilities.
- PU – 19 Restrict individual development stormwater facility design in impacting other properties from surface and ground water runoff, particularly those at lower elevations.
- PU – 20 Provide a geotechnical report prior to the design and construction of stormwater facilities including, general soil characterization, infiltration rates, and groundwater elevation.
- PU – 21 Promote street right-of-way design to include sufficient width to accommodate stormwater facilities and/or integrated stormwater facilities with trails, shared paths, or greenways.
- PU – 22 Provide appropriate stormwater methods that consider separately the industrial use portion and the non-industrial use portion of a site.
- PU - 23 An integrated approach to greenway, trail and stormwater plans is encouraged to allow for intermittent flooding during major storm events.
- PU – 24 Use of public openspace for accommodating the 100 year storm event may be allowed.





Infrastructure Costs

Overview

General concepts for the provision of basic infrastructure are illustrated and described in the Transportation and Public Utilities & Services sections. These infrastructure concepts are meant to inform and guide future development decisions; however, in all likelihood, the final right-of-way alignments and infrastructure improvements will vary from these descriptions. Therefore, the rough cost estimates based on the Plan's concepts provide information to give an idea of what one approach would look like and might cost.

Not shown and not included in these initial cost estimates are the local streets and sewer/water connections which will be the responsibility of individual developers as specific land parcels are developed. Also, due to the site's grade and soil variability stormwater cost estimates are not included. Finally, it is anticipated that infrastructure improvements and extensions outside of Section 30 will be needed to serve Section 30 developments and it is anticipated that, for the most part, these will be funded through impact fee assessments on developments, which are over and above the costs associated with development within Section 30.

A range of strategies are available to fund the shared Section 30 infrastructure improvements and these are described in the section *Strategies and Next Steps*. These optional strategies rely primarily on the initiative of the owners/developers or some form of public-private approach.

Public Utilities Services

Cost Estimate Methodology

The following cost estimates for water and sewer infrastructure improvements are based on the previous descriptions and use the three utility concept area boundaries to assist in identifying both

needed improvements and costs. These are “magnitude of cost” estimates and are based on 2008 unit costs (inclusive of materials and labor), do not reflect future changes in costs or right-of-way costs, but do include a contingency of 40 % that covers soft costs (20% construction contingency, 10% design engineering, and 10% legal/administration/permitting/environmental).

Public Utility Services Cost Estimates

Table 4. Water and Sewer Improvements/Cost Estimates for Section 30 Concept Plan

Assumptions:

1. Based on Utility Concept figures shown in this plan;
2. Intent of cost estimates are to be order of magnitude only for preliminary planning purposes; and
3. No surface restoration is included for any utilities.

Area 1

Item	Amount	Unit Price	Cost Estimate
Water			
12-inch water line	9400	\$45.00	\$423,000.00
12-inch valves	20	\$2,500.00	\$50,000.00
Fire hydrant/valve	20	\$3,000.00	\$60,000.00
1-inch service line	3600	\$12.00	\$43,200.00
Contingency (40%)		\$384,133.00	\$384,100.00
Subtotal – Water			\$960,300.00
Sewer			
8 – 10 inch gravity sewer	6000	\$35.00	\$210,000.00
Manholes	12	\$3,000.00	\$36,000.00
6-inch service line	3600	\$15.00	\$54,000.00
Sewer pump station	1	\$500,000.00	\$500,000.00
8-inch sewer force main	2300	\$30.00	\$69,000.00
Contingency (40%)		\$579,333.00	\$579,300.00
Subtotal - Sewer			\$1,448,300.00
Total Estimated Cost			\$2,408,600.00

Note: Stormwater facilities are not included in the following infrastructure cost estimates.



Area 2

Item	Amount	Unit Price	Cost
Water			
12-inch water line	12200	\$45.00	\$549,000.00
12-inch valves	25	\$2,500.00	\$62,500.00
Fire hydrant/valve	25	\$3,000.00	\$75,000.00
1-inch service line	4500	\$12.00	\$54,000.00
Contingency (40%)		\$493,666.00	\$493,700.00
Subtotal – Water			\$1,234,200.00
Sewer			
8 – 10 inch gravity sewer	7500	\$35.00	\$262,500.00
Manholes	15	\$3,000.00	\$45,000.00
6-inch service line	4500	\$15.00	\$67,500.00
Sewer pump station	1	\$500,000.00	\$500,000.00
8-inch sewer force main	4500	\$30.00	\$135,000.00
Contingency (40%)		\$673,333.00	\$673,300.00
Subtotal - Sewer			\$1,683,300.00
Total Estimated Cost			\$2,917,500.00



Area 3

Item	Amount	Unit Price	Cost
Water			
12-inch water line	19000	\$45.00	\$855,000.00
12-inch valves	38	\$2,500.00	\$95,000.00
Fire hydrant/valve	38	\$3,000.00	\$114,000.00
1-inch service line	9000	\$12.00	\$108,000.00
Contingency (40%)		\$781,333.00	\$781,300.00
Subtotal - Water			\$1,953,300.00
Sewer			
8 - 10 inch gravity sewer	15100	\$35.00	\$528,500.00
Manholes	30	\$3,000.00	\$90,000.00
6-inch service line	9000	\$15.00	\$135,000.00
Sewer pump station	1	\$500,000.00	\$500,000.00
8-inch sewer force main	6500	\$30.00	\$195,000.00
Contingency (40%)		\$965,666.00	\$965,700.00
Subtotal - Sewer			\$2,414,200.00
Total Estimated Cost			\$4,367,500.00



Transportation Infrastructure Cost Estimates

Table 5. Transportation Improvements/Cost Estimates
for Section 30 Concept Plan

Note: Intent of cost estimates are to be order of magnitude only for preliminary planning purposes.

Item	Amount	Unit Price	Cost Estimate	Add 30% Contingency
2-3 Lane Collector Arterial	5.3 miles	\$7.65 million	\$41 million	\$54 million
100' Inscribed Radius Roundabout Intersections	6	\$.5 million	\$3 million	\$4 million
4-5 Lane Principal Arterial	2.7 miles	\$9.8 million	\$26.5 million	\$35 million
Stormwater Treatment	3 each	\$.3 million	\$.9 million	\$1.2 million
Total Roadway Cost				\$95 million



Strategies and Next Steps

Over the life of this Section 30 Plan, many important decisions will be made impacting how development evolves. Cooperation between property owners will be a most important determinate in the creation of quality urban communities and economic success of any pursued ventures.

Cooperation is essential because of the challenges of topography, the large size of the plan area and the provision of public services. These words must take the form of action to realize the vision and policies of Section 30. Listed below are both longer term frameworks for implementing the development of Section 30 and immediate steps needed to start development in all areas of Section 30.

Funding Strategies, Grant Opportunities and Partnerships

A range of ways are available to fund the basic and shared Section 30 infrastructure; with local site specific infrastructure connections being the responsibility of the developers of individual sites.

The options vary with respect to the degree to which the City engages in and assists with provision of the basic infrastructure; and are based on the degree to which development occurs in response to market opportunities. The following is a list of options and a brief description of each; and some of these may be combined to provide other options.

Private Agreement Options

There are several ways individual property owners can group together to accomplish jointly held goals in developing Section 30.

- Private Agreements: Owners/developers enter into agreements with each other; form a separate legal entity to act on their behalf or one party is authorized to commit or obtain private financing to provide shared infrastructure



- Private corporation: A private corporation, such as a limited liability corporation, could be formed by all the owners and that LLC would take on the responsibility of developing a detailed plan and infrastructure financing
- Private Agreements with a Lead Developer: A lead developer agrees to front-end the costs of the shared infrastructure, and is reimbursed by others as development on other properties occur

Agreements between the City and Private Property Developments

Resources currently available to the city to build the needed infrastructure are extremely scarce. The city has had more abundant funds in the past that could support infrastructure projects, and hopefully, those times will return. However, the city does have some tools that help facilitate infrastructure development.

- Reimbursement Contract Agreement: The City enters into a contract and sets up an accounting system to reimburse a developer for the cost of extending off-site water and sewer mains to reach their property. Later developers that utilize the main installed by the first developer will pay for their share of the costs of installing the main. Costs are based on the length of the main across the frontage of the later developed properties.
- Public-Private Development Agreements: New development agreements between the City and all or some of the property owners specify financing needs and responsibilities for area wide infrastructure needs.
- Tax increment financing (TIF) or community redevelopment financing is a method of distributing property tax collections within designated areas to finance infrastructure improvements within these designated areas. Under the TIF method, infrastructure is financed by the incremental increase in tax revenue that is made possible by infrastructure improvement within the designated area.
- Local Improvement District (LID): The City working with owners/developers establishes a local improvement district which includes an agreed-upon repayment schedule based on agreed-upon equitable criteria; the city sells bonds to cover the costs of infrastructure to be built within the district, and the owners/developers pay off the bonds through regular payments usually over a 10 to 20 year period.



- **Impact Fee Overlay District:** The costs of infrastructure are estimated and a fee is established that represents the degree to which a development is anticipated to have an impact, i.e. place a demand on services); and as developments are permitted, impact fees are paid. This fee would be in addition to any system-wide impact fee requirements but these overlay funds would be designated for use in the Section 30 only; and the City could sell bonds to pay for the infrastructure improvements in anticipation of receiving these overlay fees.
- **Public Development Authority (PDA) (RCW 35.21.730-35.21.755):** The PDA established by City Council would have a board of directors appointed by the City. The PDA staff would be charged with developing and carrying out the plan's implementation and would have the powers of a public corporation and could seek federal or state grants to pay for improvements, own and sell real property, etc. The City Council is responsible for PDA oversight. This would require that all parties agree to a specific shared master development plan and infrastructure development plan.
- **Community Renewal District (RCW 35.81):** A community renewal district could be formed which in this instance is based on a finding of blight that Section 30 lacks infrastructure and that this is a deterrent to private development. A renewal agency, i.e. the City Council, is responsible for developing a community renewal plan which addresses provision of infrastructure in accord with a plan that encourages economic growth through job creation. The agency can issue bonds to pay for the planning, infrastructure and other investments to be repaid by the jurisdiction in accord with RCW 35.81.100.
- **A Section 30 Land Trust** could be formed to pay property owners for dedications for public open space (trail corridors, parks, plazas, etc.), with reimbursement coming from incremental increases in property taxes as development occurs. This concept has not been done before in Vancouver, but the feasibility is worth exploring, as it addresses the need to establish open space before development occurs.

Grant Opportunities

While no specific grant opportunities have been identified that would be a good match for needed improvements in Section 30, over the 30 year period of development, grant opportunities will likely emerge.



Section 30 includes aspects that should make it attractive for grants that promote economic development, especially in these current times of economic recession. Here are two areas that should be carefully and continuously monitored for opportunities to inject capital into Section 30's development.

- Large tracts of land with access challenges are good candidates for transportation grant funding that target's economic development opportunities. Grants could assist in financing arterial street upgrades and even the collector system within Section 30.
- Section 30 is well positioned to obtain grants promoting new industrial sectors, especially the solar and wind energy areas. A number of clusters of activity in this area are emerging in the Vancouver/Portland metropolitan area. These types of grants usually subsidize site development costs.

Marketing and Branding Section 30

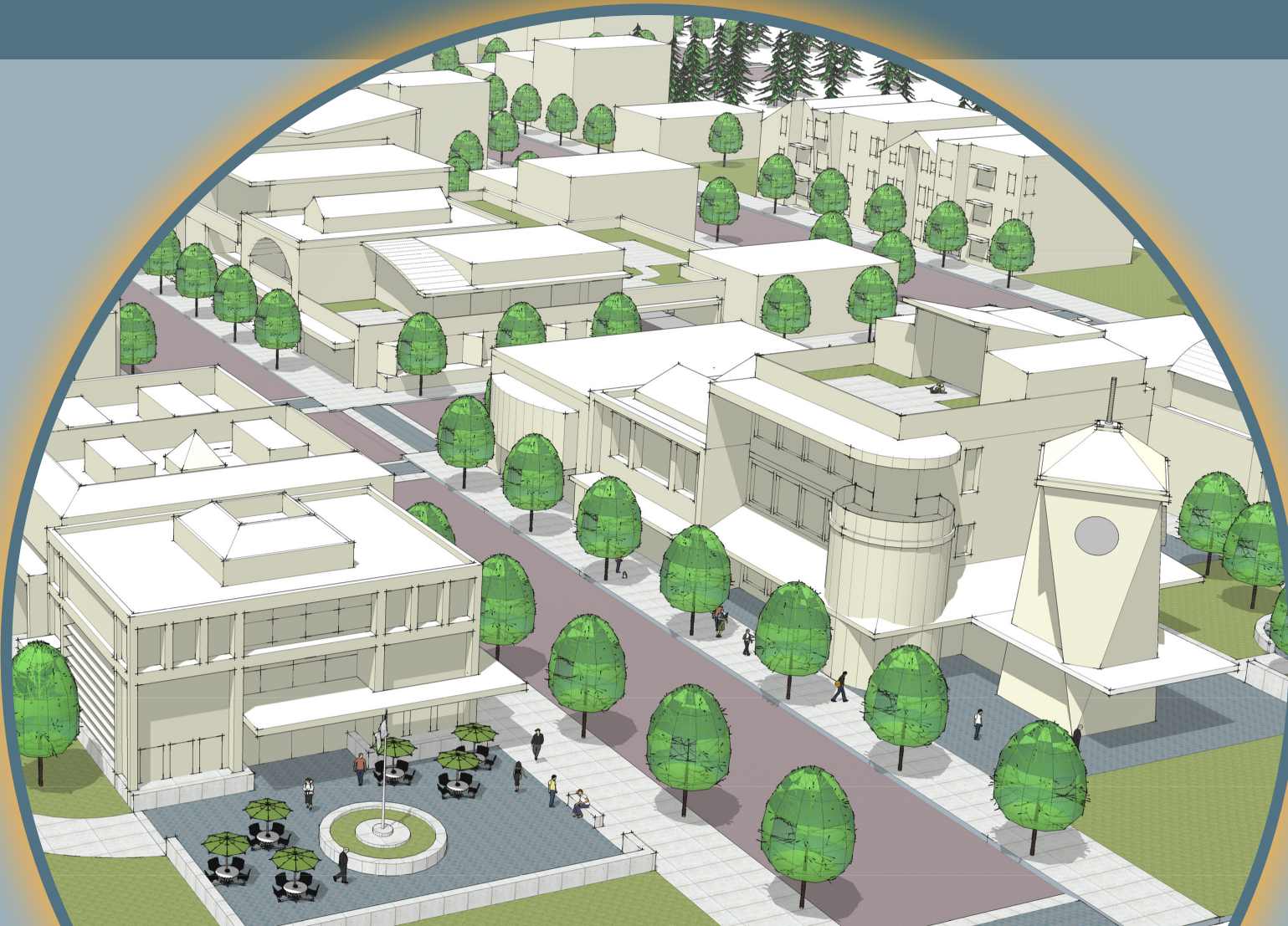
"Section 30" is not a very exciting name for a new, 21st Century community. Marketing and, especially the concept of "branding," have become important components of the successful development of new communities.

Unless Section 30 develops with one developer or a "master developer," a marketing campaign with an appropriate brand for the area will only occur with the united support of all the property owners in Section 30. Such a marketing program with an established brand for the area will further demonstrate the common vision and cooperation among the property owners.

The City of Vancouver Economic Development Department in partnership with the private sector may assist in developing a branding program in which all owners can participate. This effort will help with individual property owner's marketing efforts, regional marketing by public and private groups and be an important component in seeking grants.

- A Marketing and Branding package may include more specific design guidelines for such elements as lighting, street furniture, and signage.





SECTION 30 | Urban Employment Center Design Guidelines

October 5, 2009

Section 30 Design Guidelines



Table of Contents

Introduction	2	C. Public Facilities and Services	25
Background	2	C.1 Storm Water Facilities and Passive Open Space	25
Purpose of these Guidelines	2	D. Building Form and Appearance	26
Application of the Guidelines	3	D.1 Architectural Character	26
Organization of the Guidelines	3	D.2 Architectural Scale and Building Mass	27
Section 30 Urban Employment Center	4	D.3 Blank Walls	31
Vision	4	D.4 Building Details	32
Master Planning Required	4	D.5 Exterior Building Materials and Color	34
A. Site Planning Guidelines	6	E. Landscaping and Screening	36
A.1 Grading and Elevations	6	E.1 Landscaping	36
A.2 Building Location and Orientation	7	E.2 Fences, Walls and Retaining Walls	38
A.3 Gateway Streets	9		
A.4 Open Space and Plazas	10		
A.5 Creating a Lake	12		
A.6 Special Treatment of Westside Quarry Slopes	13		
A.7 Service Elements	14		
B. Access, Circulation and Parking	16		
B.1 Street Pattern and Layout	16		
B.2 Street Design	17		
B.3 Pedestrian and Bicycle Circulation	20		
B.4 Sidewalks and Pathways	20		
B.5 On-Site Vehicular Access and Connections	21		
B.6 Parking	22		

Introduction

Background

For more than four decades property owners used the bulk of the planning area for gravel mining and mining-related uses. Over time, the mining has provided a growing Clark County with a significant economic resource in the form of sand and gravel for roads and buildings. Today, owners of the gravel mine sites are no longer extracting gravel and the majority of mined sites are vacant and in various stages of reclamation. Some of the mine sites have completed reclamation and are filling and grading in preparation for future development. A few sites continue with mining related activities, such as gravel processing, asphalt batching and concrete manufacturing.

Section 30 is a large area of 553 acres located in a key area between Eastern Vancouver and Camas and is expected to be influenced by Camas growth to the Northeast. In this larger context of east Vancouver and west Camas, several major employers have sited their headquarters or branch offices. Depending on national employment growth and market conditions in the Vancouver/Portland Metropolitan Area, Section 30 is projected to fully develop over a 20 to 30 year planning horizon.

Purpose of these Guidelines

Thoughtful urban design is a critical tool to guide private development in a way that can help realize the plan's goals and objectives. Ultimately, these design guidelines are intended to:

- Implement the Section 30 Urban Employment Center Plan vision.
- Provide clear objectives for those embarking on the planning and design of projects in the subarea.
- Encourage development of a sustainable urban employment center.
- To maintain and enhance property values.

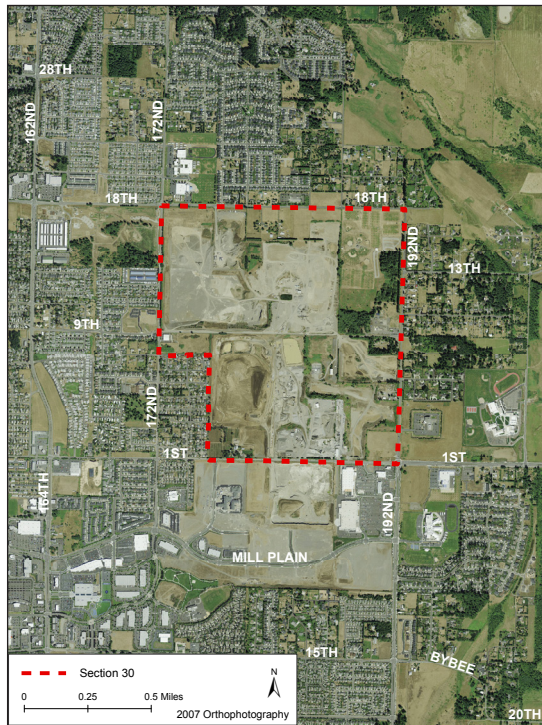


Figure 1. Map of Section 30
The Section 30 Design Guidelines apply to urban development within the plan area.

Application of the Guidelines

These design guidelines are intended to be used by applicants and the City as a “guide” for implementing the goals, policies, and vision for master plan development of the Section 30 Urban Employment Center. Whereas the regulatory provisions of VMC 20.690 set minimum standards for development within Section 30, these guidelines are intended to be a tool in helping to shape the overall character and function of development within the plan area. They illustrate design techniques that can be used to meet the goals and policies of the Subarea Plan related to site planning, circulation, building design, and landscaping.

The framework provided by these guidelines allows the applicants some flexibility in how the development is ultimately configured. For example, an approved master plan may comply with “most” of these guidelines. For those areas where the proposed project departs from the Subarea Plan’s guidelines, the applicant will be asked to demonstrate how proposed departures meet the intent of these guidelines.

The “guideline” approach is more appropriate to Master Plans due to the required approval process for these plans. The more prescriptive design standard approach is better suited to the review of individual projects that are likely to be developed in phases after master plans are approved.

Organization of the Guidelines

The design guidelines are organized by subject and related specific sub-titles. In addition, design guidelines are either:

- 1) General therefore applicable for both Employment Center Mixed-use (ECX) development and the Optional Urban Neighborhood Overlay development; or
- 2) Applicable to only the Employment Center Mixed-use (ECX) development; or
- 3) Applicable only to the Optional Urban Neighborhood Overlay development, which may include two sub-categories, Urban Neighborhood Mixed-use Center and Urban Neighborhood Residential area.



Section 30 Urban Employment Center

Vision

Envisioned as one of Vancouver's largest 21st Century urban employment centers, Section 30 will attract emerging technology and provide for growth in family wage jobs. Unique urban neighborhoods where people live and shop are neatly interwoven with enterprising workplaces. Workers and residents benefit from convenient shopping, available recreation, walking and driving on attractive interconnecting trails and tree lined streets, and the amenities of interesting vistas, public plazas, and green spaces that promote a healthy, prosperous economy and lifestyle.

Master Planning Required

The plan area's size of approximately 550 acres, the number of property owners, the absence of urban infrastructure, and the physical characteristics of the area (especially varying elevations from past mining) present a challenge to implementing the vision of a cohesive integrated urban employment center. Master planning in accordance with VMC 20.690 is required to:

- Ensure that ultimate development of the site meets the goals and achieves the vision of the Section 30 Employment Center Plan
 - Ensure that all the pieces of the development have individual character but fit together and create a dense, vibrant urban center.
 - Ensure that early phases of the redevelopment are buffered from the adverse impacts of continued mining.
 - Ensure finished elevations are appropriately determined to allow for balanced grade transitions between properties and to maximize land development.
 - Ensure equitable development of infrastructure.
 - Ensure adequate access and efficient internal circulation.
-



Figure 2. Overall Concept Map

The Concept Plan illustrates how Section 30 Employment Center development may look like consistent with the community's vision.





Figure 3. Examples of terracing development or creating plateaus of varying elevations.

A. Site Planning Guidelines

A.1 Grading and Elevations

Intent

- To create a distinctive character using grade transitions as a design asset.
- To maximize developable lands with well-planned, balanced grade transitions between properties.
- To establish grading plans for an area that allows for interesting and cohesive development, including moderate street/sidewalk grades.
- To establish grades consistent with overall plans for gravity flows for sanitary sewer and storm drainage systems.
- To minimize tall berms and retaining walls over 6 feet.

Guidelines

A.1.1 Site Grading

Applicants should successfully demonstrate how proposed site grading on the property creates balanced grade transitions and promotes cohesive and attractive urban design. Specifically:

- Grading plans should provide for coordinated grading between properties that makes a design asset of varying elevations within and outside of the proposed development.
- Terracing development or creating plateaus of varying elevations where development occurs on each plateau may be a viable approach to developing Section 30 in a cohesive interconnecting manner.
- Grading plans should fairly balance responsibilities to cut or fill between two properties when significant grade adjustments are made to accommodate streets, utilities or proposed building sites.

- d. Grading plans should fully take into account the efficient provision of street extensions and utilities within and outside of the proposed development.
- e. Applicants are encouraged to enter into private agreements with adjoining properties that describe grading responsibilities.

A.1.2 Transitional Elevations

Transitional elevations between properties or development pads of differing elevation should be addressed in a manner to create an attractive urban design, allowing for pedestrian connectivity, and optimizing developable lands. Transitional elevations may include retaining walls, landscaped slopes or other techniques shown to meet the intent of this guideline. See Guideline E for retaining walls and landscaping.

A.2 Building Location and Orientation

Intent

- To create a distinctive character and identity.
- To create an active and safe pedestrian environment by encouraging development to orient towards the street.
- To create pedestrian-oriented focal points or centers in the Urban Neighborhood areas.
- To enhance the appearance of streets.
- To mitigate the visual impact of surface parking lots on the streetscape and pedestrian environment.

Guidelines

A.2.1 Employment Center Mixed-use (ECX)

Buildings should orient to a frontage street and include a 10 foot landscaped setback.

An exception for up to a 20 foot maximum setback is allowed for the following:

- a. Green street features, refer to B.2.3.
- b. Publicly accessible plazas or courtyards provided there is a clear pedestrian access between the plaza/courtyard and the street.



Figure 4. Good example of a departure from landscape setback.

Figure 5. Examples of buildings fronting the street and adjacent to sidewalks with no setbacks in the Urban Neighborhood Overlay Mixed-use Center



Figure 6. Examples of residential development meeting street front orientation and landscape setback guidelines.



A.2.2 Urban Neighborhood Overlay

Urban Neighborhood Overlay Mixed-use Center – Buildings should be oriented to front a street and be located adjacent to sidewalks with no setback with exceptions as noted below. Specifically:

- Buildings may be organized around a courtyard provided there is a clear pedestrian access between the courtyard and the street.
- Buildings may be set back no more than 20 feet if providing for publicly accessible plazas, which may also be used for outdoor dining.

Urban Neighborhood Overlay Residential Area

- Buildings should be oriented to front the street with a minimum 10 foot and maximum 20 foot setback from sidewalks.
- At least one fully functional and visibly identifiable public entrance shall be provided along each street that the building abuts.
- Ground floor building levels should include architectural elements that provide a transitional space between the public and private realm such as, but not limited to, indoor or outdoor foyers, courtyards, front porches, stoops, archways, and special landscaped areas.
- Buildings may be organized around a courtyard provided there is a clear pedestrian access between the courtyard and the street.
- At least 15% of the building façades should be transparent.



A.3 Gateway Streets

Intent

- To enhance the character of the entrances to Section 30 by promoting distinctive design treatments at the location of all collector streets entering the area.
- To create an identity and “edge” for the Section 30 neighborhood.

Guidelines

A.3.1 Entrance Corner Design

Development at the entrance corners where collector streets enter Section 30 from bordering arterial streets should provide special design features. Specifically:

- Entrance corners should include distinctive architectural elements. This could be the special architectural treatment of a building located adjacent to the corner; or a freestanding architectural element, such as a water feature; or a pedestrian plaza.
- Entry monuments identifying a branding theme for Section 30 are encouraged.
- Special landscaping elements that contribute to the character and identity of Section 30 should be integrated with entrance corner designs.



Figure 7.
Street corner/
gateway design
examples





Figure 8.
Examples of small
plazas creating
welcoming
entrances.



A.4 Open Space and Plazas

Intent

- To provide for a connected network of attractive and diverse open spaces and pathways that provide visual and recreational amenities to residents, visitors and those who work in the Section 30 Plan area.
- To integrate small urban plazas into overall building and landscaping designs.
- To provide for organizing elements for the Urban Neighborhoods
- To provide for usable open space for residential uses.

Guidelines

A.4.1 Urban Pathways Connecting Open Spaces

Applicants should show how the proposed site design will connect open spaces by way of pathways to regional trails and other pedestrian corridors.

A.4.2 Small Urban Plazas

Small plazas are encouraged to be incorporated into overall site design. These plazas provide visual interest to the streetscape, a place for residents, workers or visitors to gather, and can be designed to create welcoming entrances to buildings. Plazas should be oriented for solar access and include such amenities as raised planters and benches.

A.4.3 Focal Point – Urban Neighborhood Overlay Mixed-use Center

Urban mixed use centers should be organized around a special design element, be it a central plaza, main street, central park or lake. The organizing element should be a focal point for community activities, commerce, a gathering place, and point of reference to each urban neighborhood mixed use center.

- a. The focal point should be designed to accommodate public gatherings and special events.
- b. The focal point should be integrated with the mixed use developments and should include pedestrian connections, to the residential area of the Urban Neighborhood.
- c. If the focal point is an element other than a “Main Street”, the recommended minimum size is 10,000 square feet with no dimension less than 80 feet.
- d. The focal point should include distinctive paving treatments, a water feature, and/or other similar pedestrian amenities, and attractive landscaping elements.



Figure 9.
Focal points
should include
pedestrian
amenities and
attractions.





Figure 10. Examples of multifamily open space.



Figure 11. Site designs that highlight a lake or waterway as an amenity.

A.4.4 Useable Open Space – Urban Neighborhood Overlay Residential Area

Open space could include shared courtyards, rooftop decks, children's play areas, private balconies or patios, private or shared porches, and indoor recreational space. Ideally, a combination of these spaces are used. Balconies should be designed large enough to accommodate barbequing and other human activities (at least 48 square feet with no dimension less than 6 feet). A reduced amount of private open space may be acceptable for developments adjacent to a park.

A.5 Creating a Lake

Intent

- To add to the distinctive character of the area, providing a visual interest and open space.
- To provide an organizing element for an urban neighborhood or business/office park development.

Guidelines

A.5.1 Lake(s) as amenities to the site

If a lake(s) is envisioned, the functions may include passive recreation, wildlife habitat, and storm water management. Site design should highlight the lake as an amenity to the site and as a focal point in terms of location of development and street patterns. Lake design should include a passive park along most of the shoreline that may include plazas, decks and terraces, pathways, open space, and attractive native plantings.

A.6 Special Treatment of Westside Quarry Slopes

Intent

- To encourage design approaches to more fully utilize the major side slopes on the western side of Section 30.
- To provide pedestrian connections along the western boundary of the Section 30 plan area, connecting regional trails, parks, the English Winery and other amenities located along the western boundary of Section 30.

Guidelines

A.6.1 Quarry Side Slope Design

Quarry slopes across much of the western boundary currently are tall (70 feet or more) and steep with a 2 to 1 slope. These quarry slopes also provide several opportunities depending on potential site designs.

- With proper geotechnical analysis and findings, buildings could be set significantly into the side slope, and ground floors could be used for structured parking. Care should be taken to consider the impact of proposed construction within 500 feet of homes adjacent to the southwest quarry slope on existing views of Mt. Hood.
- The toe of the side slope should offer opportunities for storm water infiltration. Infiltration trenches at the toe of the western side slopes may be an effective use of the land, and a cost effective development strategy, especially if future infiltration trenches serve a significant part of the Section 30 plan area.
- A portion of the western quarry slope should be used for a natural surfaced walking pathway extending from N.E. 18th St. to S.E. 1st St. A walking pathway may be located on the top or bottom of the slope or at varied elevations along the slope. The walking pathway should be at least 4 feet wide, where feasible.

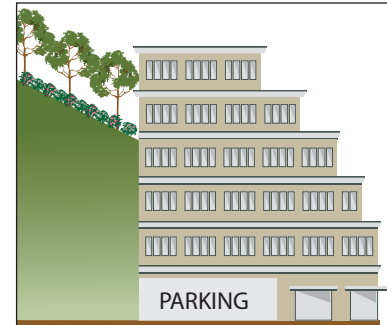


Figure 12.
Creative use of
quarry slopes
with structures
built into the
side slope.

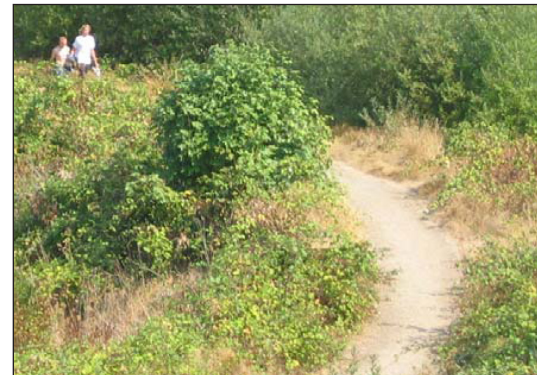


Figure 13.
An example
of a natural
surfaced
walking
pathway.

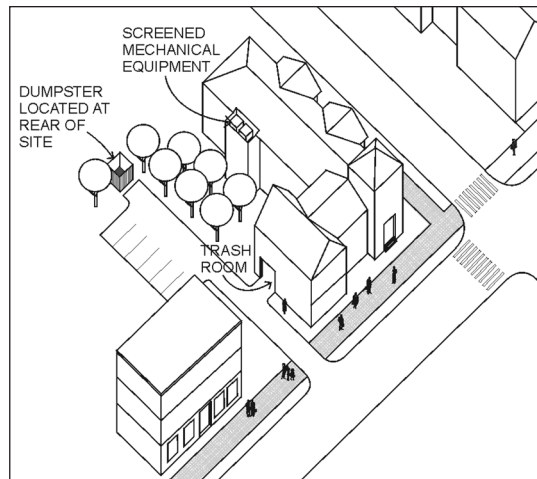


Figure 14.
Remaining quarry slopes
should be landscaped
for both stability and
aesthetics.





Figure 15.
Service element
location.



- d. Remaining quarry slopes should be landscaped for both stability and aesthetic reasons. Landscaping should include both evergreen and deciduous trees, shrubs and evergreen ground cover. Native plants should be used (ivy is not permitted).

A.7 Service Elements

Intent

- To minimize adverse visual, olfactory, and auditory impacts of mechanical equipment and service areas at ground and roof levels.
- To encourage more thoughtful siting and design of trash containers, service areas and utility elements.

Guidelines

A.7.1 Dry Utilities

Dry utilities (those other than sewer and water) should be placed underground.

A.7.2 Service Enclosures

- a. Service areas should be enclosed and screened around their perimeter by a wall or fence at least six feet high, and should have self-closing doors.
- b. Service enclosures should be designed consistent with the architecture of the primary structures. This included the use of similar material and/or detailing. Acceptable materials include masonry, ornamental metal or wood, or some combination of the three.

- c. If the area is adjacent to a public or private street, sidewalk, or internal pathway, a landscaped planting strip, minimum three feet wide, should be located around the walls of the facility.

A.7.3 Service Element Location

Service and storage areas should be located the side or rear of the buildings to minimize impacts on the pedestrian environment and adjacent uses. Service elements should generally be concentrated and located where they are accessible to service vehicles and convenient to tenants and residents. Where available, alleys are the preferred location for service elements.

A.7.4 Roof-Mounted Mechanical Equipment

Roof-mounted mechanical equipment should be located so as not to be visible from the street, public open space, parking areas, or from the ground level of adjacent properties. Screening features should utilize similar building materials and forms to blend with the architectural character of the building.

A.7.5 Utility Boxes and Meters

Utility boxes and meters should be located to the side or rear of buildings, in order to minimize impacts to the pedestrian environment.



Figure 16.
Avoid exposed
utility meters
like this.



B. Access, Circulation and Parking

B.1 Street Pattern and Layout

Intent

- To create and maintain a safe, convenient network of streets that enhances the area's function as a pedestrian-oriented employment center and neighborhood center.
- To provide complete urban multimodal transportation infrastructure that makes it safe, convenient, and pleasant to make shorter trips within the district by means other than the single-occupant motor vehicles.
- To achieve a modest level of vehicle trip reduction to effectively reduce needed mitigation for nearby arterial facilities that serve the plan area. The success of vehicle trip reduction or "internal trip capture" depends on achieving a mix and density of land uses, an internal transportation network of connected streets, bikeways, sidewalks, trails and open space, and good external connections to local and regional transportation facilities.

Guidelines

Developments shall meet the requirements of VMC Title 11 unless otherwise noted in the Plan District Zoning Code.

B.1.1 Hierarchy of Connected Streets

Master Plans should successfully demonstrate how the proposed development meets the intent of the guidelines.

- a. The location of the street should provide for a convenient and connected circulation system while enhancing the character of the Section 30 Plan development and minimizing environmental impacts.
-



- b. The layout of streets should maintain a hierarchy of streets to provide organized circulation that promotes use by multiple transportation modes, and to avoid over-burdening the roadway system. The hierarchy will consist primarily of collector arterials (as identified in the Section 30 Plan), local circulator streets, and public or private alleyways.
- c. The internal collector arterial system alignment should roughly correspond with the conceptual alignments illustrated on Figure 17. Collector arterial connections external to the site should be consistent with the connections illustrated on Figure 17.

B.2 Street Design

Intent

- To create safe, attractive, and functional streets that enhance the area's ability to function as a pedestrian-oriented employment center and neighborhood mixed-use center accommodating multiple modes of travel.
- To encourage pedestrian activity.
- To encourage low-impact street design.

Guidelines

B.2.1 Street Design – Employment Center Mixed-use (ECX)

Project's should demonstrate how the proposed street and development design creates safe, attractive, and functional streets that enhance the Section 30 Plan area's ability to function as a pedestrian-oriented employment center. This can be accomplished by providing pedestrian-friendly street frontages and street amenities and landscaping elements that enhance the visual environment.

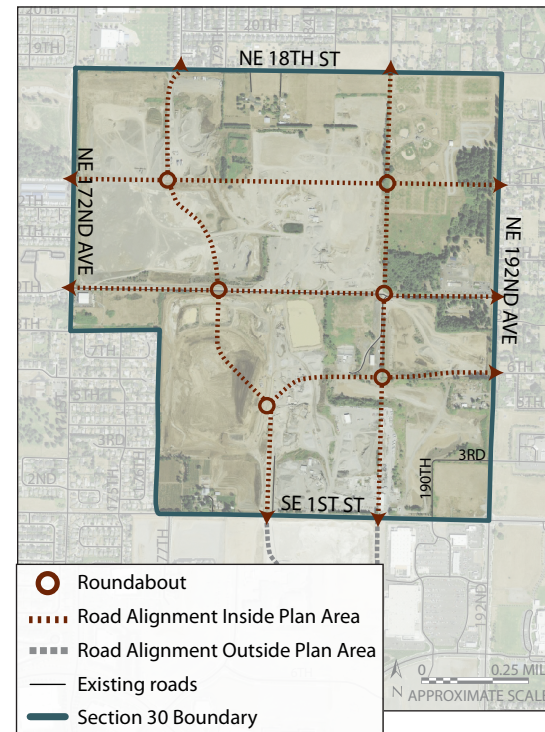


Figure 17. Flexible Collector Street Concept



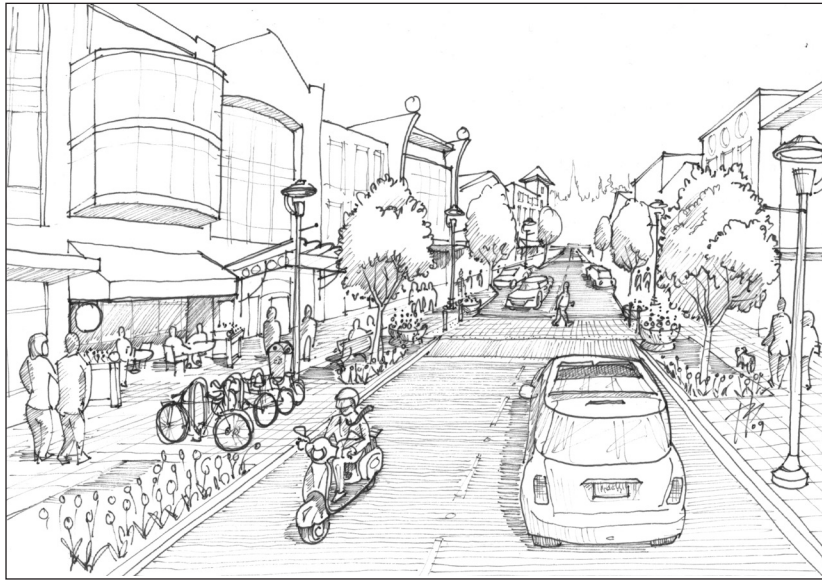
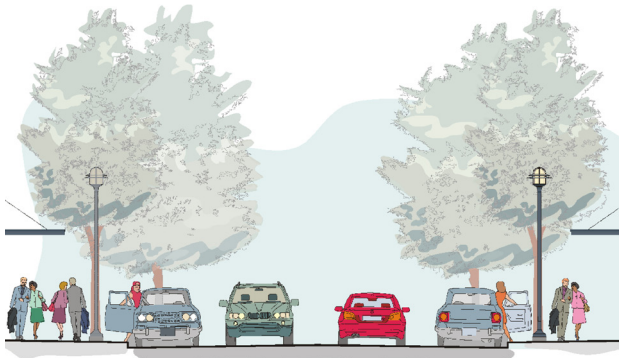


Figure 18.
Examples of pedestrian-
oriented
Main Street
designs.



- a. Generally, the street and sidewalk or public walkway infrastructure should be provided in a grid pattern with a maximum grid size of 600 feet.

B.2.2 Street Design – Urban Neighborhood Overlay

Because of the mixed-use and residential character of the Urban Neighborhoods, more pedestrian demand highlights the need for safe crossings, slow travel speeds, and good visibility for pedestrians.

- a. Generally, the street and sidewalk or public walkway infrastructure should be provided in a grid pattern with a maximum grid size of 300 feet.
- b. Urban Neighborhood Mixed-use Center – Streets should be designed with the same principles included in this document for the entire district, but should include traffic calming elements that create a street design sensitive to the pedestrian context of the Urban Neighborhood Center. The street, for example, should accommodate retail parking spaces, adequate pedestrian facilities, adequate public sidewalk space for events, street furniture, and daily interaction, a design that creates a “town center” feel, and recognition that all modes of travel will use the streets.

c. Urban Neighborhood Overlay Residential Area

1. Streets should be designed as local residential streets with sidewalks and landscaping on both sides of the street.
2. Driveway access for residential developments should be served from public alleyways behind residential buildings. The front of residential buildings should be easily accessible via a convenient and pleasant pedestrian environment.



Figure 20. Examples of residential alleyway access with garage entrance plantings.

B.2.3 Low Impact Street Design

Low impact street design, including pervious pavement, rain gardens, etc, is encouraged.

- a. Streets should be designed, where possible, to minimize impervious surface and incorporate passive stormwater systems. This may include integrating street storm systems with District green spaces, or integrating a swale system that spans multiple parcels.
- b. Streets should be designed to minimize long-term maintenance cost by using landscaping that does not require additional water and that is easy to maintain, building roundabout intersections that operate without signals or other traffic control that requires maintenance, low-voltage lighting,



Figure 19. Good example of residential street, sidewalk, and landscape design.



Figure 21. Example of rain garden.





Figure 22.
Example of
roundabout
with
pedestrian
circulation.

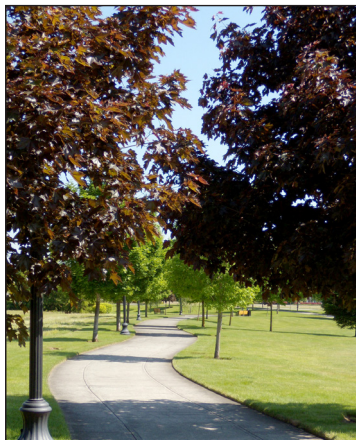


Figure 23. Examples of off-street
pedestrian and bike connections.

and any other elements that will reduce future operating expenditures.

- c. Streets should be designed to accommodate slow, but constant travel speeds to minimize the need for acceleration and braking and to make the streets safe for all modes of travel. Generally, streets within the district should be designed to accommodate maximum speeds of 25 miles per hour.

B.3 Pedestrian and Bicycle Circulation

Applicants should successfully demonstrate how the proposal includes an integrated pedestrian and bike system that connects buildings, open spaces, and parking areas with the adjacent street sidewalk and multi-use trail system and adjacent properties and land uses.

B.4 Sidewalks and Pathways

B.4.1

Generally, the sidewalk or public walkway infrastructure should be provided in a grid pattern with a suggested maximum grid size of 600 feet in the ECX portions of the Plan District and 300 feet in the Urban Neighborhood Overlay areas.

B.4.2

Generally, the core bike lane network will consist of bike lanes on all Plan District Collector Arterial Roadways. All other roadways within the district should be designed in consideration of the street as a shared-use space that should accommodate all modes of travel. For example, street design should consider grade, safety, connecting uses, visibility, and travel speeds.

B.5 On-Site Vehicular Access and Connections

B.5.1

On-site vehicle access and connections to surrounding land uses should meet the intent of the plan district by:

- a. using shared access and parking for adjacent and nearby similar land uses where possible.
- b. making pedestrian connections convenient and safe, especially between the public walkway system and on-site facilities such as building entrances and walkways through parking lots.
- c. providing adequate bike parking that considers the demand for both long (generally for employees and residents) and short term (generally for retail, other commercial access, or recreation) bike parking facilities.
- d. building shower and locker facilities into commercial properties to make it convenient for employees to walk or bike to work or use transit in combination with some other mode.

B.5.2 Developments are encouraged to design interior access roads to look and function like public streets. This includes planting strips and street trees on both sides, sidewalks on one or both sides, parking on one or both sides, pedestrian amenities such as lighting benches, plazas, or pocket parks.



Figure 24. Convenient, safe, and attractive pedestrian connections through parking lots.



Figure 25.
Distribute surface
parking lots in smaller
areas to the rear and
sides of buildings.



B.6 Parking

Sufficient, readily accessible and safe parking is essential to the success of a mixed-use center. These guidelines provide flexibility in how developments accommodate parking, while ensuring the safety of users and convenience to businesses. Reducing the impact of parking lots, particularly when they are located adjacent to pedestrian activity, is essential. Structured parking is preferred and parking garages should be physically and visually integrated with other uses.

Intent

- To maintain active pedestrian environments along streets by placing parking lots primarily in back of buildings
- To ensure safety of users of parking areas, increase convenience to businesses, and reduce the impact of parking lots where possible.
- To physically and visually integrate parking garages with other uses.
- To reduce the overall impact of parking garages when they are located in proximity to the designated pedestrian environment.

Guidelines

B.6.1 Parking Lot Configuration

Applicants should successfully demonstrate how parking facilities (surface and structured) will be located and designed to minimize impacts on the pedestrian/visual environment. Specific recommendations:

- a. Distribute surface parking lots in smaller areas to the rear of buildings to provide convenience, but not in a way that dominates the site.



- b. Structured parking configurations where parking is below or behind storefronts are preferred.
- c. Provide attractive pedestrian connections between uses and through parking lots.
- d. Provide landscaping in parking lots.

B.6.2 Minimum Parking Required

Parking spaces should be provided consistent with VMC.20.945. Reduced minimum parking required may be approved by the Planning Official if the applicant can demonstrate that the use does not require the parking (e.g., senior housing), that there is a shared parking agreement in place, or that the majority of users will not arrive in vehicles but on foot, bicycle or by transit.

B.6.3 Parking Garage Design

Parking garages should be designed to obscure the view of parked cars. Where commercial or residential space is not provided on the ground level adjacent to the sidewalk to accomplish this, features such as planters, decorative grilles, or works of art as approved by the Planning Official should be included. Specific guidelines and considerations for parking structures:

- a. No more than 100 feet of ground level building frontage should be occupied by parking. Parking structures wider than 100 feet are strongly encouraged to incorporate other uses along the street front to meet this requirement.
- b. Small setbacks with terraced landscaping elements can be particularly effective in softening the appearance of a parking garage.



Figure 26.
Example of
garages and
surface parking at
rear of buildings.



Figure 27.
A good example
of parking garage
screening.





Figure 28. Parking within or underneath structures is encouraged.



- c. Upper level parking garages should use articulation treatments that break up the massing of the garage and add visual interest.
- d. Parking garages visible from a street should be designed to be complementary with adjacent buildings. This can be accomplished by using similar building forms, materials, fenestration patterns, and/or details to enhance garages and the surrounding pedestrian environment.

B.6.4 Parking Garage Entries

- a. Parking garage entries (both individual private and shared parking garages) should not dominate the streetscape. They should be designed and sited to complement, not subordinate, the pedestrian entry. This applies to both public garages and any individual private garages, whether they front on a street or private interior access road.
- b. Garages fronting private alleyways or internal streets should incorporate planting strips to add color and visual interest to the alley or streetscape.
- c. Garage entries should be designed with recessed ticket gates so that vehicles do not block the sidewalk at the entry.

C. Public Facilities and Services

C.1 Storm Water Facilities and Passive Open Space

Intent

- To encourage efficient water conservation
- To facilitate development of storm water management systems.
- To provide for the efficient use of urban lands for multiple purposes.

Guidelines

C.1.1 Passive Open Space Uses and Designs

Stormwater facilities, such as retention ponds, swales or infiltration trenches, can all be designed to be a visual asset to planned open space. Specifically:

- Plans to combine passive open space with stormwater facilities will need to meet city requirements including adequate access for maintenance.
- Areas of combined passive open space and stormwater facilities may be counted towards overall landscaping requirements.
- Passive open space may be designated as areas of intermittent flooding for major storm events.
- Stormwater ponds should be designed as an amenity to the site. Avoid standard utilitarian fenced-in ponds with steep walls.

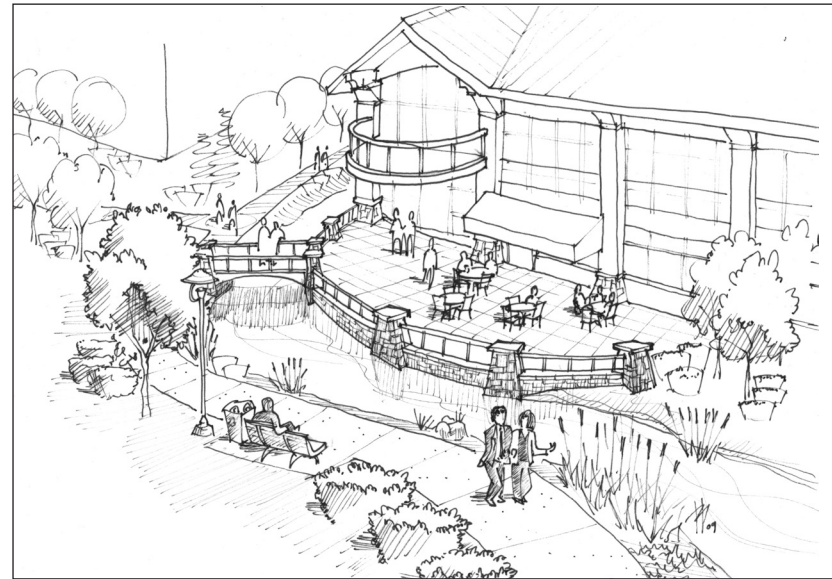
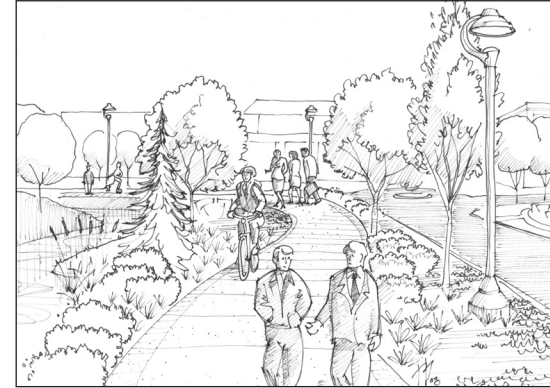


Figure 29. Examples of passive open space and stormwater facilities.



D. Building Form and Appearance

D.1 Architectural Character

Intent

- To provide the opportunity for the Section 30 to develop distinct architecture over time.
- To avoid generic corporate architecture that dilutes the character of the Section 30 plan area.

Guidelines

D.1.1 Corporate Architecture Discouraged

Architecture that is defined predominately by corporate identity features is discouraged. These buildings are undesirable because they are not adaptable to other uses when the corporate franchises leave.

D.1.2 Gaudy Discouraged

The use of overly ornate building details that make a building look fake or contrived are strongly discouraged. Use of colors that are appropriate for the setting and blend with color choices of buildings in the vicinity is encouraged.

D.1.3 Multiple-Building Development

Multiple-building developments are encouraged to employ a variety of colors, building materials, and architectural treatments to reduce monotony and reinforce the pedestrian-oriented scale and character.

D.1.4 “Theme” Architecture Discouraged

The most memorable and enduring communities have varied, but complimentary architectural character along its streets. Theme architecture becomes dated and unattractive rapidly. Themes such as “western frontier” and “Swiss village,” are discouraged.



D.2 Architectural Scale and Building Mass

Intent

- To reduce the scale of large buildings and add visual interest.
- To encourage architectural design that enhances the pedestrian environment

Guidelines

D.2.1 Building Scale

a. Employment Center Mixed-use (ECX)

Building height should be a minimum of 24 feet, preferably with two useable floors.

b. Urban Neighborhood Overlay Mixed-use Center

Neighborhood mixed use centers should generally be scaled for ground floor retail with housing or office uses above. Mixed use buildings may have mezzanine level retail. Big box or standard suburban shopping center scale buildings are not appropriate.

D.2.2 Industrial Building Articulation – Employment Center Mixed-use (ECX)

All industrial buildings should include articulation features that add visual interest from the street. Due to the nature of the uses and building types, larger articulation intervals are acceptable and landscaping should be used in front of the primary façades to soften the view of the buildings from the street. All buildings should include building modulation at intervals no greater than 60 (sixty) feet. At least two of the following additional features should be used.

- Repeating distinctive window patterns at intervals less than the articulation interval.
- Providing a covered entry or separate weather protection feature for each articulation interval.



Figure 30.
An effective
design treatment
to break up the
scale of large office
buildings.



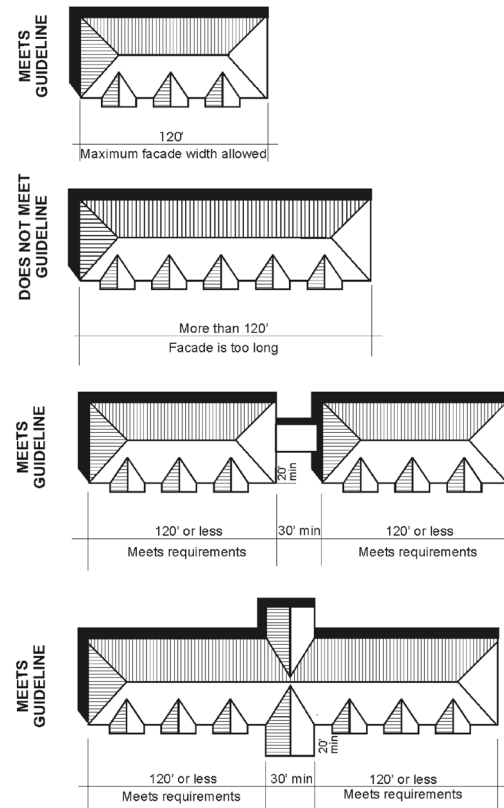


Figure 31.

- c. Changes of rooflines.
- d. Change in building material or siding style or color with a change in building plane.
- e. Providing lighting fixtures, trellises, trees or other landscape features within each interval.
- f. Other methods that meet the intent of the guideline.

D.2.3 Maximum Façade Width

The maximum façade width (the façade includes the apparent width of the structure facing the street and includes required modulations) is 120 (one hundred twenty) feet. Buildings exceeding 120 (one hundred twenty) feet in width along the street front should be divided by a minimum 30 (thirty) foot wide modulation of the exterior wall, so that the maximum length of a particular façade is 120 (one hundred twenty) feet. Such modulation should be at least 20 (twenty) feet or deeper and extend through all floors. Other design features that effectively break up the scale of the building and add visual interest will be considered.

D.2.4 Storefront Articulation –

Urban Neighborhood Overlay Mixed-use Center

Building façades fronting the Urban Neighborhood focal point and all retail oriented streets in the mixed use center should be designed to include articulation features every 30 feet to create a pattern of small storefronts. At least two of the following methods should be employed:

- a. Use of window and/or entries that reinforce the pattern of small storefront spaces.
- b. Use of weather protection features that reinforce the pattern of small storefronts. For example, for a business that occupies three lots, use three separate awnings to break down the scale of the storefronts.
- c. Changes of rooflines.
- d. Placement of building columns that reinforce storefront pattern.
- e. Change in building material or siding style or color.
- f. Providing lighting fixtures, trellises, trees or other landscape features within each interval.
- g. Other methods that meet the intent of the guideline.

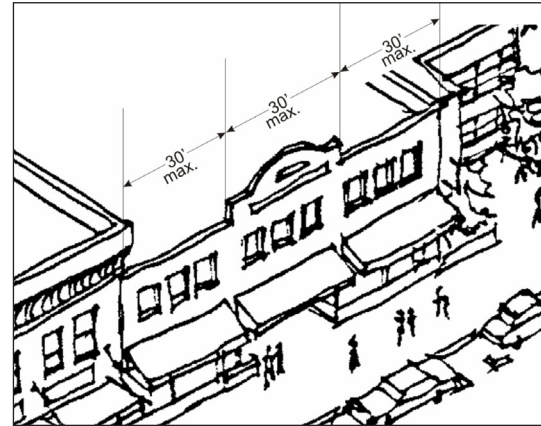


Figure 32. An example of building articulation at 30-foot intervals.



Figure 33. Example of façade articulated at less than 30-foot intervals.





Figure 34.
A good example
of building
articulation at
both 30 feet and
less, and varied
rooflines.



Figure 35.
An example
of façade
articulation at
less than 30-
foot intervals.



D.2.5 Residential Articulation – Urban Neighborhood Overlay Residential Area

Residential buildings, including residential portions of mixed use buildings should include articulation features along all primary façades.

- a. Providing building modulation of at least 2 (two) feet in depth and 4 (four) feet in width if combined with roofline modulation techniques or change in building or siding styles. Otherwise, the minimum modulation depth and width should be 10 (ten) feet.
- b. Repeating distinctive window patterns at intervals less than the articulation interval.
- c. Providing a covered entry or separate weather protection feature for each articulation interval.
- d. Changes of rooflines.
- e. Change in building material, siding style or color with the change in building plane.
- f. Providing lighting fixtures, trellises, trees or other landscape features within each interval.
- g. Other methods that meet the intent of the guideline.

D.2.6 Rooflines

Rooflines visible from a public street, open space, or public parking area should be varied by emphasizing dormers, chimneys, stepped roofs, gables, prominent cornice or wall, or a broke or articulated roofline. The width of any continuous flat roofline should extend no more than 100 (one hundred) feet without modulation. Modulation should consist of either:

- a. A change in elevation of the visible roofline of at least 4 (four) feet if the particular roof segment is less than 50 (fifty) feet

wide and at least 8 (eight) feet if the particular roof segment is greater than 50 (fifty) feet in length.

- b. A sloped or gabled roofline segment of at least 20 (twenty) feet in width and no less than 3 (three) feet vertical in 12 (twelve) feet horizontal.
- c. A combination of the above.

Departures from this guideline will be considered provided the building and roofline design treatment reduce the perceived scale of the building from all observable distances and adds visual interest from nearby street and public spaces.

D.3 Blank Walls

Intent

- To avoid large blank walls visible from public areas and adjacent properties.
- To enhance the pedestrian environment.

Guidelines

D.3.1 Blank Walls

- a. Untreated blank walls visible from a public street or pedestrian pathway are strongly discouraged. A wall (including building façades and retaining walls) is considered blank if:
 1. A ground floor wall or portion of a ground floor wall over 6 (six) feet in height has a horizontal length greater than 30 (thirty) feet and does not include a transparent window or door; or
 2. Any portion of a ground floor wall having a surface area of 400 (four hundred) square feet or greater does not include a transparent window or door.
- b. Methods to treat blank walls can include:
 1. Transparent windows or doors.
 2. Display windows.
 3. Landscape planting bed at least 5 (five) feet wide or a raised planter bed at least 2 (two) feet high and 3 (three) feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60% of the wall's surface within 3 (three) years.

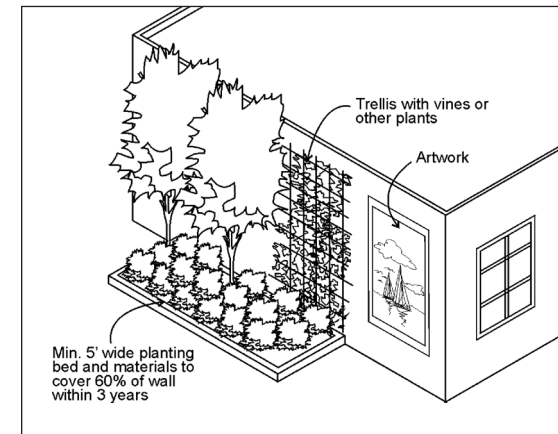


Figure 36. Blank wall treatment examples.





Figure 37. Incorporate details into façades.

4. Installing a vertical trellis in front of the wall with climbing vines or plant materials.
5. Special building detailing that adds visual interest at a pedestrian scale. Such detailing should use a variety of surfaces; monotonous designs will not meet the intent of the guidelines.

D.4 Building Details

Intent

- To encourage the incorporation of design details and small-scale elements into building façades that is attractive at a pedestrian scale.

Guidelines

D.4.1 Details Toolbox – Employment Center Mixed-use (ECX)

All buildings should be enhanced with appropriate details. All new buildings should be required to include at least 3 (three) of the following elements on their primary façades:

- a. Recessed entry.
- b. Decorative treatment of windows and doors, such as decorative molding/framing details around all ground floor windows and doors, decorative glazing, or door designs.
- c. Landscape trellises or other decorative element that incorporates landscaping near the building entry.
- d. Decorative light fixtures with a diffuse visible light source, such as globe or “acorn” that is non-glaring or a decorative shade or mounting.
- e. Decorative building materials, including one of the following:
 1. Decorative masonry, shingle, brick or stone.
 2. Individualized patterns or continuous wood details, decorative moldings, brackets, wave trim or lattice work, ceramic tiles, stone, glass block, carrera glass, or similar materials.
 3. Other materials with decorative or textural qualities.
(The applicant should submit architectural drawings and material samples for approval.)
- f. Decorative paving and artwork.

- g. Decorative pedestrian-oriented signage.
- h. Decorative railings, grill work, or landscape guards.
- i. Other details that meet the intent of the guidelines.

This guideline may be waived for buildings incorporating “exceptional design: that employs use of quality building materials and special design techniques that add visual interest at a pedestrian scale. Consideration will be given to the length of the façade, transparency, the “adaptability” of the design (to change uses/businesses over time), and views of the façade during business and non-business hours.

D.4.2 Details Toolbox – Urban Neighborhood Overlay

All buildings should be enhanced with appropriate details.

Urban Neighborhood Overlay Mixed-use Center

All new mixed use buildings should be required to include at least 3 (three) of the following elements on their primary façades; and

Urban Neighborhood Overlay Residential Area

All new residential buildings should include at least 2 (two) of the following elements on their primary façades:

- a. Windows divided into a grid of multiple panes
- b. Recessed entry (mixed use buildings) or decorative porch design with distinct design and use of materials (residential buildings).
- c. Decorative treatment of windows and doors, such as decorative molding/framing details around all ground floor windows and doors, decorative glazing, or door designs.
- d. Transom windows (mixed use buildings).
- e. Landscape trellises or other decorative element that incorporates landscaping near the building entry.
- f. Decorative light fixtures with a diffuse visible light source, such as globe or “acorn” that is non-glaring or a decorative shade or mounting.
- g. Decorative building materials, including one of the following:



Figure 38. Incorporate details into façades.





Figure 39. Acceptable window designs.



Figure 40. Unacceptable window designs.

1. Decorative masonry, shingle, brick or stone.
2. Individualized patterns or continuous wood details, decorative moldings, brackets, wave trim or lattice work, ceramic tiles, stone, glass block, carrera glass, or similar materials.
3. Other materials with decorative or textural qualities.

The applicant should submit architectural drawings and material samples for approval.

- h. Decorative roofline design, such as an ornamental molding, entablature, frieze, or other roofline device visible from the ground level. If the roofline decoration is in a form of a linear molding or board, then the molding or board should be at least 8 (eight) inches wide.
- i. Decorative paving and artwork.
- j. Decorative pedestrian-oriented signage.
- k. Decorative railings, grill work, or landscape guards.
- l. Other details that meet the intent of the guidelines.

This guideline may be waived for buildings incorporating “exceptional design: that employs use of quality building materials and special design techniques that add visual interest at a pedestrian scale. Consideration will be given to the length of the façade, transparency, the “adaptability” of the design (to change uses/businesses over time), and views of the façade during business and non-business hours.

D.5 Exterior Building Materials and Color

Intent

- To encourage the use of high-quality, sustainably-produced building materials that enhance the character of Section 30.
- To discourage poor materials with high life-cycle costs.
- To encourage the use of materials that adds visual interest to buildings.

Guidelines

D.5.1 High Quality Materials

Encourage the use of high quality building materials that add visual interest and detail and are durable and easily maintained.

D.5.2 Sustainably Produced Materials

Encourage the use of sustainably produced, locally sourced products. The amount of energy to produce and pollution associated with differing building materials varies greatly. Locally sourced materials avoid transportation costs and pollution. Sustainably produced forest products similarly lessen environmental impacts.

D.5.3 Metal Siding Guidelines

Metal siding, if used, should have features such as visible corner moldings and trim and incorporate masonry, stone, or other durable permanent materials near the ground level (first 2 {two} feet above sidewalk or ground level) to make clear the quality of the construction.

D.5.4 Concrete Block Guidelines

The use of concrete block is discouraged, as it is very energy intensive to produce and contributes to greenhouse gas emissions. When used for the primary façade, buildings should incorporate a combination of textures to add visual interest. For example—combining split or rock-façade units and/or contrasting colored units with plain smooth block can create distinctive patterns. Plain concrete block fire walls on the sides of a building that are visible to the public are discouraged.

D.5.5 Guidelines for Stucco or Other Similar Troweled Finishes

- a. Stucco and similar troweled finishes (including Exterior Insulation and Finish System or “EIFS”) should be trimmed in wood or masonry and should be sheltered from extreme weather by roof overhangs or other methods.
- b. Weather exposed horizontal surfaces should be avoided.
- c. Masonry, stone, or other durable permanent material is required near the ground level (first 2 {two} feet above sidewalk or ground level).





Figure 41. Mitigate the negative impacts of parking with landscape.

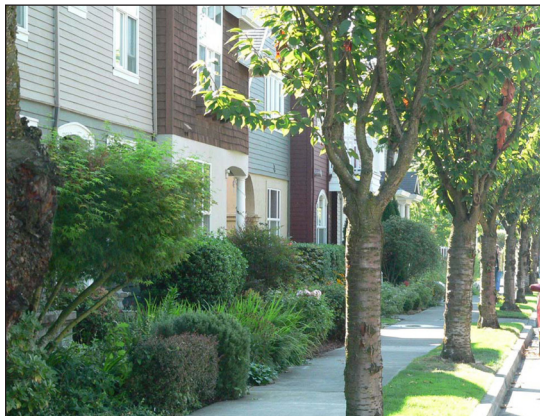


Figure 42. Good example of residential landscape setback.

E. Landscaping and Screening

E.1 Landscaping

Intent

- To create an attractive pedestrian environment.
- To provide attractive visual, dust, and noise buffers between uses, particularly between ongoing mining activities and urban development.
- To maximize an urban tree canopy.
- To promote the use of native plants for low-maintenance and water conservation.
- To use landscaping to reinforce the character and identity of Section 30.
- To utilize vegetation to reduce the impact of development on drainage systems and water quality.
- To mitigate the negative impacts of parking lots on the streetscape.

Guidelines

E.1.1 Landscaping Setbacks

All setback areas should be landscaped according to the following guidelines:

- 10 foot setback – Canopy trees (deciduous), approved by the City, should be planted at a rate of at least one tree per 300 square feet of landscaped area and either two (2) high growing shrubs or three (3) low growing shrubs per 200 square feet, and groundcover should 100% cover the remainder of the landscaped area within 3 years of installation. Ivy should not be used for the groundcover.
- 20 foot setback – Trees both canopy (deciduous) or evergreen, approved by the City, should be planted at a rate of at least one tree per 300 square feet of landscaped area and either three (3) high growing shrubs or four (4) low growing shrubs per 200 square feet,

and groundcover should 100% cover the remainder of the landscaped area within three years of installation. Ivy should not be used for the groundcover.

- c. The use of native vegetation is encouraged.

This guideline may be modified for landscaping plans that include hardscape features, rain gardens, the use of existing native vegetation, or other techniques that meet the goals of these guidelines.

E.1.2 Landscaping between urban uses and ongoing mining activities

Landscaping between urban uses and ongoing mining activities should provide physical and visual separation between the uses. A berm at least six (6) feet high is required and should be planted with tall shrubs at least five (5) feet high and ninety-five percent (95%) opaque year-round. In addition, one tree is required for every thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area.

Departures to item E.1.2 will be considered where the applicant can successfully demonstrate that the topography or elevation variations between the urban and mining uses would meet the intent of this guideline.

E.1.3 Full Site Landscaping

All areas of sites not used for buildings, parking, access ways, or recreation areas should be fully landscaped.

E.1.4 Maximizing Tree Canopy

Applicants should develop landscaping plans that maximize the potential for tree canopy, which takes into account placement of trees in setback areas, parking lot landscaping, side slope landscaping and street tree locations.

E.1.5 Rain Gardens as Required Landscaping

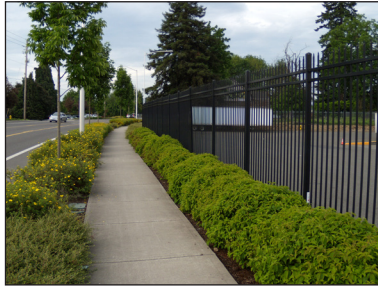
The use of rain gardens to manage storm water runoff is encouraged. Rain gardens may be counted as landscape areas if planted with native plants and unfenced.



Figure 43. Rain gardens may be counted as landscape areas.



Figure 44.
Good fence
example.



E.1.6 Green Roofs

Landscape plantings on roofs (including roofs of underground parking) is encouraged and may be counted toward meeting landscaping requirements.

E.2 Fences, Walls and Retaining Walls

Intent

To minimize the negative visual impacts of fences and retaining walls on the street and pedestrian environment.

Guidelines

E.2.1 Fences and Walls

Employment Center Mixed-use (ECX) –

A combination of solid wall, wrought iron, dense hedges or other similar treatment should be used for security fencing. Chain link fences should be black vinyl coated.

Urban Neighborhood Overlay –

Attractive pedestrian scale fencing should be provided when fencing is desired.

E.2.2 Retaining Walls

Retaining walls taller than 6 (six) feet and visible from a street should be terraced so that no individual segment is taller than 6 (six) feet. Terraced walls should be separated by a landscaping bed of at least 2 (two) feet in width including ground cover and one shrub every 3 (three) lineal feet of retaining wall. Alternative landscaping treatments will be considered provided they reduce the bulk and scale of the retaining wall and enhance the streetscape.

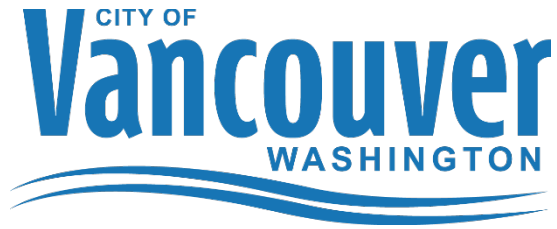


Figure 45. Good examples of planted walls.



Figure 46. Example of retaining wall.





Memorandum

DATE: April 5, 2021

TO: Mayor and City Council

FROM: Bryan Snodgrass, Principal Planner, Community and Economic Development Department

RE: April 19 workshop review of 62nd Street Apartments rezone from R-18 to R-30, scheduled for City Council first reading on May 10, and public hearing on May 17, 2021.

CC: Eric Holmes, City Manager



The proposal site is near the southeast corner of the intersection of NE 63rd Street and 72nd Avenue, in an area outside of a recognized neighborhood association. The site abuts Walnut Grove Elementary School to the south, a subdivision of newer attached townhomes to the east, and an older single family homesite and a drainage property owned by the City of Vancouver to the west across 72nd Avenue, all zoned R-18. North of the site across 63rd Avenue are older single-family homes zoned R-9.

The proposal does not include the 0.3-acre site at the immediate southeast corner of 63rd Street and 72nd Avenue containing a mobile home. In discussions with staff the applicant's representative as well as the owner of the corner property confirmed that the owner was approached by the applicant to be included in the proposal, but the parties did not agree on purchase price.

If the rezone is approved the applicant indicates they will seek Site Plan approval for a 76-unit market rate apartment complex consisting of three three-story buildings. Sixty of the units are planned as one-bedroom units, 16 as two-bedroom units. Vehicle access is anticipated to be taken off 63rd Avenue at the eastern end of the site, with emergency and pedestrian access only to 72nd Avenue at the west end. See conceptual site plan in Attachment A.

The applicant has submitted a traffic analysis, indicating that the proposal under R-30 zoning would generate 415 daily trips in comparison to 245 daily trips under the existing R-18 zoning. Evening peak hour trips would be 33 under the proposal, 20 under existing zoning. Based on preliminary analysis, City transportation staff advises that the intersection of 72nd Avenue and 63rd Street does not indicate any unusual accident history, and there are no intersections in the general vicinity of the site with known congestion problems from a concurrency standpoint.

Development of the site as proposed without the 0.3-acre property at the corner of 72nd Avenue and 63rd Street would force that property to establish access to 72nd Avenue at some time in the future when it redevelops. The mobile home on the corner property currently accesses 72nd Avenue at the southern end of the property. Requiring the rezone proposal to provide internal access to the corner property was considered by staff but ultimately not recommended as it was not found to be necessary to allow the corner property to redevelop safely and in a manner consistent with City road standards in the future.

The site is in the Vancouver School District, and is served by Walnut Grove Elementary, Gaiser Middle, and Fort Vancouver High schools. The School District indicates that there are no current capacity issues at the Gaiser Middle or Fort Vancouver High Schools, but that Walnut Grove Elementary immediately south of the site is currently accommodating 629 students in a facility built for 537. However, a replacement building is currently under construction that will house 720 students when completed later this year. The District further indicates that although Walnut Grove enrollment will increase in the next few years, it is anticipated to decrease over the next decade.

Ensuring the long-term viability of the corner mobile home property to ultimately redevelop has been a consideration in the review of the rezone. Citywide, assessor data indicates there are 92 triplexes, fourplexes, or apartments of up to nine units that have been built in since 2000 in the R-18 zone, five of which are the size of the corner property or smaller. In the R-30 zone citywide

there are 33 such properties, 9 of which are the size of the corner property or smaller. The data suggests to staff that the corner property is viable for future redevelopment over time, but potential multi-family developers would likely look first to larger properties with less constrained access. In the event the corner property does not develop, the loss in terms of number of potential units would likely be 4 or 5 under the current R-18 zoning. Because of its visibility the corner lot may also have commercial potential.

The Planning Commission voted 5-1 in support of the proposed rezone at a March 9, 2021 public hearing, with one couple testifying against based on concerns primarily about area drainage, as well as apartments and traffic in the area. Gary and Heidi Miller, who reside at 6403 NE 72nd Avenue on the north side of 63rd Street, cited past flooding incidents impacting their property. The one Commission vote against the proposal was based on concerns about moving the proposed rezone proposal forward to the Council until the drainage issues could be investigated.

A follow up email from the Miller's about the flooding incidents is included in Attachment D herein. City drainage staff advise that there have been no known significant drainage incidents in the area since it was brought into the City as part of the Van Mall North annexation in 2019, and are in the process of reviewing past incidents when the area was under County jurisdiction, and if there are current vulnerabilities.

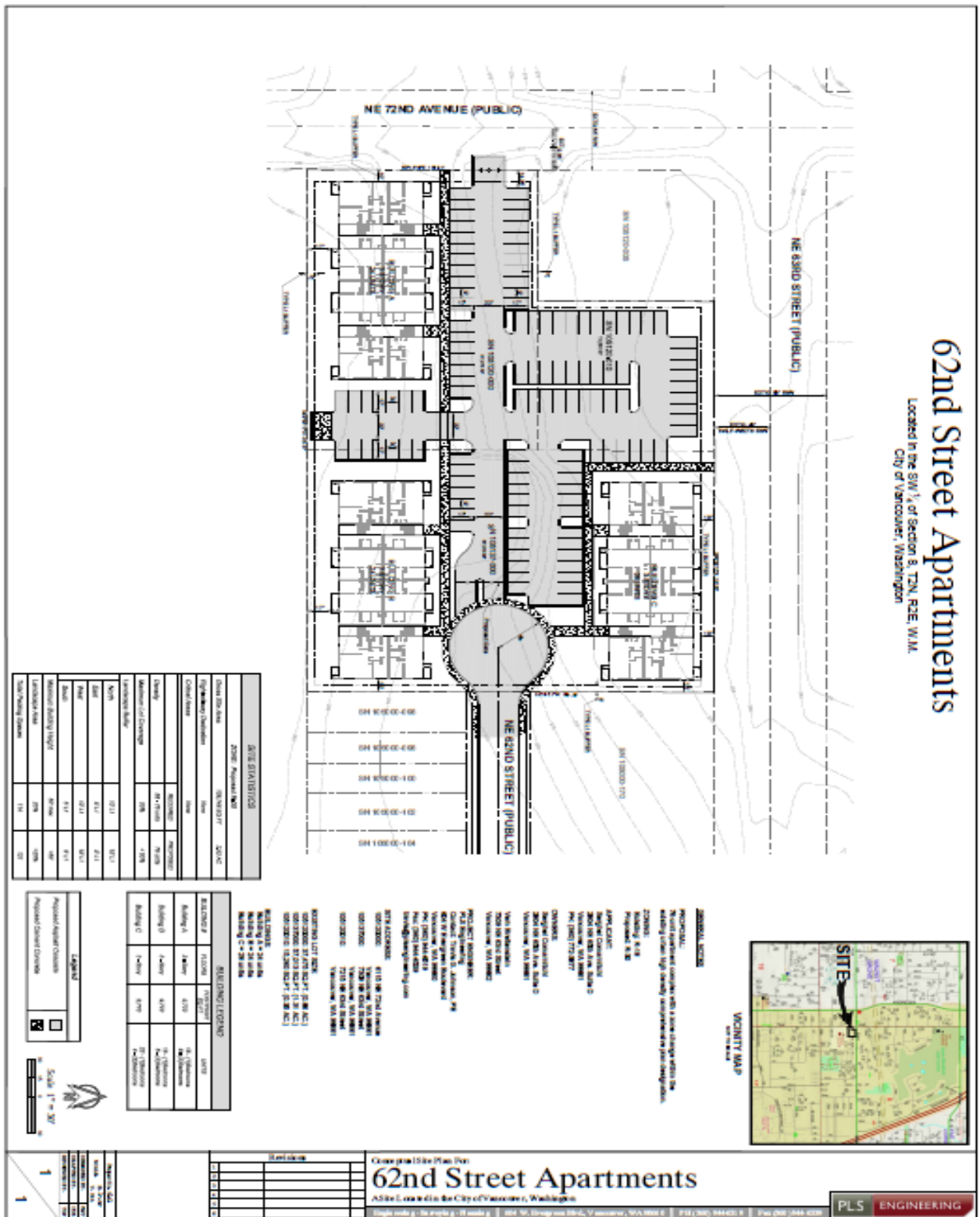
Compliance with specific development standards including drainage will be addressed as part of the Site Plan review process required to develop the apartment complex if the rezone is approved.

Attached are links to the March 9 Planning Commission public hearing [staff report](#) and [presentation](#).

Attachments

- A. Conceptual Future Site Plan
- B. Regional Zoning Map
- C. Planning Commission Draft Public Hearing Minutes
- D. Follow-up Testimony on Drainage Issues

ATTACHMENT A – CONCEPTUAL FUTURE SITE PLAN



[illegible]

ATTACHMENT C – MARCH 9, 2021 DRAFT PLANNING COMMISSION HEARING MINUTES

Staff presented the 62nd Avenue standalone rezone proposal, consisting of a change in zone from R-18 to R-30 to allow for the construction of a higher density apartment complex. Staff explained that upon approval of the rezone, the applicant envisions submitting a site plan proposal for a 76-unit market-rate apartment complex, consisting of three 3-story buildings comprised of 1-bedroom and 2-bedroom units. Staff described the transportation impacts and considerations related to the zone change as well as considerations for Walnut Grove Elementary School. Staff noted potential implications of a rezone on the existing corner property that is not a part of the site, explaining that future development of the corner parcel will still be feasible but less likely in the near term if the rezone is approved due to the size and limited access to the parcel. Staff responded to Commission inquiries from prior workshops regarding the local apartment market and inquiries regarding the perceived scarcity of 3-bedroom units. Staff acknowledged that 3-bedrooms are scarcer citywide, but the need for these units in the site area is questionable due to the prevalence of lower density multi-family housing opportunities within approximately ¾ miles of the site.

Staff recommended that the Planning Commission forward a recommendation to the City Council to approve the zone map change proposal, which facilitates additional multifamily housing near public and commercial services and amenities, at densities that will likely expand nearby housing options.

Commission Discussion

Commissioner Pyle asked if staff felt that the proposal was consistent with the Comprehensive Plan since it is a rental property in an area with significant single family development. Staff explained that single family tends to be more owner-occupied but not exclusively so, and that they don't have an analysis of the rental concentration in the area.

Commissioner Harroun asked if the City could ask for pedestrian connectivity between the end of the street and 162nd Ave. Staff explained that site specific requirements would require a development agreement. Harroun asked if the City can ask for that. Staff said that they would recommend it if it rose to the level necessary to meet the rezone criteria. Staff reiterated that there will be two access points to the school and that the school district indicated that there would be access to an existing gate that they intend to keep open. Harroun asked if that is for people that live along 62nd Avenue as well. Staff was uncertain of what the ownership status is of the gate.

Commissioner Atkins asked if there are any EV charging stations included in the design or if that is a site plan issue. Staff said that it's typically a site plan issue. Atkins encouraged staff to think about site plan review requirements and EV charging stations to stay ahead of the market. Atkins expressed support for the zone change proposal. Staff reminded the Commission that they have an upcoming workshop on the City's climate strategy and that process includes code change considerations like EV charging stations.

Applicant Testimony

Consultants of PLS Engineering presented on behalf of the applicant. They reviewed two approval criteria and how the proposal meets those criteria. They explained that the zone change request does not require a Comprehensive Plan change because the zone they're proposing is consistent with the Urban High Density Comprehensive Plan designation that is currently in place at the site. The consultants explained

that R-30 zoning provides greater incentive for the owner to develop denser housing that the Comprehensive Plan calls for, which was not currently being built in the R-18 zone. The consultants indicated that denser developments tend to provide more affordable housing opportunities.

The consultants also addressed concerns raised at the last Commission workshop. They stated that because the proposed zone change is still consistent with the Comprehensive Plan designation, it does not constitute a spot zone. They also addressed the Commission's inquiry about including 3-bedroom units, stating that there is significant demand for 1-bedroom and 2-bedroom units in the city.

Commission Discussion

No discussion or questions by the Commission.

Public Testimony

Heidi and Gary Miller, Vancouver. They live across the street from the proposed site and own two parcels nearby. They stated that they weren't aware that there was a public workshop in January and wanted clarification on how the proposal was publicized. They also explained that they have been flooded by the development that went in on 62nd Street and that it has impacted their ability to build and to get an appraisal. They wanted to know what environmental studies have been done for this proposal and how it will impact them. They expressed their desire to preserve the remaining single-family neighborhood, citing existing rental opportunities in Walnut Grove. They also expressed concern about traffic, noise, and overcrowding at Walnut Grove Elementary School. They understood that there was a public hearing to consider moving forward with the proposal and wanted additional opportunities to discuss it further.

Public testimony closed at 7:21pm. Staff described the workshop and public hearing process and how to best provide input, indicating that a City Council hearing date has not been established yet but that a public hearing is the best way to provide feedback. They also explained the City's notification process for proposed rezones. Staff will follow-up with the Millers regarding drainage concerns. Staff then clarified that the current process is for a zone change and not a site plan review. It's at the latter stage where issues concerning drainage are assessed in more detail.

The consultants responded that no specific development is proposed at this time and that there is a different process for that review. They explained that the land is already zoned for multifamily development and that they're asking an increase in density.

Commission Deliberation

Commissioner Blaufus felt that the traffic study showed that the proposed rezone is a reasonable approach. He felt that more effort should be taken by the City to connect with people with properties that are adjacent to proposals like this to ensure they're aware of what is being proposed. Blaufus asked if an environmental impact study will be done. Staff said that state law requires the City to fill out an environmental impact review checklist for rezones, but that a more detailed SEPA analysis occurs once a development proposal is submitted.

Commissioner Atkins recommended a brief continuation of the proposal to allow staff to investigate the existing flooding issue to identify if it's possible to further densify the site without exacerbating it. He explained that he was supportive of the proposal prior to the flooding issue being raised.

Commissioner Schauer felt that they don't need a continuation and felt that it's at the risk of the applicants to address flooding concerns during the site plan review process.

Commissioner Pyle asked staff to elaborate on how the evaluation of existing infrastructure and its capacity plays into their considerations for rezones. Staff explained that the rezone criteria is generalized and that there's a range of Comprehensive Plan and Strategic Plan policies to call from. They added that the City drainage ordinance doesn't apply until the site plan review stage. Commissioner Pyle didn't think that he wanted to evaluate it for this rezone, but that infrastructure should be considered when the Comprehensive Plan is updated.

Commissioner Blaufus asked if an applicant would be required to mitigate flooding issues if a flooding problem were to be identified and the proposed development would exacerbate it. Staff confirmed adding that the site's stormwater drainage plans need to respond to the City code.

Commissioner Schulte stated that he felt it was important to move forward with an action on this proposal but that the issue that has been brought up with is an important one that needs to be dealt with prior to staff taking the Commission's recommendation to Council.

Commissioner Harroun felt that developers would redirect water coming onto their properties into the street, which could impact neighbors. He asked what processes are in place to address this. Staff stated that he raised questions about the nature of the specific site that they don't know. Harroun stated that he was sympathetic to this concern but felt that it wasn't within his purview when considering the rezone.

Commissioner Ledell asked if the site plan review would focus on the flooding issue and resolve it if the proposal were to go forward. Staff confirmed and added that given the issues raised, they will need to provide a response at the City Council workshop. Commissioner Ledell felt comfortable going forward given staff's explanation of the site plan review process.

Commissioner Pyle said that he was supportive of the proposal. He felt that it fits well in terms of access to transit and to commercial areas. He added that this product type is typically more affordable even though it's likely to be a market-rate project. Pyle felt the proposal is in alignment with City goals.

Motion, by Schulte, seconded by Pyle, and carried 6-1 to forward a recommendation to City Council to approve the 62nd Avenue zoning map designation change from R-18 to R-30 based on the findings described in the staff report. Commissioner Atkins opposed.

Roll Call Vote

Tim Schauer	Yes
Zachary Pyle	Yes
Larry Blaufus	Yes
Jim Atkins	No
Jack Harroun	Yes
Steve Schulte	Yes
Marjorie Ledell	Yes

ATTACHMENT D – FOLLOW UP TESTIMONY ON DRAINAGE ISSUES

From: Gary Miller <garymiller110@yahoo.com>

Sent: Saturday, March 20, 2021 4:11 PM

To: Heidi Miller <heidi.miller.100@gmail.com>; Gary Miller <garymiller110@yahoo.com>; Snodgrass, Bryan <Bryan.Snodgrass@cityofvancouver.us>

Subject: RE: FW: 62nd Avenue rezone

Bryan,

Our property has been negatively impacted on 4 separate occasions.

The first was in 1996 when construction started on the development east of our property stretching north to Green Meadows. They stripped and regraded the entire site filling in wetlands and the natural drainage to the east. When the rain started, we were flooded with all the muddy runoff from their site! The property was 80 percent covered with water in excess of 6 feet deep in the lowest areas. Water was under the living structures and was kept out of the home using an industrial pump running 24 hours a day. This resulted in our well being contaminated. The developer hooked us up to city water and sewer. They fixed the issue by regrading and put in stormwater facilities allowing the runoff to again flow to the east. It took 3 to 4 years for the property to return to normal.

The second was the development of Laurel Estates at the north property line. They did a good job directing their runoff to the new storm water facility but at the same time raised the ground levels at the property line which eliminated the natural escape of water if our property were to flood again.

The third impact was the development to the south between us and Walnut Grove school, the 62nd St area. They had issues with where to direct water. If the storm water facility overflowed it would create a safety issue with water on the roadway, so the County allowed a temporary overflow on to our property which was to be removed and redirected when the NE 63rd Street improvement occurred. This again caused rapid flooding of the property as soon as the rainy season started.

The 4th occasion was the 63rd St widening project and installation of sewer and storm water pipes which made the seasonal flooding of our property worse.

I am attaching a few photos of the property, post development. This is land that is normally dry.

We will put this information into letter format for formal submission. Should that letter be emailed to you?

Thank you,

Gary and Heidi Miller





62nd Street Apartments Zoning Map Change

VANCOUVER
CITY HALL



April 19, 2021

Vancouver City Council Workshop

Bryan Snodgrass, Principal Planner, Community
and Economic Development Department

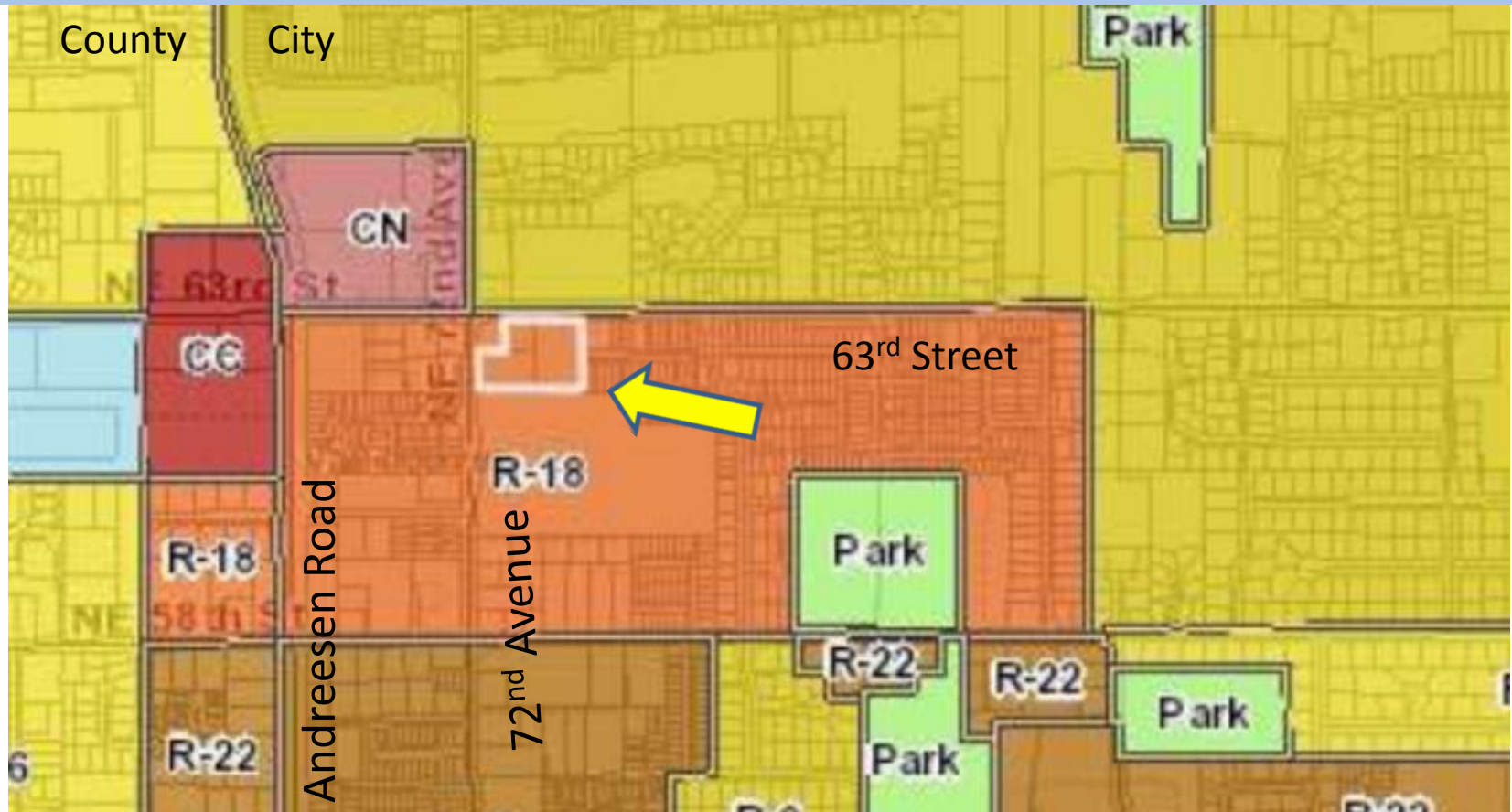
Presentation Overview

- Staff review of proposed rezone from R-18 to R-30 on 2.5 acres near the SE corner of 63rd Street and 72nd Avenue recommended for approval by the Planning Commission
- Council questions and identification of issue of concern in advance of May 10 First Reading and May 17 public hearing

R-18 to R-30 on 2.5 acres



Regional Zoning



Background Information

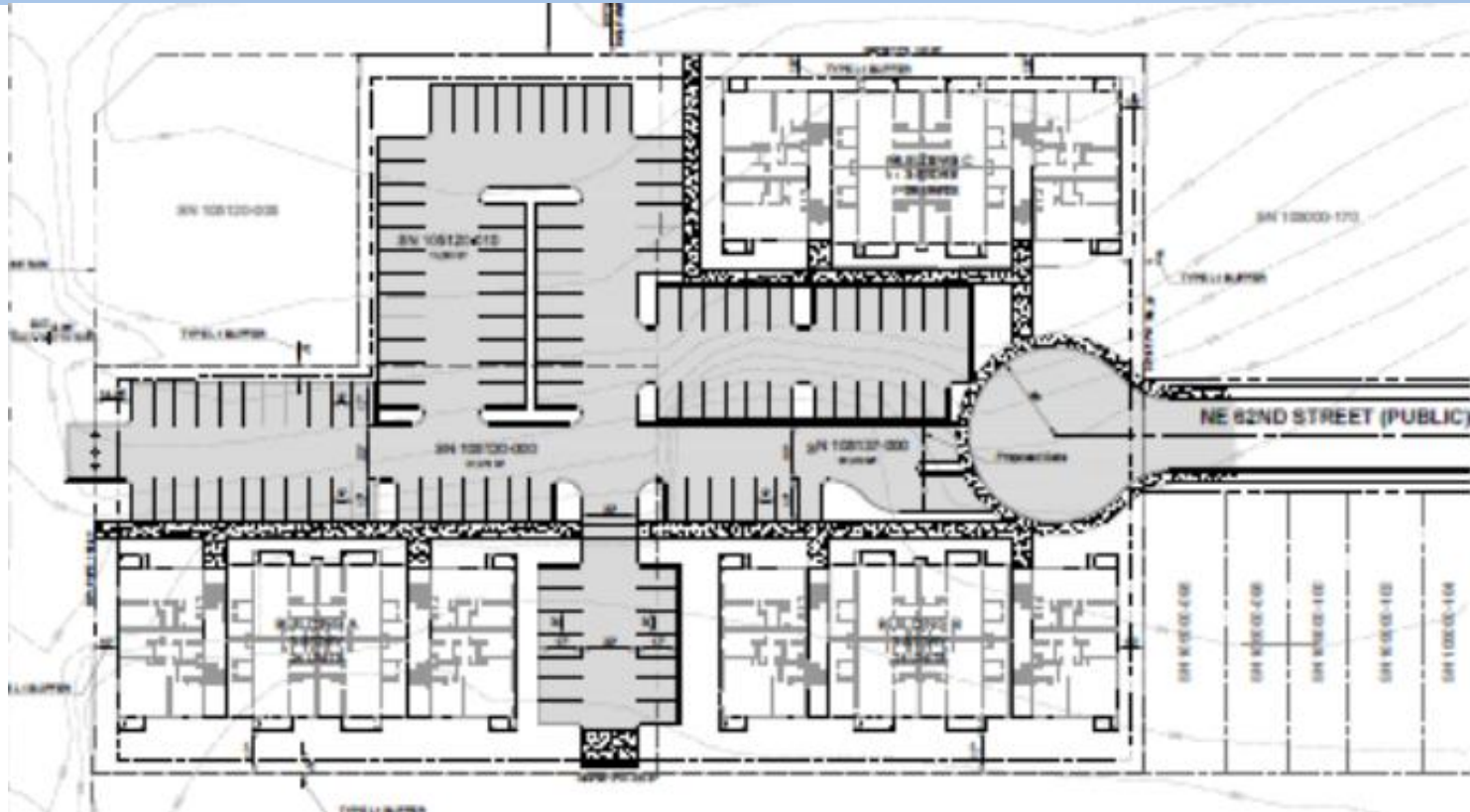
Site surrounded by range of property types and zones.

- Across 63rd Street to the north are older single family homes zoned R-9.
- Rezone site abuts Walnut Grove Elementary School to the south, a subdivision of newer attached townhomes to the east, and an older single family homesite to the west. All are zoned R-18.
- A drainage property owned by the City of Vancouver is located to the west across 72nd Avenue.

Anticipated Future Development

- If rezone approved, applicant envisions submitting site plan proposal for a 76-unit market-rate apartment complex, consisting of three 3-story buildings. 60 units planned to be 1-bedroom, 16 two-bedroom.
- Vehicular access will be through 62nd Street to the east. Access at west end of the site to 72nd Avenue for pedestrian and emergency vehicles only.

Anticipated Future Site Plan – 76 mostly 1 BR units



Transportation Issues

- Estimated 415 daily and 33 evening peak hour trips under proposal with R-30 zoning vs 245 daily and 20 evening peak under existing R-18 zoning.
- No indication of unusual accident history at intersection of 72nd Avenue and 63rd Street or indication of nearby concurrency hotspots based on preliminary analysis.
- Bus service available on Andreesen Rd 900 feet west of site.

School Issues

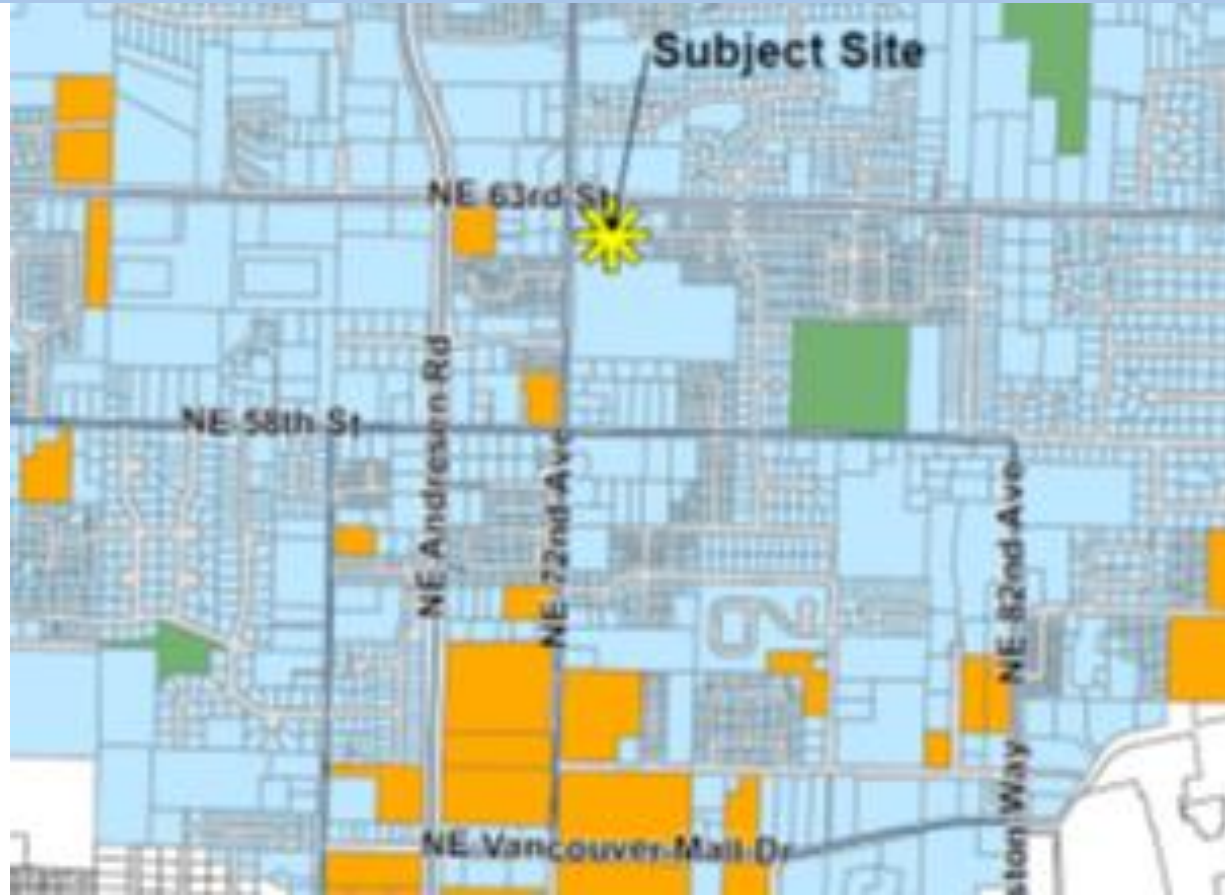
- Walnut Grove Elementary currently serving 629 students in facility originally constructed to serve 537.
- Replacement building under construction in rear of site to serve 720 students, to be completed later in 2021.
- Pedestrian access from rezone site for school students via existing sidewalk on 63rd Street and 72nd Avenue into front of school site, or through existing gate on 61st Way 200 feet east of the rezone property leading into the back of school site.

Corner Property Implications

- Future redevelopment of 0.3-acre corner mobile home property feasible but probably less likely in near term because of rezone.
- Citywide assessor data indicates 92 triplexes, fourplexes, or apartments of up to nine units built since 2000 in the R-18 zone, five of which are the size of the corner property or smaller.
- Future access if redeveloped likely limited to right-in, right-out
- Multi-family developers may look to larger lots with better access. Some commercial rezone potential given visibility.

Local Apartment Market

Low density multi-family housing relatively prevalent nearby, but fewer apartments within ½ mile. More apartments are located further south near Vancouver Mall Drive.



Review Criteria

- Stand alone zone changes must demonstrate proposed designation is more consistent with applicable Comprehensive Plan and Strategic Plan policies, and that a change in circumstances has occurred since designation first applied.

Staff Recommendation to Planning Commission

- Staff recommends approval of the zone map change proposal, which facilitates additional apartment housing near public and commercial services and amenities, at densities that will likely expand nearby housing options.
- The local onset of the affordable housing crisis represents a significant change in circumstance.

Planning Commission Review

- Commission recommended approval by 5-1 vote at March 9, 2021 public hearing. Dissenting vote based on testimony from couple living on north side of 63rd Street with concerns about previous flooding incidents prior to 2019 Van Mall North annexation.
- Public Works staff indicate City drainage facility west of rezone site is functioning properly based on area visit. Further discussion with testifying party to follow.

Stormwater Issues

- In general, increasing allowed zoning density typically allows development with more impervious surface which complicate stormwater management. Changes from one multi-family designation to another as proposed may result mainly in taller buildings with a different parking configuration with more spaces.
- Additional stormwater information to be provided at the workshop.

Next Steps

- City Council first reading scheduled May 10, public hearing May 17
- If rezone approved, future apartment development requires application for site plan review, requiring demonstration of compliance with City standards, including stormwater

Questions and Discussion

- Bryan Snodgrass, Principal Planner, Community and Economic Development Department
bryan.snodgrass@cityofvancouver.us, 360-487-7946

VOUCHER APPROVAL

We, the undersigned council members of the City of Vancouver, Clark County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of:

\$ 6,658,539.84 this 19th day of April 2021.

MAYOR



AUDITING OFFICER

COUNCILMEMBER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
April 6, 2021 - April 12, 2021	Accounts Payable Checks (see attached)	\$ 3,560,917.71
April 6, 2021 - April 12, 2021	Hansen City Payments (see attached)	\$ 13,553.51
April 6, 2021 - April 12, 2021	Visa Refunds (see attached)	\$ 1,299.91
April 6, 2021 - April 12, 2021	Payroll Checks (see attached)	\$ 3,082,768.71
TOTAL		\$ 6,658,539.84

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
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Supplier Payment	Manual Wire	No Reference	4/1/2021	4,616.89	Internal Revenue Service	
Supplier Payment	Manual Wire	No Reference	4/2/2021	556.32	Government Revenue Solutions Holdings I LLC	
Supplier Payment	Manual Wire	No Reference	4/5/2021	132,955.04	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire	No Reference	4/5/2021	24,581.20	Washington Dental Service	
Supplier Payment	Manual Wire	No Reference	4/6/2021	30,429.65	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	4/6/2021	418,392.08	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire	No Reference	4/6/2021	10,891.69	VSP Vision Care Inc	
Supplier Payment	Manual Wire	No Reference	4/6/2021	181,525.00	Western States Health & Welfare Trust	
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Supplier Payment	Manual Wire	No Reference	4/9/2021	5,369.88	Washington SDU	
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Supplier Payment	Manual Wire	No Reference	4/12/2021	45,971.83	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	4/12/2021	19,418.40	Washington Dental Service	
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Expense Payment	Direct Deposit	EFT-00097369	4/8/2021	117.60	James Fields	Employee Reimbursement
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Expense Payment	Direct Deposit	EFT-00097371	4/8/2021	85.00	Carrie Lewellen	Employee Reimbursement
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Supplier Payment	EFT	EFT-00097376	4/8/2021	3,013.12	Linguava Interpreters Inc	
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Supplier Payment	EFT	EFT-00097379	4/8/2021	65,454.74	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	EFT	EFT-00097380	4/8/2021	5,187.76	Second Step Housing	
Supplier Payment	EFT	EFT-00097381	4/8/2021	3,100.52	YWCA Clark County	
Supplier Payment	EFT	EFT-00097382	4/8/2021	174,074.32	Share Inc	

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
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Supplier Payment	EFT	EFT-00097384	4/8/2021	804,792.89	Rotschy Inc	
Supplier Payment	EFT	EFT-00097385	4/8/2021	4,950.00	JCI Jones Chemicals Inc	
Supplier Payment	EFT	EFT-00097386	4/8/2021	3,759.61	Lifeline Connections	
Supplier Payment	EFT	EFT-00097387	4/8/2021	3,281.46	Jeanette M. Bader	
Supplier Payment	EFT	EFT-00097388	4/8/2021	39,879.03	Outsiderinn.org	
Supplier Payment	EFT	EFT-00097389	4/8/2021	4,551.09	Eagle Newspaper Inc	
Supplier Payment	EFT	EFT-00097390	4/9/2021	68.12	Legal Shield	
Supplier Payment	EFT	EFT-00097391	4/9/2021	12,393.68	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00097392	4/9/2021	917.40	Vancouver Command Guild	
Ad Hoc Payment	Check	21403	4/7/2021	500.00	Association of Washington State	21-21
Ad Hoc Payment	Check	21404	4/7/2021	60.51	Accurate Electric Unlimited, Inc	MPE-297028
Ad Hoc Payment	Check	21405	4/7/2021	4,690.77	Aria Living LLC	Utility Refunds: 0500003962-01
Ad Hoc Payment	Check	21406	4/7/2021	1,050.90	Aria Living LLC	Utility Refunds: 0500003962-01
Ad Hoc Payment	Check	21407	4/7/2021	300.00	Caliber Collision Centers	refund overpmt alarm inv #99429494
Ad Hoc Payment	Check	21408	4/7/2021	150.00	Caliber Collision Centers	Acct. #21282/Invoice #99433021
Ad Hoc Payment	Check	21409	4/7/2021	53.00	Childrens Village Day School	refund overpmt CIVICGOCV inv #77028970
Ad Hoc Payment	Check	21410	4/7/2021	161.60	Clarissa M and Jacob C Bailey	Utility Refunds: 0107006108-04
Ad Hoc Payment	Check	21411	4/7/2021	20.00	Corksport Performance LLC	ref overpmt alarm - inv #99425329
Ad Hoc Payment	Check	21412	4/7/2021	53.81	Daniel and Lori Nelson	Utility Refunds: 0124000352-09
Ad Hoc Payment	Check	21413	4/7/2021	101.72	Dilley,Douglas and Irene	Utility Refunds: 0068035500-03
Ad Hoc Payment	Check	21414	4/7/2021	43.33	Dilley,Irene	Utility Refunds: 0068035500-03
Ad Hoc Payment	Check	21415	4/7/2021	20.00	Dynamic Events	Acct. #51572/Invoice #99430075
Ad Hoc Payment	Check	21416	4/7/2021	5,094.80	Earthworks Excavating Services Inc	Inv #WA42-21 - SCIP contractor pmt for Asbury
Ad Hoc Payment	Check	21417	4/7/2021	111.65	Elworthy,Mark	Utility Refunds: 0111011978-03
Ad Hoc Payment	Check	21418	4/7/2021	20.00	I-205 Mini Storage	Acct. #17514/Invoice #99430986
Ad Hoc Payment	Check	21419	4/7/2021	70.00	Instrument Northwest	refund pkg permit COV06047
Ad Hoc Payment	Check	21420	4/7/2021	593.10	Jachacy,Beata	Utility Refunds: 0000003271-02
Ad Hoc Payment	Check	21421	4/7/2021	9.50	James and Susan Watson	Utility Refunds: 0071096340-00
Ad Hoc Payment	Check	21422	4/7/2021	59.38	Jodi Lewinsohn	MPE-293460
Ad Hoc Payment	Check	21423	4/7/2021	405.00	JULISSA FLORES	VOUCHER 2008185.058
Ad Hoc Payment	Check	21424	4/7/2021	67.74	Kim Ruggiero	Refund return permit COV 10274
Ad Hoc Payment	Check	21425	4/7/2021	673.00	Kirsten Lyons	LUP-80081
Ad Hoc Payment	Check	21426	4/7/2021	22.50	LAUREN TUMM	VOUCHER 2008173.030
Ad Hoc Payment	Check	21427	4/7/2021	109.00	Leffel,Mary	Utility Refunds: 0044000116-00 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	21428	4/7/2021	411.92	Melissa West	Claim Payment - DOL: 12/21/20 - Risk
Ad Hoc Payment	Check	21429	4/7/2021	21.00	MICHELLE ZANDER	VOUCHER 2008172.030
Ad Hoc Payment	Check	21430	4/7/2021	120.00	NADINE HENDRICKS	VOUCHER 2008164.030 AND VOUCHER 2008165.030
Ad Hoc Payment	Check	21431	4/7/2021	30.00	Office Max	#6658 for Acct. #7068/Invoice #99430090
Ad Hoc Payment	Check	21432	4/7/2021	405.00	PATRICIA SALAS PEREZ	VOUCHER 2008188.058
Ad Hoc Payment	Check	21433	4/7/2021	261.75	PAUL TOLLESON	VOUCHER 2008167.030
Ad Hoc Payment	Check	21434	4/7/2021	70.00	PCS	Dr Horton Inc Portland (cut #T-5039; inv #99420669 & 99426589)
Ad Hoc Payment	Check	21435	4/7/2021	250.00	PCS	The Meadows At Cascade Park Apts (cust #13397)
Ad Hoc Payment	Check	21436	4/7/2021	15.00	Professional Credit Service	Aaron McFarland - Citation # 7202701081
Ad Hoc Payment	Check	21437	4/7/2021	45.16	Randle Merriman	refund overpmt pkg cit COV07687
Ad Hoc Payment	Check	21438	4/7/2021	174.19	Regan,David A	Utility Refunds: 0028031525-03
Ad Hoc Payment	Check	21439	4/7/2021	20.00	Robert/Mary Mullins	Acct. #18217/Invoice #99431006
Ad Hoc Payment	Check	21440	4/7/2021	370.00	Roy Rhone	Claim Payment - DOL: 01/22/21 - Risk
Ad Hoc Payment	Check	21441	4/7/2021	7,208.60	Sark Point Inc	Inv #1091 - SCIP contractor pmt for Mustappa

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Ad Hoc Payment	Check	21442	4/7/2021	7,993.42	Sark Point Inc	Inv #1083 - SCIP contractor pmt for Doering
Ad Hoc Payment	Check	21443	4/7/2021	60.51	Steve Jasnoch	MPE-297951
Ad Hoc Payment	Check	21444	4/7/2021	589.70	Taylor Davis	Claim Payment - DOL: 10/26/20 - Risk
Ad Hoc Payment	Check	21445	4/7/2021	128.44	Todd Helsel	MPE-297961
Ad Hoc Payment	Check	21446	4/7/2021	66.45	Todd Helsel	MPE-297965
Ad Hoc Payment	Check	21447	4/7/2021	140.69	Wilson,Dustin B	Utility Refunds: 0002000111-02
Ad Hoc Payment	Check	21448	4/7/2021	39.45	Woodling,Jim W	Utility Refunds: 0034040100-04
Ad Hoc Payment	Check	21449	4/7/2021	207.00	Zielin-Brodey Trustee,Avril	Utility Refunds: 0075004509-06
Supplier Payment	Check	21450	4/7/2021	19,994.38	Able Fence Company Inc	
Supplier Payment	Check	21451	4/7/2021	362.00	Accurate Corporate Services Inc	
Supplier Payment	Check	21452	4/7/2021	33,865.85	Action Technology Systems	
Supplier Payment	Check	21453	4/7/2021	260.46	Aero Maintenance Inc	
Supplier Payment	Check	21454	4/7/2021	91.58	Airgas, Inc	
Supplier Payment	Check	21455	4/7/2021	589.16	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	21456	4/7/2021	798.00	Allegheny Answering Services	
Supplier Payment	Check	21457	4/7/2021	11,071.25	Allegiance Benefit Plan Management Inc	
Supplier Payment	Check	21458	4/7/2021	243.60	American Sani-Can	
Supplier Payment	Check	21459	4/7/2021	199.19	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	21460	4/7/2021	1,100.26	Arborscape Ltd Inc	
Supplier Payment	Check	21461	4/7/2021	9,002.35	AT & T Mobility II LLC	
Supplier Payment	Check	21462	4/7/2021	2,748.83	Bacon Collision	
Supplier Payment	Check	21463	4/7/2021	1,293.75	Bound Tree Medical LLC	
Supplier Payment	Check	21464	4/7/2021	15,839.50	BSK Associates - Remit-To: Supplier BSK Associates	
Supplier Payment	Check	21465	4/7/2021	6,755.00	Bullard Law P. L.	
Supplier Payment	Check	21466	4/7/2021	9,372.50	Cascadia Consulting Group Inc	
Supplier Payment	Check	21467	4/7/2021	1,461.47	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	21468	4/7/2021	12,740.54	Century West Engineering Corp	
Supplier Payment	Check	21469	4/7/2021	5,000.00	CFM Strategic Communications Inc	
Supplier Payment	Check	21470	4/7/2021	248.56	Chicago Title Company of WA	
Supplier Payment	Check	21471	4/7/2021	87.00	City of Vancouver - Remit-To: COV Main	
Supplier Payment	Check	21472	4/7/2021	211.50	City of Vancouver - Remit-To: COV - Vehicle Reg	
Supplier Payment	Check	21473	4/7/2021	14,959.20	Clark County Gun Club	
Supplier Payment	Check	21474	4/7/2021	28.54	Clark Public Utility District No. 1	
Supplier Payment	Check	21475	4/7/2021	42.58	Clark Public Utility District No. 1	
Supplier Payment	Check	21476	4/7/2021	613.06	Clark Public Utility District No. 1	
Supplier Payment	Check	21477	4/7/2021	480.31	Clark Public Utility District No. 1	
Supplier Payment	Check	21478	4/7/2021	108.27	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	21479	4/7/2021	180.85	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	21480	4/7/2021	193.27	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	21481	4/7/2021	17,344.87	Comcast Holdings Corporation - Remit-To: Comcast Holdings Corporation - Philadelphia	
Supplier Payment	Check	21482	4/7/2021	285.60	Contracts & Construction Works	
Supplier Payment	Check	21483	4/7/2021	13,374.21	Copiers Northwest	
Supplier Payment	Check	21484	4/7/2021	144,105.12	Core and Main LP - Remit-To: Core and Main LP	
Supplier Payment	Check	21485	4/7/2021	4,489.89	Council for the Homeless	
Supplier Payment	Check	21486	4/7/2021	333.25	Courier Northwest	

INVOICE PAYMENTS REPORT

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Supplier Payment	Check	21487	4/7/2021	1,938.04	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	21488	4/7/2021	86.72	Datec Inc	
Supplier Payment	Check	21489	4/7/2021	819.54	Day Management Corp - Remit-To: Day Wireless - Milwaukee	
Supplier Payment	Check	21490	4/7/2021	262.00	Dex Media West	
Supplier Payment	Check	21491	4/7/2021	5,445.29	Epic Land Solutions Inc	
Supplier Payment	Check	21492	4/7/2021	2,701.00	Epic Packaging Corporation	
Supplier Payment	Check	21493	4/7/2021	3,804.00	Erickson Structural Consulting Engineers	
Supplier Payment	Check	21494	4/7/2021	56.38	Experian Marketing Solutions - Remit-To: Experian - Los Angeles	
Supplier Payment	Check	21495	4/7/2021	6,670.05	Ferguson Enterprises - Remit-To: Ferguson - Dallas	
Supplier Payment	Check	21496	4/7/2021	1,260.00	Fibernet Inc	
Supplier Payment	Check	21497	4/7/2021	243.75	Financial Consulting Solutions Group Inc	
Supplier Payment	Check	21498	4/7/2021	1,422.51	Gallagher Bassett Services Inc	
Supplier Payment	Check	21499	4/7/2021	154.16	Genuine Parts Company - Remit-To: NAPA - Los Angeles	
Supplier Payment	Check	21500	4/7/2021	2,168.00	GrantAnalyst.com LLC	
Supplier Payment	Check	21501	4/7/2021	104,063.73	Halbert Construction Services LLC	
Supplier Payment	Check	21502	4/7/2021	2,539.50	Harper Houf Peterson Righellis Inc	
Supplier Payment	Check	21503	4/7/2021	9,678.05	H D Fowler Company Inc	
Supplier Payment	Check	21504	4/7/2021	4,767.99	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	Check	21505	4/7/2021	16,783.41	Herrera Environmental Consultants Inc	
Supplier Payment	Check	21506	4/7/2021	6,249.99	Hispanic Metropolitan Chamber	
Supplier Payment	Check	21507	4/7/2021	1,130.35	Industrial Scientific Corporation - Remit-To: Industrial Scientific Corp - Pittsburgh	
Supplier Payment	Check	21508	4/7/2021	371.95	Iron Mountain Inc - Remit-To: Iron Mountain - New York	
Supplier Payment	Check	21509	4/7/2021	789.05	J-2 Blueprint Supply Co.	
Supplier Payment	Check	21510	4/7/2021	39,414.00	Jacobs Engineering Group Inc	
Supplier Payment	Check	21511	4/7/2021	1,626.00	Jamestown Networks	
Supplier Payment	Check	21512	4/7/2021	12,679.46	Janus Youth Programs Inc	
Supplier Payment	Check	21513	4/7/2021	17,497.50	Jensen Hughes Inc	
Supplier Payment	Check	21514	4/7/2021	67.50	Judy Adams	
Supplier Payment	Check	21515	4/7/2021	4,844.12	L.N. Curtis & Sons - Remit-To: Supplier L.N. Curtis & Sons	
Supplier Payment	Check	21516	4/7/2021	17,579.55	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	
Supplier Payment	Check	21517	4/7/2021	158.32	Langley's Ace Inc	
Supplier Payment	Check	21518	4/7/2021	6,175.00	Lee Weinstein	
Supplier Payment	Check	21519	4/7/2021	1,636.84	LP-USA LLC	
Supplier Payment	Check	21520	4/7/2021	9,869.16	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	21521	4/7/2021	197.00	Petty Cash Custodian - Remit-To: Darren McShea	
Supplier Payment	Check	21522	4/7/2021	621.72	Qwest Corp - Remit-To: CenturyLink - Phoenix	
Supplier Payment	Check	21523	4/7/2021	777.88	Qwest Corp - Remit-To: Qwest CABS - Monroe	
Supplier Payment	Check	21524	4/7/2021	6,676.58	Qwest Corp - Remit-To: Qwest Corp- Seattle	
Supplier Payment	Check	21525	4/7/2021	2,283.98	R & M Plant Procurement	
Supplier Payment	Check	21526	4/7/2021	3,125.29	State of Washington Department of Transportation	
Supplier Payment	Check	21527	4/7/2021	2,421.42	The Salvation Army	

INVOICE PAYMENTS REPORT

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Supplier Payment	Check	21528	4/7/2021	4,871.25	Una J Walker	
Supplier Payment	Check	21529	4/7/2021	77.09	United Parcel Service	
Supplier Payment	Check	21530	4/7/2021	611.88	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	21531	4/7/2021	68.15	XPO Logistics Enterprise Services, Inc - Remit-To: XPO - Portland	
Supplier Payment	Check	21532	4/7/2021	40.69	Ziply Fiber	
Customer Refund	Check	21533	4/7/2021	154.59	CATHOLIC COMMUNITY SERVICES OF WESTERN WASHINGTON	Customer overpayment
Customer Refund	Check	21534	4/7/2021	92.73	TOM MILETICH	Customer changed health care elections.
Supplier Payment	Check	21535	4/9/2021	8,422.54	Aflac	
Supplier Payment	Check	21536	4/9/2021	5,052.83	AFSCME Local #307	
Supplier Payment	Check	21537	4/9/2021	22,755.83	IAFF Local #452	
Supplier Payment	Check	21538	4/9/2021	712.50	IAM Local #1374	
Supplier Payment	Check	21539	4/9/2021	8,810.00	Life Insurance Company of North America	
Supplier Payment	Check	21540	4/9/2021	575.00	MFS Service Center Inc	
Supplier Payment	Check	21541	4/9/2021	3,944.16	OPEIU Local #11	
Supplier Payment	Check	21542	4/9/2021	544.00	Teamsters Local #58	
Supplier Payment	Check	21543	4/9/2021	297.50	UA Local #290	
Supplier Payment	Check	21544	4/9/2021	11,081.66	Vancouver Police Officer Guild	
Supplier Payment	Check	21545	4/9/2021	3,106.20	Western Conference of Teamsters	
Supplier Payment	Check	21546	4/9/2021	1,268.80	Western Metal Industry Pension Plan	
			SUBTOTAL	3,560,917.71		
Hansen			4/12/2021	13,553.51	City Payments	Posted 04-05-21 to 04-11-21
			SUBTOTAL	13,553.51		
Visa			4/5/2021	800.00	Miscellaneous	Parks Class Refunds - Firstenburg Community Center 03-29-21 to 04-04-21
Visa			4/5/2021	15.00	Miscellaneous	Parks Class Refunds - Marshall Community Center 03-29-21 to 04-04-21
Visa			4/12/2021	484.91	Miscellaneous	Parks Class Refunds - Firstenburg Community Center 04-05-21 to 04-11-21
Visa			4/12/2021	0.00	Miscellaneous	Parks Class Refunds - Marshall Community Center 04-05-21 to 04-11-21
Visa			4/12/2021	0.00	Miscellaneous	Parks Class Refunds - Special Events 04-05-21 to 04-11-21
Visa			4/12/2021	0.00	Miscellaneous	Parks Class Refunds - WREC 04-05-21 to 04-11-21
			SUBTOTAL	1,299.91		
			TOTAL	3,575,771.13		

City of Vancouver
Payroll Council Report
April 6, 2021 - April 12, 2021

Check No.	Date	Explanation	Amount
2954-2967	04/09/21	7 2021 Payroll	\$ 7,201.78
95656-97366	04/09/21	7 2021 Direct Deposits	\$ 3,075,566.93

\$ 3,082,768.71

Shoreline Master Program (SMP) Periodic Review and Update



April 19, 2021

City Council Public Hearing

Cayla Cothron, Associate Planner, and
Keith Jones, Senior Planner, Community &
Economic Development Department

Presentation Overview

- Prior Planning Commission & City Council Review
- Periodic Review Process
- Public Outreach and Engagement
- Shorelines Background
- Proposed Amendments for Draft Amended SMP
- Planning Commission Recommendation
- Action Requested

Presentation Purpose

- Review and act on proposed Shoreline Master Program Periodic Review amendments.

Planning Commission and City Council Review

- January 30, 2020 City Council Memo in Lieu of Workshop
- April 1, 2020 Planning Commission Memo in Lieu of Workshop
- July 14, 2020 Planning Commission workshop
- August 3, 2020 City Council workshop
- December 8, 2020 Planning Commission workshop
- January 4, 2021 City Council workshop
- February 9, 2021 Planning Commission public hearing

What is a Periodic Review?

- State mandated by the Washington Shoreline Management Act (SMA)
- Review and revise, if needed, every eight years
- Narrower scope than the 2012 comprehensive update



What is a Periodic Review?

- Ensures the Shoreline Master Program (SMP) is:
 - Current with changes in state laws and rules
 - Consistent with other City of Vancouver plans and regulations
 - Responsive to changed circumstances, new information, and improved data
- City awarded a grant from the state to complete the process by June 30, 2021

Process and Timeline

WINTER 2019

Periodic Review Kick-off

- Establish the Public Participation Plan
- Launch periodic review webpage
- Initial public notification

SPRING — SUMMER 2020

Staff Review and Analysis

- Periodic Review Checklist and identifying proposed amendments
- Public Open House

FALL 2020 — EARLY 2021

Draft Shoreline Master Program

- SEPA Process
- Planning Commission Workshop and Public Hearing
- City Council Workshop and Public Hearing

Public Outreach and Engagement

- Updates to the project email list
- September 16 virtual public open house
- Individual stakeholder meetings with interested parties
- Joint state and local 30-day public comment period
- Planning Commission and City Council public hearings

Stakeholder Feedback: Public Open House

- September 16 virtual public open house
- Concerns were raised about enforcement of violations due to unauthorized camping, and impacts to shorelines and water quality specifically around Burnt Bridge Creek

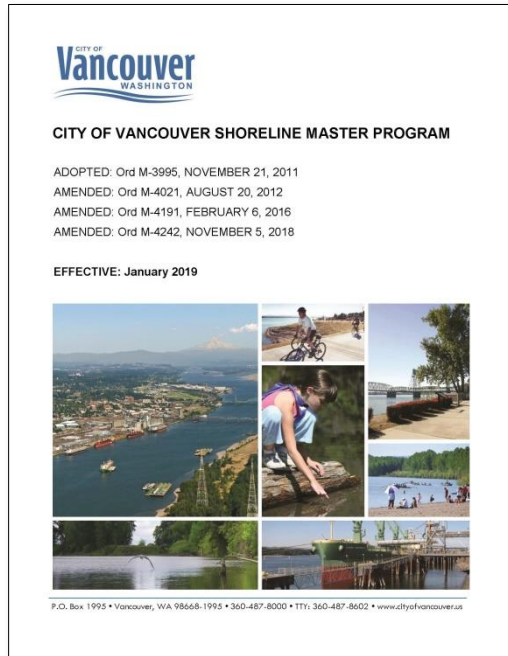
Stakeholder Feedback: Public Open House

- Project staff in coordination with Ecology have found that these issues are not within the purview of the periodic review planning process.
 - Jurisdictions are constrained in addressing these activities in the same way as other code enforcement issues due to court rulings and city policy surrounding homelessness and the COVID-19 pandemic.
 - Water quality protection and improvement are addressed through other city programs and efforts.

Stakeholder Feedback: Public Comment Period

- 30-day joint local and state public comment period responses:
 - Question/request about impacts of proposed amendments on property for in-process permitting process.
 - Question about SMP's role in maintaining bird nests on pilings adjacent to property along Columbia River.
 - Question about the implications of the proposed change to shoreline jurisdiction on protection of archaeological/cultural resources.

Shoreline Master Program Overview



- A long range plan with goals and policies
- A set of regulations governing shoreline use and development
- A framework for permit review and approval, and enforcement

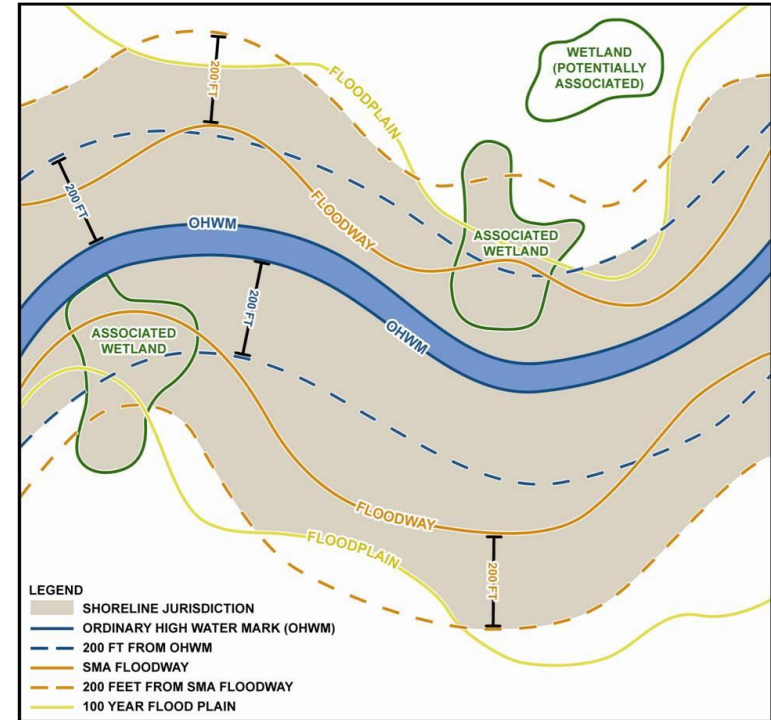
What activities/uses are regulated by the SMP?

- New or expanded structures, such as houses, sheds and decks;
- Land development and alteration, such as clearing, grading, dredging or filling; and
- Other activities along the shorelines, including restoration (e.g. riparian planting, bank stabilization), trail construction, and public access

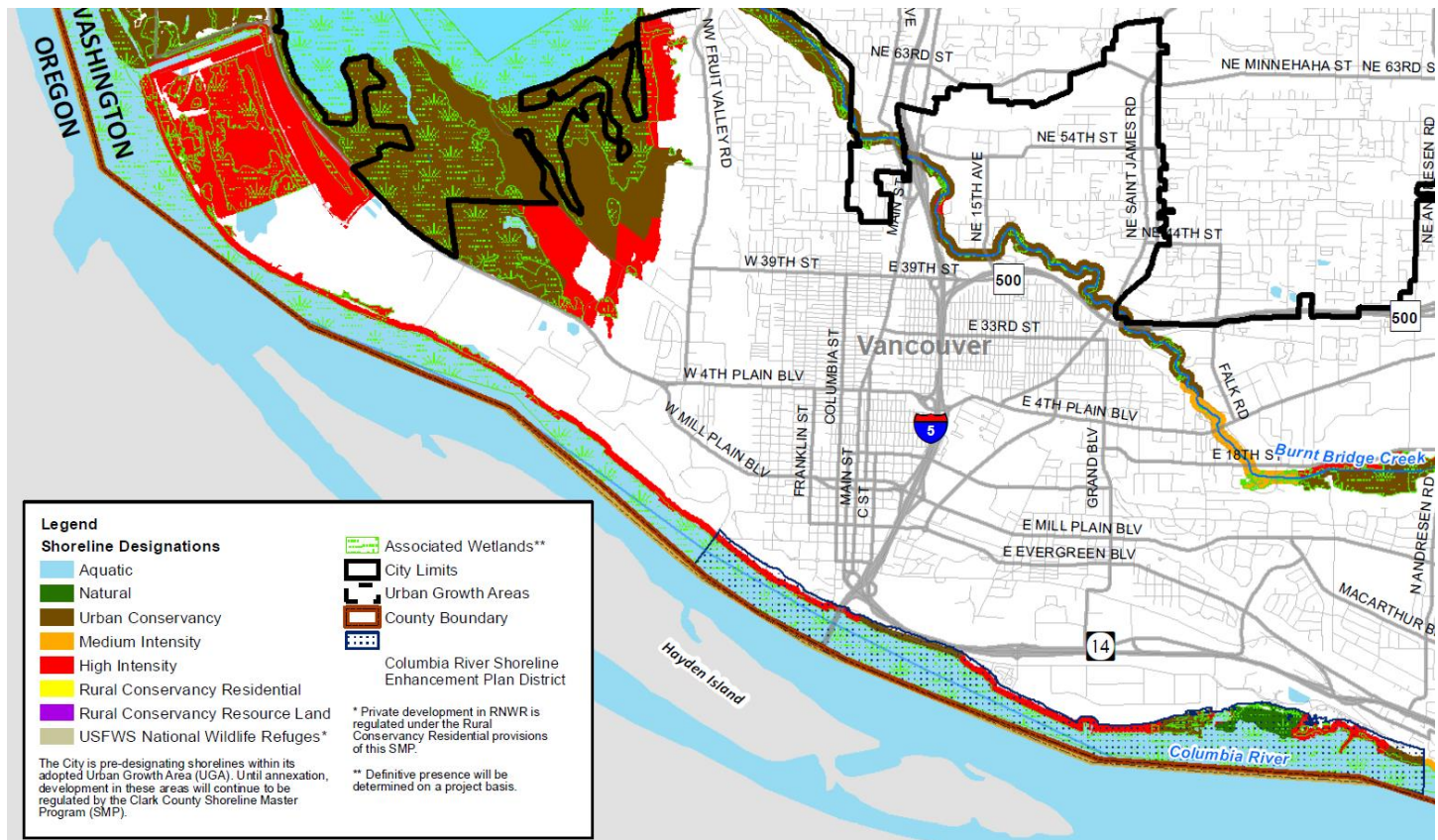
Where does the SMP apply?

Vancouver Shorelines of the State

- Columbia River
- Vancouver Lake
- Burnt Bridge Creek
- Fifth Plain Creek
- Lacamas Creek
- Salmon Creek
- Mill Creek
- Curtin Creek
- Lake River
- Other waterbodies

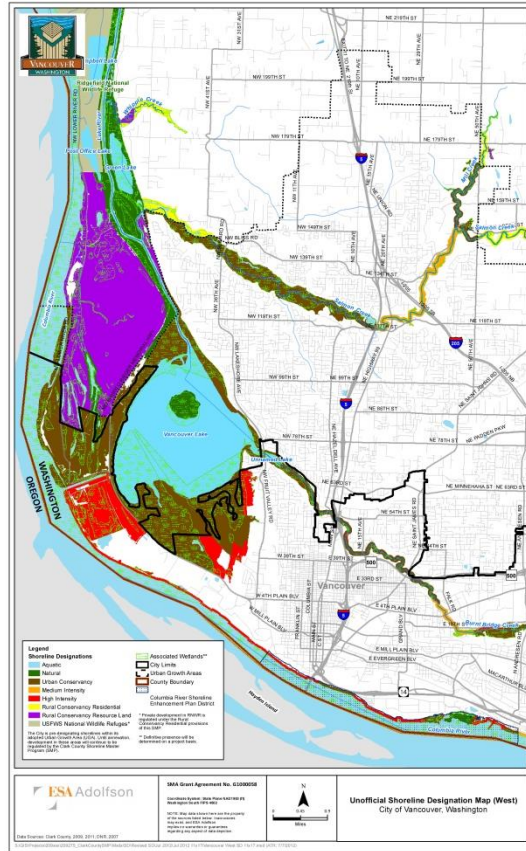


Where does the SMP apply?

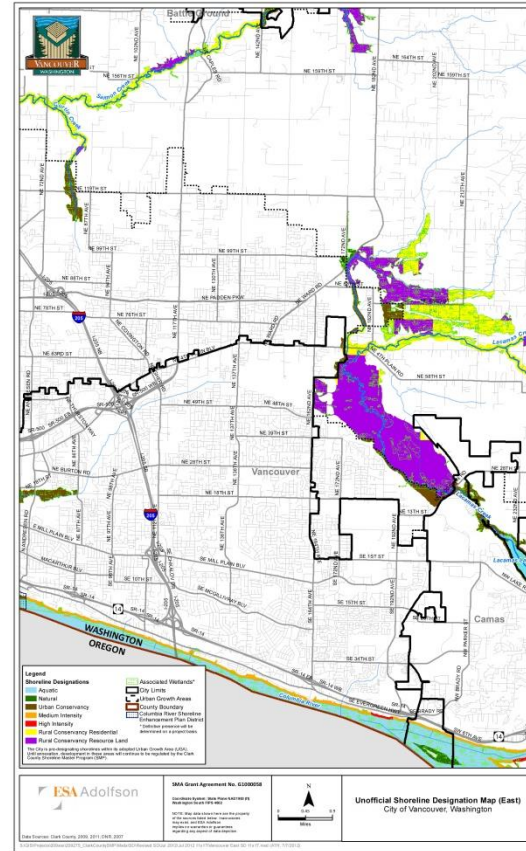


Where does the SMP apply?

West



East



Proposed Amendments Categories

State Legislative Amendments

- Consistency with state law and rule changes

Additional Amendments

- Consistency with city plans and regulations
- Locally-initiated amendments

State Legislative Amendments

- Revising cost thresholds
- New shoreline permit exemption to comply with the Americans with Disabilities Act
- Clarifying process, definitions, and/or references to state law
- Updates to wetlands regulations to align with Ecology's most recent critical areas guidance

Additional Amendments

- Amendments that came out of issues identified through implementation of the SMP, additional changes to state policies, or coordination with Ecology on the periodic review.
- Amendments to address three primary issues that emerged from ongoing coordination with the Port of Vancouver.
- Amendments brought forward to fix errors and address issues of clarity, consistency, redundant or inaccurate language and/or process, and relevancy of regulations.

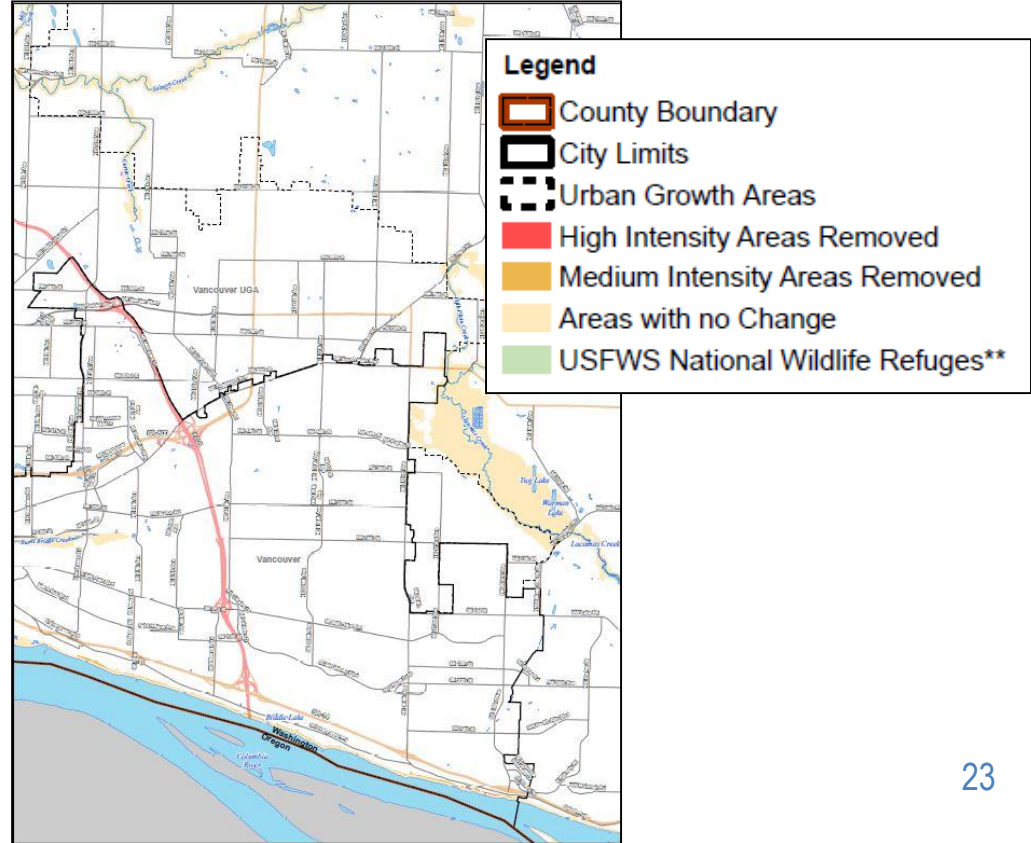
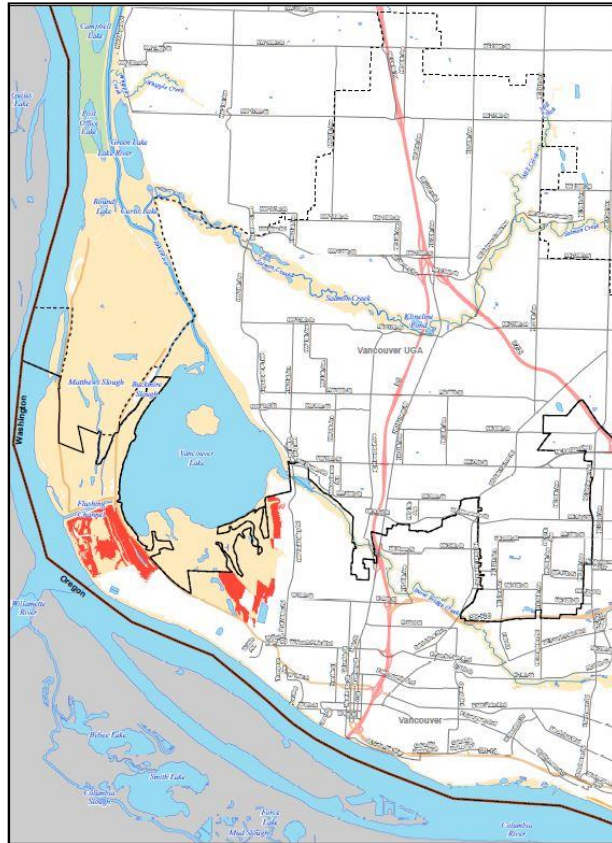
Additional Amendments

- Expand options for mitigating adverse impacts to shallow-water habitat to include creation, enhancement, and/or payment of mitigation bank credits.
- Clarify circumstances where revetments can be located partially below the OHWM, how they are regulated, and when requiring the creation of shallow-water habitat applies.
- Remove provisions from the flood code not required to be included in the SMP, and include a soft reference to the Title 20 critical areas regulations.
- Make substantive updates to wetlands regulations as identified in Ecology's evaluation.

Additional Amendments

- For all other shorelines within city limits not included in the area along the Columbia River from Wintler Park to the Vancouver Flushing Channel, maintain the full extent of the 100-year floodplain in shoreline jurisdiction for conservancy designations, and apply minimum jurisdiction in high intensity and medium intensity designations to allow for reasonable use of land and development where intended.

Additional Amendments



Additional Amendments

- Change structural shoreline stabilizations to a permitted use in high intensity designations to eliminate undue process on properties that already have developed shorelines.
- Allow a signage master plan or sign program to be developed through a Special Sign District Process in order to supersede SMP requirements, where appropriate.

Additional Amendments

- Change non-water oriented institutional uses in high and medium intensity designations to a permitted use to reduce undue process while maintaining provisions that encourage water-oriented uses, where feasible.
 - *Intended to address limitations for existing property owners along Burnt Bridge Creek but distanced from the shoreline*
- Include allowances for non-water-oriented commercial uses per state law to provide flexibility where appropriate or where water-oriented uses are not feasible.
 - *This flexibility in state law is not incorporated in the existing SMP*

Additional Amendments

- Update Chapter 5A to be consistent with Title 20 Critical Areas Protection code updates since 2012, and amend for applicability in shoreline jurisdiction.
- Clarify the relationship between critical areas regulations and their applicability in shoreline jurisdiction.
- Make height limitation 35' for non-water-oriented commercial uses in medium and high intensity designations to be consistent with the allowance for other uses.

Additional Amendments

- Defer to the review and approval under federal requirements for disposal of dredging material and encourage environmentally sound beneficial uses, when feasible.
- Only require mailings for exemptions that require a federal permit.
- Make amendments to address non-substantive items that will improve readability and usability.

Planning Commission Recommendation

The Planning Commission forwarded a recommendation to the City Council to approve the periodic review and proposed amendments to the Vancouver Shoreline Master Program as outlined in the staff report.

- Requested that staff notify Council about a challenge with the way shoreline regulations are currently applied to unauthorized camping in shoreline jurisdiction.

Unauthorized Camping Issue

- SMP has enforcement provisions that generally apply to uses or activities that require a permit.
- Ecology guidance is that this is a larger social issue that isn't shoreline-specific, and the Shoreline Management Act is not intended nor the appropriate legislation to address it.
- City of Vancouver is bound by the Ninth Circuit *Martin v. City of Boise* case which restricts clearing houseless encampment sites where individuals do not have an indoor housing alternative.

Action Requested

Approve ordinance amending the Vancouver Shoreline Master Program as provided in the staff report and supporting documents and reviewed in this presentation.

Questions and Deliberation

- Cayla Cothron, CED, cayla.cothron@cityofvancouver.us
- Keith Jones, CED, keith.jones@cityofvancouver.us

cityofvancouver.us/ced/page/smp-periodic-review



Staff Report 053-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 4/19/2021

SUBJECT Periodic review and update to the Vancouver Shoreline Master Program, as required by the Washington State Shoreline Management Act under RCW 90.58.080(4)

Key Points

- Vancouver is conducting a periodic review of the City's Shoreline Master Program (SMP) as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4).
- The SMA requires that each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature.
- The periodic review ensures the SMP stays current with changes in state laws and rules, remains consistent with other city plans and development regulations, and is responsive to changed circumstances, new information, and improved data.
- In alignment with Ecology guidance on the periodic review process, project staff reviewed the existing SMP and identified proposed amendments, which were presented at a July 14, 2020 Planning Commission workshop, August 3, 2020 City Council workshop, and September 16, 2020 public open house held virtually due to COVID-19 limitations.
- Project staff drafted language for the proposed amendments to the SMP which was reviewed by the Planning Commission and City Council at workshops on December 8, 2020 and January 4, 2021, respectively. The draft amended SMP includes proposed text changes in strikethrough/underline format, associated proposed map changes, and the updated Summary of Proposed Amendments in the format of the Periodic Review Checklist provided by Ecology, which are included as attachments to this staff report.
- Following the February 9, 2021 Planning Commission public hearing, project staff submitted the draft amended SMP and all required supporting documentation to the Washington State Department of Ecology for their initial determination of consistency, which provides findings related to the City's periodic review process and initial determination of the proposed amendments to the SMP.

- On March 5, 2021, project staff received notice about the results of the initial determination, stating that the City's periodic review proposal is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines. Ecology also provided four non-substantive recommended changes that have been reflected in the proposed text changes. Ecology's Initial Determination of Consistency, including Attachment 1 itemizing the four recommended changes, are provided as an attachment to this staff report.

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

Present Situation

The periodic review proposal includes text changes in strikethrough/underline format and associated map changes to ensure the SMP stays current with changes in laws and rules, remains consistent with other city plans and development regulations, and is responsive to changed circumstances, new information, and improved data. The proposed amendments are summarized below, and the full detailed list can be found in the Summary of Proposed Amendments provided as an attachment to this staff report:

State Legislative Amendments

- Revise cost thresholds for shoreline permit exemptions.
- Add new shoreline permit exemption to comply with the Americans with Disabilities Act and state law.
- Clarify process, definitions, and/or references to comply with state law.
- Update wetlands regulations to align with Ecology's most recent critical areas guidance.

Additional Amendments

- Fix errors and address issues of clarity, consistency, redundant or inaccurate language and/or process and relevancy of regulations.
- Expand sections of the SMP related to mitigation for adverse impacts to shallow-water habitat to include creation, enhancement, and/or payment of mitigation bank credits.
- Replace existing terms of "extreme edge or bank" with specific and defined terms to clarify under what circumstances revetments can be located partially below the Ordinary High Water Mark (OHWM), that they are not considered fill, and when and how adverse impacts to shallow-water habitat require mitigation.
- Remove provisions from the frequently flooded areas section not required to be included in the SMP, and include a soft reference to the Title 20 critical areas regulations.
- Update SMP Chapter 5A to be consistent with VMC Title 20 Critical Areas Protection code updates since 2012, and amend for applicability and permitting in shoreline jurisdiction.
- For all other shorelines within City limits not included in the area along the Columbia River from Wintler Park to the Vancouver Flushing Channel, maintain the full extent of the 100-year floodplain in shoreline jurisdiction for conservancy designations, and apply minimum jurisdiction (200 feet from ordinary high water mark) in High Intensity and Medium Intensity designations to allow for reasonable use of land and development where intended. Update Shoreline Designation Maps to reflect this proposed change to shoreline jurisdiction.

- Change structural shoreline stabilizations to a permitted use in High Intensity designations (currently a conditional use) to eliminate undue process on properties that already have developed shorelines.
- Allow a signage master plan or sign program to be developed through a Special Sign District Process in order to supersede SMP requirements, where appropriate.
- Clarify the relationship between critical areas regulations and their applicability in shoreline jurisdiction for ease of use by both applicants and planning officials.
- Only require mailings for shoreline statement of exemptions that require a federal permit.
- Make height limitation 35' for non-water-oriented commercial uses in Medium and High Intensity designations to be consistent with the allowance for other uses.
- Change non-water oriented institutional uses in High and Medium Intensity designations to a permitted use to reduce undue process while maintaining provisions that encourage water-oriented uses, where feasible.
- Include allowances for non-water-oriented commercial uses per state law to provide flexibility where appropriate or where water-oriented uses are not feasible.
- Defer to the review and approval under federal requirements for disposal of dredging material and encourage environmentally sound beneficial uses, when feasible.
- Make amendments to address non-substantive items that will improve readability and usability for both applicants and planning officials.

On February 9, 2021, the Planning Commission held a public hearing on the SMP periodic review and, by a vote of 5-1, forwarded a recommendation to Council to approve the periodic review and proposed amendments to the Vancouver Shoreline Master Program as outlined in this staff report. They requested that staff, in forwarding their recommendation, notify Council about a challenge they have identified with the way shoreline regulations are currently applied to unauthorized camping in shoreline jurisdiction. In summary, they feel that it is difficult to support regulations that are not universally applied to all members of the population, and some Commissioners stated that it is bad policy to enact laws and regulations that are not applied evenly. The Commission acknowledged that the issue of houselessness is not easily resolved, and additionally wished to convey to Council that this note does not dilute the recommendation to approve the proposed amendments or the overall quality of the periodic review process. More detail on Commission deliberation can be referenced in the meeting minutes.

On the issue of unauthorized camping along shorelines, provisions exist in the SMP that give the Shoreline Administrator some enforcement authority for violations in shoreline jurisdiction, and this is generally understood to apply to uses or activities that require a permit under a jurisdiction's Shoreline Master Program. The City has consulted with the Washington State Department of Ecology on this issue, and while they recognize that unauthorized camping is an issue that impacts shoreline health, their guidance is that this is a larger social issue that impacts more than just shorelines and the Shoreline Management Act is not intended to nor is it the appropriate place to address it. In addition, the City Attorney's Office has determined that local jurisdictions are constrained in their ability to address these activities in the same way as other code enforcement issues. The City of Vancouver is bound by the Ninth Circuit *Martin v. City of Boise* case which restricts clearing houseless encampment sites where the individuals do not have a meaningful alternative, such as a shelter space or legal place to camp. Although project staff have found that the SMP is not the appropriate forum to address this issue, community concerns about adverse environmental impacts caused by unauthorized camping have been raised during the periodic review process.

Advantage(s)

1. Ensures compliance with the Revised Code of Washington (RCW) Chapter 90.58 and Washington Administrative Code (WAC) Chapter 173.26 governing the SMP.
2. Improves readability and usability by addressing issues of consistency and clarity, redundant or inaccurate language or process, and relevancy of regulations.

Disadvantage(s)

None

Budget Impact

No direct impacts.

Prior Council Review

- January 30, 2020 memo in lieu of a workshop
- August 3, 2020 workshop
- January 4, 2021 workshop

Action Requested

On Monday, April 19, 2021, subject to second reading and public hearing, approve the ordinance.

Cayla Cothron, Associate Planner, 360-487-7899; Keith Jones, Senior Planner, 360-487-7887

ATTACHMENTS:

- ▢ Proposed Text Changes
- ▢ Proposed Map Changes
- ▢ Summary of Proposed Changes
- ▢ February 9 Planning Commission Public Hearing Staff Report
- ▢ Washington State Department of Ecology Initial Determination of Consistency
- ▢ Ordinance
- ▢ Ordinance Exhibit 1
- ▢ Presentation

CHAPTER 2 APPLICABILITY, SHORELINE PERMITS AND EXEMPTIONS

To be authorized, all uses and development activities in shorelines shall be planned and carried out in a manner consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use is required.

2.1 Applicability

1. This Program shall apply to all of the shorelands and waters within the City limits that fall under the jurisdiction of RCW 90.58 as follows:

- a. ~~On the Columbia River from the eastern boundary of Wintler Park downstream to the eastern boundary of Parcel #153105000 (also referred to as "Port Parcel 3")~~ Shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this Program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58 only;

- i. On all lands along the Columbia River from the eastern boundary of Wintler Park downstream to the Vancouver Lake Flushing Channel, and;

- ii. On shorelines designated Medium or High Intensity.

On all other shorelines regulated by this Program, shoreline jurisdiction includes those areas described in 2.1.1(a) and the full extent of the 100-year floodplain. shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways; the full extent of the floodplain; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this Program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

- b. In addition to lands identified in Section 2.1(1)(a) and (b), shorelands shall include land necessary for buffers for critical areas that occur within shorelines of the state.
- c. In accordance with RCW 35.21.160, where the City is bounded by a river, lake, or other navigable water, the City's shoreline jurisdiction extends to the middle of that river, lake, or navigable water.

- d. The City is pre-designating shorelines within its adopted Urban Growth Area (UGA). Until annexation, development in these areas will continue to be regulated by the Clark County Shoreline Master Program (SMP). The City's SMP will apply upon annexation and no additional procedures will be required by Ecology at the time of annexation (WAC 173-26-150) unless a re-designation is occurring per Section 4.4.5 and Table 4-1.
 - e. An unofficial copy (see Section 4.4.2) of the Shoreline Map for the City and its UGA is shown in Appendix A.
 - f. Shorelines of Statewide Significance:
 - i. Columbia River
 - ii. Vancouver Lake
 - g. Shorelines of the State:
 - i. Burnt Bridge Creek
 - ii. Fifth Plain Creek
 - iii. Lacamas Creek
 - iv. Salmon Creek
 - v. Mill Creek
 - vi. Curtin (Glenwood) Creek
 - vii. Lake River
 - viii. Unnamed Lake 02
2. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not are subject to the provisions of this Program.
3. This Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act; and within the external boundaries of federally owned lands (including but not limited to, private in-holdings in national wildlife refuges).

4. Non-federal agency actions undertaken on federal lands must comply with this Program and the Act.
5. Shoreline development occurring in or over navigable waters may require a shoreline permit in addition to other approvals required from state and federal agencies.
6. This Program shall apply whether the proposed development or activity is exempt from a shoreline permit or not.
7. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this Program shall affect any rights established by treaty to which the United States is a party.

2.1.1 Developments Not Subject to the Shoreline Management Act Required to Obtain Shoreline Permits or Local Reviews

1. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this Program shall affect any rights established by treaty to which the United States is a party.
2. Environmental excellence program agreements entered into under RCW [43.21K](#) (RCW [90.58.045](#)).

Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review conducted by a local government to implement this Program do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issues pursuant to chapter 70.105D RCW, or to Ecology when it conducts a remedial action under chapter 70.105D RCW.
2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

2.2 Shoreline Substantial Development Permit Required

1. Substantial development as defined by this program and RCW 90.58.030 shall not be undertaken by any person on the shorelines of the state without first obtaining a substantial development permit from the Shoreline Administrator, unless the use or development is specifically identified as exempt from a substantial development permit, in which case a letter of exemption is required.
2. The Shoreline Administrator may grant a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW 90.58, the provisions of WAC 173-27, and this Program.

2.3 Exemptions from a Shoreline Substantial Development Permit

2.3.1 General Requirements

1. Except as specifically ~~exempted~~ excepted by statute (Section 2.1.1), all proposed uses and development occurring within shoreline jurisdiction must conform to the Act and this Program.
2. Uses and developments that are not considered substantial developments pursuant to RCW 90.58.030(3)(e), WAC 173-27-040, and Section 2.3.2 of this Program shall not require a substantial development permit but shall conform to the policies and regulations of this Program and the Act and shall obtain a Statement of Exemption (Sections 2.3.3 and 7.2.7-4.2).
3. A use or development that is listed as a conditional use pursuant to this Program or is an unclassified use or development must obtain a conditional use permit (Section 2.7 and 7.2.9-4.4) even if the development or use does not require a substantial development permit.
4. When a development or use is proposed that does not meet the bulk, dimensional, and/or performance standards of this Program, such development or use shall only be authorized by approval of a shoreline variance (Section 2.6 and 7.2.10-4.5) even if the development or use does not require a substantial development permit.
5. If a shoreline substantial development permit is required for any part of a proposed development, then a shoreline substantial development permit is required for the entire proposed development project.
6. Exemptions from the requirement to obtain a shoreline substantial development permit shall be construed narrowly. Only those developments that meet the

precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

7. The burden of proof that a development or use is exempt from the requirement to obtain a shoreline substantial development permit is on the applicant for the development action.

2.3.2 List of Exemptions

The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit but shall obtain a statement of exemption, as provided for in Section 2.3.3.

1. Any development of which the total cost or fair market value does not exceed ~~seven~~ ~~five~~ thousand, seven hundred, eighteen dollars ~~forty-seven~~ (\$~~5,7187,047~~.00) or as adjusted by the State Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 ~~(32)(ee)~~. The total cost or fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment or materials.
2. Normal maintenance or repair of existing legally-established structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
3. Construction of a normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an

existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State Department of Fish and Wildlife.

4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or this Program, shall be obtained. All emergency construction shall be consistent with the policies and requirements of this chapter 90.58 RCW and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.
6. Construction or modification of navigational aids such as channel markers and anchor buoys.
7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence or appurtenance for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level, and which meets all requirements of the City, other than requirements imposed pursuant to chapter 90.58 RCW. Construction authorized under this exemption shall be located landward of the ordinary high water mark.
8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract

purchaser of a single-family or multiple-family residence. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies in fresh waters when the fair market value of the dock does not exceed:

- a. Twenty-two thousand five hundred ~~ten thousand~~ dollars (\$22,500 ~~10,000.00~~); or as adjusted by the State Office of Financial Management for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or
- b. Eleven thousand two hundred dollars (\$11,200) or as adjusted by the State Office of Financial Management for all other docks constructed in fresh waters.

but However, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.
10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, that were created, developed or utilized primarily as a part of an agricultural drainage or diking system.
12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - a. The activity does not interfere with the normal public use of surface waters;
 - b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity; and
 - d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial

responsibility to the local jurisdiction to assure that the site is restored to pre-existing conditions.

13. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control published by the Departments of Agriculture or Ecology jointly with other state agencies under RCW 43.21C.
 14. Watershed restoration projects as defined in RCW 89.08.460. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
 15. A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark (RCW 90.58.580(3)).
 16. Other than conversions to non-forest land use, forest practices regulated under RCW 76.09 are not subject to additional regulations under the Act or this Program (90.58.030(2)(d)(ii)).
 17. The holder of a certification from the governor pursuant to chapter 80.50 RCW (certification from the State Energy Facility Site Evaluation Council) shall not be required to obtain a permit under this Program (90.58.140(9)).
 15. ~~18.~~ A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:
 - a. The project has been approved by WDFW;
 - b. The project has received hydraulic project approval (HPA) by WDFW pursuant to RCW 77.55; and
 - c. The City has determined that the project is substantially consistent with the local shoreline master program. The City shall make such determination in a timely manner and provide it by letter to the project applicant.
- Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with this Program.
19. Hazardous substance remedial actions pursuant to a consent decree, order, or agreed order issued under RCW 70.105(D) and 90.58.355 are exempt from the requirement to obtain a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance under this Program.

16. The external or internal retrofitting of an existing structure for the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities (RCW 90.58.030).

2.3.3 Statements of Exemption

1. Any person claiming exemption from the substantial development permit requirements shall make an application to the Shoreline Administrator for such an exemption in the manner prescribed by the Shoreline Administrator. A written statement of exemption is required for emergency development after the emergency has been abated. The property owner, person, or agency undertaking the emergency action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to shoreline ecological functions resulting from the emergency action. Restoration and/or mitigation activities must be initiated within three months of the date of ~~ent the~~ emergency or as otherwise determined by the Shoreline Administrator, and completed in a timely manner.
2. The Shoreline Administrator is authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in Section 2.3.2. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the Shoreline Administrator's analysis of the consistency of the project with this Program and the Act. ~~The letter shall be sent to the applicant and maintained on file in the offices of the Shoreline Administrator.~~
3. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this Program and Act.
4. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial.
5. ~~The letter shall be sent per section 7.4.2.~~
6. ~~5.~~ The Shoreline Administrator's decision on a statement of exemption may be appealed in accordance with the procedures in Section 7.4.8.
7. ~~6.~~ Exempt activities shall not be conducted until a statement of exemption has been obtained from the Shoreline Administrator.

2.4 Prohibited Uses

The following modifications and uses are prohibited in all shoreline designations and are not eligible for review as a shoreline conditional use or shoreline variance. See Chapter 8 or VMC 14.26 110 (indicated) for definitions of the following modifications and uses:

1. Uses not otherwise allowed in the underlying zoning district;
2. Parking as a primary use;
3. Discharge of potentially harmful materials, including but not limited to solid wastes, liquid wastes, and untreated effluents;
4. Solid waste, radioactive waste or hazardous material disposal sites (VMC 14.26.110);
5. Sewage disposal cesspools (VMC 14.26.110);
6. Chemical lagoons and pits (VMC 14.26.110);
7. Outdoor wood preservation operations (VMC 14.26.110);
8. Hard chrome plating operations (VMC 14.26.110);
9. Speculative fill;
10. Dredging or dredge material disposal in wetlands or to construct land canals or small basins for boat moorage or launching, water ski landings, swimming holes or other recreational activities;

2.5 Nonconforming Uses and Development

2.5.1 Existing Uses and Development

Existing uses, structures and lots legally established prior to the effective date of this Program are allowed to continue. Where lawful uses, structures and lots exist that could not be established under the terms of this Program, such uses, structures and lots are deemed nonconforming and are subject to the provisions of this section, unless specific exceptions are provided for in Sections 2.5.2, 2.5.3, or 2.5.4.

2.5.2 Nonconforming Uses

1. Additional development of any property on which a nonconforming use exists shall require that all new uses conform to this Program and the Act.
2. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that the use does not change or intensify.
3. If a nonconforming use is converted to a conforming use, a nonconforming use may not be resumed.
4. When the operation of a nonconforming use is vacated or abandoned for a period of twelve (12) consecutive months, the nonconforming use rights shall be deemed

extinguished and the future use of such property shall be in accordance with the permitted and conditional use regulations of this Program.

5. If a conforming building housing a nonconforming use is damaged by fire, flood, explosion, or other natural disaster and the damage is less than sixty percent (60%) of the replacement cost of the structure or development, such use may be resumed at the time the building is repaired; provided, such restoration shall be undertaken within twelve (12) months following said damage.
6. Normal maintenance and repair of a structure housing a nonconforming use may be permitted provided all work is consistent with the provisions of this Program.
7. Floating homes legally established prior to January 1, 2011 are considered conforming preferred uses, subject to RCW 90.58.270 and the requirements in Section 6.3.11.

2.5.3 Nonconforming Structures

1. A nonconforming building or structure may be maintained or repaired, provided such improvements do not extend or expand the nonconformity of such building or structure and are consistent with the provisions of this Program, unless required by other law or ordinance.
2. If a nonconforming structure or development is damaged by fire, flood, explosion, or other natural disaster and the damage is less than sixty percent (60%) of the replacement cost of the structure or development, it may be restored or reconstructed to those configurations existing at the time of such damage, provided:
 - a. The reconstructed or restored structure will not cause additional adverse effects to adjacent properties or to the shoreline environment;
 - b. The rebuilt structure or portion of structure shall not expand the original footprint or height of the damaged structure;
 - c. No degree of relocation shall occur, except to increase conformity or to increase ecological function, in which case the structure shall be located in the least environmentally damaging location possible;
 - d. The submittal of applications for permits necessary to restore the development is initiated within twelve (12) months of the damage. The Shoreline Administrator may waive this requirement in situations with extenuating circumstances;
 - e. The reconstruction is commenced within one (1) year of the issuance of permit;

- f. The Shoreline Administrator may allow a one (1) year extension provided consistent and substantial progress is being made; and
 - g. Any residential structures, including multifamily structures, may be reconstructed up to the size, placement and density that existed prior to the damage, so long as other provisions of this Program are met.
3. Notwithstanding the foregoing, on the Columbia River shoreline from the eastern boundary of Wintler Park downstream to the railroad bridge, structures existing or for which shoreline substantial development permits or shoreline conditional use permits were formally approved and construction was not yet begun or completed as of the effective date of this Program are considered conforming.
4. Legally established residences and appurtenant structures located landward of the OHWM which are used for a conforming use, but do not meet the standards of the Program are considered conforming structures, subject to RCW 90.58.620 and the requirements in section 6.3.11.

2.5.4 Nonconforming Lots

Legally established, nonconforming, undeveloped lots located landward of the ordinary high water mark are buildable, provided that all new structures or additions to structures on any nonconforming lot must meet all setback, height and other construction requirements of the Program and the Act.

2.6 Shoreline Variance

1. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant or thwart the policies set forth in the Act and this Program.
2. When a shoreline variance is requested, the City Hearing Examiner shall be the final approval authority for the City (Section 7.4.5). However, shoreline variances must have approval from Ecology, which shall have final approval authority. (Section 7.4.10(2)) Shoreline variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA (RCW 90.58.020). In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
3. The Shoreline Administrator is authorized to recommend a variance from the performance standards of this Program only when all of the following criteria are met (WAC 173-27-170):
 - a. That the strict application of the bulk, dimensional or performance standards set forth in this Program precludes, or significantly interferes with, reasonable use of the property;

- b. That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this Program, and not, for example, from deed restrictions or the applicant's own actions;
 - c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Program and will not cause adverse impacts to the shoreline environment;
 - d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - e. That the variance requested is the minimum necessary to afford relief; and
 - f. That the public interest will suffer no substantial detrimental effect.
4. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:
- a. That the strict application of the bulk, dimensional or performance standards set forth in this Program precludes all reasonable use of the property;
 - b. That the proposal is consistent with the criteria established under subsection (3)(b) through (f) of this section; and
 - c. That the public rights of navigation and use of the shorelines will not be adversely affected.
5. The burden of proving that a proposed shoreline variance meets the criteria of this program shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
6. In the granting of all shoreline variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area.
7. Before making a recommendation to grant a shoreline variance, the City shall consider issues related to the conservation of valuable natural resources, and the protection of views from nearby public roads, surrounding properties and public areas.
8. A variance from City development code requirements shall not be construed to mean a shoreline variance from use regulations in this Program, and vice versa.
9. Shoreline variances may not be used to permit a use or development that is specifically prohibited in a shoreline designation.

2.7 Shoreline Conditional Use Permit

1. The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of this Program in a manner that will be consistent with the policies of the Act and this Program, particularly where denial of the application would thwart the policies of the Act.
2. When a conditional use is requested, the City Hearing Examiner shall be the final approval authority for the City (Section 7.4.4). However, shoreline conditional uses must have approval from Ecology, which shall have final approval authority under WAC 173-27-200 (Section 7.4.10(2)).
3. Conditional use permits shall be authorized only when they are consistent with the following criteria:
 - a. The proposed use is consistent with the policies of RCW 90.58.020, WAC 173-27-160 and all provisions of this Program;
 - b. The use will not interfere with normal public use of public shorelines;
 - c. The proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this Program;
 - d. The proposed use will cause no significant adverse effects to the shoreline designation in which it is to be located; and
 - e. The public interest will suffer no substantial detrimental effect; and
 - f. Consideration has been given to cumulative impact of additional requests for like actions in the area.
4. Other uses not specifically identified in this Program are considered “unclassified uses” and may be authorized through a conditional use permit if the applicant can demonstrate that the proposed use is consistent with the purpose of the shoreline designation and compatible with existing shoreline improvements.
5. Uses specifically prohibited by this Program shall not be authorized through a shoreline conditional use permit.
6. The burden of proving that a proposed shoreline conditional use meets the criteria of this Program and WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
7. The City is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

CHAPTER 3 SHORELINE MASTER PROGRAM GOALS AND POLICIES

This chapter describes overall Program goals and policies. The general regulations in Chapters 5 and 5A and the specific use regulations in Chapter 6 are the means by which these goals and policies are implemented.

3.1 General Shoreline Goals

The general goals of this Program are to:

1. Use the full potential of shorelines in accordance with the opportunities presented by their relationship to the surrounding area, their natural resource values, and their unique aesthetic qualities offered by water, topography, and views; and
2. Develop a physical environment that is both ordered and diversified and which integrates water and shoreline uses while achieving a net gain of ecological function.

3.2 Shorelines of Statewide Significance

Within the City of Vancouver, the Columbia River and Vancouver Lake are designated shorelines of statewide significance (SSWS). Shorelines of statewide significance are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

1. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:
 - a. Recognize and protect the statewide interest over local interest;
 - b. Preserve the natural character of the shoreline;
 - c. Result in long term over short term benefit;
 - d. Protect the resources and ecological function of the shoreline;
 - e. Increase public access to publicly-owned areas of the shorelines;
 - f. Increase recreational opportunities for the public in the shoreline; and
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
2. Uses that are not consistent with these policies should not be permitted on SSWS.
3. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.

4. Implementation of restoration projects on shorelines of statewide significance should take precedence over implementation of restoration projects on other shorelines of the state.
5. Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by 1) restricting or prohibiting development that would irretrievably damage shoreline resources, and 2) evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

3.3 Archaeological, Historic, and Cultural Resources

3.3.1 Goal

The goal for archaeological, historic, and cultural resources is to preserve and prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value. Such sites include those identified by affected Indian tribes, the Department of Archaeology and Historic Preservation, Clark County Historic Preservation Commission, and other appropriate authorities.

3.3.2 Policies

1. Identify, protect, preserve, and restore important archaeological, historic, and cultural sites located in shorelands of the state for educational, scientific, and enjoyment of the general public.
2. Where appropriate, make access to such sites available to parties of interest, provided that access to such sites be designed and managed in a manner that protects the resource.
3. Historical and cultural sites should be acquired so as to ensure their protection and preservation.
4. Encourage projects and programs that foster a greater appreciation of shoreline management, local history, maritime activities, environmental conservation, and maritime history.
5. Continue to contribute to the state and local inventory of archaeological sites enhancing knowledge of local history and understanding of human activities.

3.4 Conservation

3.4.1 Goal

The goal of conservation is to protect shoreline resources, vegetation, important shoreline features, shoreline ecological functions and the processes that sustain them to the maximum extent practicable.

3.4.2 Policies

1. Shorelines that support high value habitat or high quality associated wetlands should be considered for the highest level of protection to remain in an unaltered condition.
2. Impacts to critical areas should first be avoided, and where unavoidable, minimized and mitigated to result in no net loss of watershed processes and shorelines functions.
3. Management practices for natural resources (including agriculture, timber and mining) in shoreline areas should be developed and implemented to ensure the preservation of non-renewable resources, including unique, scenic and ecologically sensitive features, wetlands, and wildlife habitat.
4. Priority should be given to proposals to create, restore or enhance habitat for priority species in terms of administrative and regulatory assistance.
5. Regulatory, non-regulatory, and incentive programs should all be used for the protection and conservation of wildlife habitat areas. Emphasize policies and standards to protect and conserve critical areas as larger blocks, corridors or interconnected areas rather than in isolated parcels.
6. Encourage the retention of existing vegetation along shorelines and where removal is unavoidable for physical or visual access to the shoreline, limit alteration such that habitat connectivity is maintained, degraded areas are restored, and the health of remaining vegetation is not compromised.

3.5 Economic Development

3.5.1 Goal

The goal for economic development is to create and maintain an economic environment that is balanced with the natural and human environment.

3.5.2 Policies

1. Current economic activity that is consistent with the policies of this SMP should continue to be supported.

2. Healthy economic growth is allowed and encouraged through those economic activities that will be an asset to the local economy and which will result in the least possible adverse effect on the quality of the shoreline and downstream environments.
3. New water-oriented industrial, commercial, and resource-based activities that will not harm the quality of the site's environment, adjacent shorelands, or water quality are encouraged along the shoreline.
4. As an economic asset, the recreation industry should be encouraged along shorelines in a manner that will enhance the public enjoyment of shorelines, consistent with protection of critical areas and cultural resources.
5. Existing non-water-oriented commercial, industrial, and resource-based activities located in the shoreline jurisdiction are encouraged to protect watershed processes and shoreline ecological functions.

3.6 Flood Prevention and Flood Damage Minimization

3.6.1 Goal

The goal for flood hazards is to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

3.6.2 Policies

1. All shoreline development should be located, designed, and constructed to prevent flood damage and to the extent possible be located outside of shoreline jurisdiction.
2. **1.** Flood management works should be located, designed, constructed and maintained to protect:
 - a. The physical integrity and other properties of the shoreline and other properties that may be damaged by alterations of the geo-hydraulic system;
 - b. Water quality and natural ground water movement;
 - c. Fish, vegetation, and other life forms and their habitat vital to the aquatic food chain; and
 - d. Recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.
3. **2.** Non-structural flood hazard reduction measures are preferred to structural measures. Flood hazard reduction measures should be accomplished in a manner that ensures no net loss of shoreline ecological functions and ecosystem-wide processes.

4. ~~3.~~ Flood protection measures that result in channelization and/or reduction in shoreline ecological function should be avoided.
5. ~~4.~~ Proposals for shoreline protection should clearly demonstrate that life, property, and natural resource values within the stream system will not be endangered.
6. ~~5.~~ When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.
7. ~~6.~~ New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

3.7 Public Access and Recreation

3.7.1 Goal

The goal of public access and recreation is to increase the ability of the general public to enjoy the water's edge, travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

3.7.2 Policies

1. Provide, protect, and enhance a public access system that is both physical and visual; utilizes both private and public lands; increases the amount and diversity of public access to the State's shorelines and adjacent areas; and is consistent with the shoreline character and functions, private rights, and public safety.
2. Increase and diversify recreational opportunities by promoting the continued public acquisition of appropriate shoreline areas for public use, and develop recreation facilities so that they are distributed throughout the community to foster convenient access.
3. Locate public access and recreational facilities in a manner that encourages variety, accessibility, and connectivity in a manner that will preserve the natural characteristics and functions of the shoreline.
4. Encourage public access provisions consistent with adopted City and County trails plans.
5. Encourage public access as part of each development project by a public entity, and for all private development (except residential development of less than four parcels), unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

6. Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, public health, and safety, or is necessary to a proposed beneficial use.
7. Consider private rights, public safety, and protection of shoreline ecological functions and processes when providing public access and recreational opportunities.

3.8 Restoration

3.8.1 Goal

The goal of restoration is to re-establish, rehabilitate and/or otherwise improve impaired shoreline ecological functions and/or processes through voluntary and incentive-based public and private programs and actions that are consistent with the Shoreline Restoration Plan and other approved restoration plans.

3.8.2 Policies

1. Shorelines that are biologically degraded should be reclaimed and restored to the greatest extent feasible. Implementation of restoration projects identified in the Shoreline Restoration Plan that are focused on restoring degraded habitat in shoreline jurisdiction take precedence over other restoration projects. Implementation of restoration projects on shorelines of statewide significance take precedence over implementation of restoration projects on other shorelines of the state.
2. Restoration strategies should be developed and implemented such that ecosystem processes are sustainable in the long-term.
3. Restoration of shoreline ecological functions should be encouraged during redevelopment.
4. Restoration efforts should include retrofitting existing stormwater control facilities to improve water quality.
5. Restoration efforts should consider a focus on floodplain and channel migration zone reconnection where rivers are confined by levees.
6. Restoration projects should have adaptive management techniques including adjusting the project design, correcting problems (barriers to success), and implementing contingency measures.
7. Eradication of invasive species, including noxious weeds and non-native species, should be undertaken as needed.
8. Planting of vegetation that enhances shoreline ecological function should be encouraged.

9. Education programs should be developed for:
 - a. Property owners about proper vegetation/landscape maintenance and the impacts of shore armoring and over-water structures; and
 - b. Boaters about proper waste disposal methods, anchoring techniques, best boating practices, and the State's invasive species inspection program pursuant to RCW 77.15.290.
10. Cooperative restoration actions involving local, state, and federal agencies, Native American tribes, non-government organizations, and landowners should be encouraged.

3.9 Shoreline Modification and Stabilization

3.9.1 Goal

The goal for shoreline modification and stabilization is to avoid or minimize the need for shoreline armoring along shorelines of the state, and when it is necessary, achieve it in a way that best protects ecosystem processes, shoreline ecological functions, and downstream properties.

3.9.2 Policies

1. New developments should be located in such a manner as to not require shoreline stabilization measures.
2. When necessary, natural, non-structural shoreline stabilization measures are preferred over structural stabilization measures. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
 - a. No action;
 - b. Flexible stabilization works constructed of natural materials, including soft shore protection, bioengineering, beach nourishment, protective berms, or vegetative stabilization;
 - c. Rigid works constructed of structural materials such as riprap or concrete.
3. Allow new or expanded structural shore stabilization, including bulkheads, only where it is demonstrated to be necessary to protect an existing primary structure that is in danger of loss or substantial damage, and where such structures and structural stabilization would not cause a net loss of shoreline ecological functions and processes.
4. Shoreline stabilization should be located and designed to accommodate the physical character and hydraulic energy potential of a specific shoreline reach, which may differ substantially from adjacent reaches.

5. Provisions for multiple use, restoration, and/or public shore access should be incorporated into the location, design and maintenance of shore stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shoreline stabilization on publicly owned shorelines should not be allowed to decrease long-term public use of the shoreline.
6. Shoreline stabilization projects should be developed in a coordinated manner among affected property owners and public agencies within a reach where feasible, particularly those that cross jurisdictional boundaries, to address ecological and geo-hydraulic processes and sediment conveyance.
7. Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed or replaced to restore shoreline ecological functions and processes.
8. Larger works such as jetties, breakwaters, weirs, or groin systems should be permitted only for water-dependent uses and where mitigated to provide no net loss of shoreline ecological functions and processes.
9. Lower impact structures, including floating, portable or submerged breakwater structures, or several smaller discontinuous structures, are preferred over higher impact structures.
10. Encourage and facilitate levee setback (including but not limited to, pulling back an existing levee to allow for a larger floodplain area contiguous to a water body), levee removal, and other shoreline enhancement projects.
11. Materials used for construction of shoreline stabilization should be selected for durability, ease of maintenance, and compatibility with local shoreline features.
12. Development and shoreline modifications that would result in interference with the process of channel migration that may cause significant adverse impacts to property or public improvements and/or result in a net loss of shoreline ecological functions within the rivers and streams should be limited.

3.10 Shoreline Use and Development

3.10.1 Goal

The goal for shoreline use and development is to balance the preservation and development of shorelines in a manner that allows for mutually compatible uses. Resulting land use patterns will be compatible with shoreline designations and sensitive to and compatible with ecological systems and other shoreline resources. To help with this balance, shoreline and water areas with unique attributes for specific long term uses such as commercial, residential, industrial, water, wildlife, fisheries, recreational and open space shall be identified and reserved.

3.10.2 Policies

1. Uses in shorelines and water areas shall be allowed in the following priority order:
 - a. Water-dependent uses;
 - b. Water-related uses; and
 - c. Water-enjoyment uses.
2. Uses, activities, and facilities should be located on shorelines in such a manner as to:
 - a. Retain or improve the quality of shoreline ecological function;
 - b. Respect the property rights of others;
 - c. Ensure that proposed shoreline uses do not create risk or harm to neighboring or downstream properties; and
 - d. Preserve and/or restore, to the maximum reasonable extent, the shoreline's natural features and functions in conjunction with any redevelopment or revitalization project.
3. The following are encouraged in shoreline areas:
 - a. Uses that enhance their specific areas or employ innovative features for purposes consistent with this program;
 - b. The redevelopment of any area not suitable for preservation of natural features, based on its shoreline designation, with an emphasis on public access;
 - c. Master planning for large sites or projects;
 - d. Shared uses and joint use facilities in shoreline developments;
 - e. Uses that allow for or incorporate restoration of shoreline areas that are degraded as a result of past activities or events; and
4. Uses proposed on lands adjacent to but outside of immediate shoreline jurisdiction should be consistent with the intent of this Program and should not adversely impact shoreline ecological functions.

3.11 Transportation, Utilities, and Institutional Facilities

3.11.1 Goal

The goal for transportation, utilities, and institutional facilities is to provide for these facilities in shoreline areas without adverse effects on existing shoreline use and development or shoreline ecological functions and/or processes.

3.11.2 Policies

1. Locate institutional facilities, utilities and circulation systems that are not shoreline-dependent outside of the shoreline jurisdiction to the maximum extent possible to reduce interference with either natural shoreline ecological functions or other appropriate shoreline uses.
2. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will have the least possible adverse effect on shoreline ecological function and existing ecological systems, while contributing to the visual enhancement of the shoreline.
3. Protect, manage, and enhance those characteristics of shoreline transportation corridors that are unique or have historic significance or aesthetic quality for the benefit and enjoyment of the public.
4. Devote roads within the shoreline jurisdiction to low volume local access routes and shoreline public access.
5. Encourage alternate modes of travel and provide multiple-use transportation corridors where compatible if shoreline transportation development is necessary.
6. Locate utility and transportation corridors to avoid creating barriers between adjacent uplands and the shoreline and to harmonize with the topography and other natural characteristics of the shoreline.
7. When new utility and transportation facilities are developed in the shoreline jurisdiction, protect, enhance, and encourage development of physical and visual shoreline public access.
8. Where feasible, relocate existing utility and transportation facilities, such as transmission lines, rail lines, or freeways that limit public shoreline access or other shoreline uses and convert such rights-of-way to new public access routes.
9. Utilities and transportation facilities should be installed and facilities designed and located in a coordinated manner that protects the shorelands and water from contamination and degradation.

3.12 Views and Aesthetics

3.12.1 Goal

The goal for views and aesthetics is to assure that the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water, is protected to the greatest extent feasible.

3.12.2 Policies

1. Identify and encourage the protection of scenic vistas and areas where the shoreline has high aesthetic value.
2. Encourage development within the shoreline area that, provides visual and physical linkage to the shoreline, and enhances the waterfront.
3. Encourage development design that minimizes adverse impacts on views enjoyed by a substantial number of residences.
4. Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views.

3.13 Water Quality and Quantity

3.13.1 Goal

The goal for water quality and quantity is to maintain or enhance shoreline ecological functions and to protect and enhance the quality and quantity of the region's water resources to ensure there is safe, clean water for the public's needs and enjoyment.

3.13.2 Policies

1. Encourage the location, construction, operation, and maintenance of shoreline uses, developments, and activities to be focused on maintaining or improving the quality and quantity of surface and ground water over the long term.
2. Minimize, through effective education, site planning, and best management practices, the inadvertent release of chemicals, activities that cause erosion, stormwater runoff, and faulty on-site sewage systems that could contaminate or cause adverse effects on water quality.
3. Encourage the maintenance and restoration of appropriate vegetative buffers along surface waters to improve water temperature and reduce the adverse effects of erosion and runoff.

CHAPTER 4 SHORELINE DESIGNATIONS

4.1 Introduction

The intent of assigning shoreline designations to specific geographies is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given a shoreline designation based on existing development patterns, natural capabilities and limitations, and the vision of the City. The shoreline designations are intended to work in conjunction with the comprehensive plan and zoning.

Management policies are an integral part of the shoreline designations and are used for determining uses and activities that can be permitted in each shoreline designation. Development regulations specify how and where permitted development can take place within each shoreline designation and govern height and setback.

4.2 Authority

1. Local governments are required under the State Shoreline Management Act of 1971 (RCW 90.58) and the Shoreline Master Program Guidelines (WAC 173-26) to develop and assign a land use categorization system known as “shoreline environment designations” for shoreline areas as a basis for effective shoreline master programs. For purposes of this Program “shoreline designation” is used in place of the term “shoreline environment designation” referred to in WAC 173-26.
2. The method for local government to account for different shoreline conditions is to assign a shoreline designation to each distinct shoreline section in its jurisdiction. The shoreline designation assignments provide the framework for implementing shoreline policies and regulatory measures for environmental protection, use provisions, and other regulatory measures specific to each shoreline designation.

4.3 Shoreline Designations

The City classification system consists of shoreline designations that are consistent with and implement the Act (RCW 90.58), the Shoreline Master Program Guidelines (WAC 173-26) and the City of Vancouver Comprehensive Plan. These designations have been assigned consistent with the corresponding criteria provided for each shoreline designation. In delineating shoreline designations, the City aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. All the shoreline designations, even if they are not applied within the City limits or urban growth area are listed here to maintain consistency countywide (See Sections 4.4.5 and 6.2), and are defined in the following sections:

1. Aquatic;

2. Natural;
3. Urban Conservancy;
4. Medium Intensity;
5. High Intensity;

The following shoreline designations are not applied within City limits or the urban growth area:

6. Rural Conservancy – Residential; and
7. Rural Conservancy – Resource Lands.

4.3.1 Aquatic Shoreline Designation

4.3.1.1 Purpose

The purpose of the “Aquatic” shoreline designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark (OHWM).

4.3.1.2 Designation Criteria

An Aquatic shoreline designation is assigned to lands and waters waterward of the ordinary high-water mark.

4.3.1.3 Areas Designated

The Aquatic shoreline designation applies to areas as shown on a copy of the Unofficial Shoreline Map in Appendix A.

4.3.1.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. New over-water structures should be allowed only for water-dependent uses, public access, recreation, or ecological restoration.
2. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and natural hydrographic conditions.
3. In-water uses should be allowed where impacts can be mitigated to ensure no net loss of shoreline ecological functions. Permitted in-water uses must be managed to avoid impacts to shoreline ecological functions. Unavoidable impacts must be minimized and mitigated.

4. On navigable waters or their beds, all uses and developments should be located and designed to:
 - a. Minimize interference with surface navigation;
 - b. Consider impacts to public views; and
 - c. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
5. Multiple or shared use of over-water and water access facilities should be encouraged to reduce the impacts of shoreline development and increase effective use of water resources.
6. Structures and activities permitted should be related in size, form, design, and intensity of use to those permitted in the immediately adjacent upland area. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
7. Natural light should be allowed to penetrate to the extent necessary to discourage salmonid predation and to support nearshore habitat unless other illumination is required by state or federal agencies.
8. Aquaculture practices should be encouraged in those waters and beds most suitable for such use. Aquaculture should be discouraged where it would adversely affect the strength or viability of native stocks or unreasonably interfere with navigation.
9. When shoreline uses, development, activities, and modifications in the Aquatic shoreline designation require use of adjacent landward property, that landward property should be in a shoreline designation that allows that use, development, activity or modification.
10. Over-water structures constructed prior to the adoption of this Program and located from the Interstate 5 Bridge downstream to the railroad bridge (a portion of the Columbia River Shoreline Enhancement Plan District) may be used for water-dependent, water related and/or water enjoyment commercial uses.
 - a. Permitted development should include designs that are reflective of the local history and/or prior structures on the site.
 - b. Shoreline uses and modifications should be consistent with the policies set forth in the Vancouver City Center Vision (VCCV) Subarea Plan, including providing public access to the shoreline.

4.3.2 Natural Shoreline Designation

4.3.2.1 Purpose

The purpose of the “Natural” shoreline designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline ecological functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, restoration of degraded shorelines within this environment is appropriate.

4.3.2.2 Designation Criteria

The following criteria should be considered in assigning a Natural shoreline designation:

1. The shoreline’s ecological functions are substantially intact and have a high opportunity for preservation and low opportunity for restoration;
2. The shoreline is generally in public or conservancy ownership or under covenant, easement, or a conservation tax program.
3. The shoreline contains little or no development, or is planned for development that would have minimal adverse impacts to ecological functions or risk to human safety;
4. There are low-intensity agricultural uses, and no active forestry or mining uses;
5. The shoreline has a high potential for low-impact or passive or public recreation and is planned for park or open space uses as part of the comprehensive plan; or
6. The shoreline is considered to represent ecosystems and geologic types that have high scientific and educational value.

4.3.2.3 Areas Designated

The Natural shoreline designation applies to areas as shown on a copy of the Unofficial Shoreline Map in Appendix A.

4.3.2.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. Any use that would substantially degrade the shoreline ecological functions or natural character of the shoreline area should not be allowed.
2. Scientific, historical, cultural, educational research uses, and low-impact, passive recreational uses may be allowed provided that ecological functions remain intact.

3. Vegetation should remain undisturbed except for removal of noxious vegetation and invasive species. Proposed subdivision or lot line adjustments, new development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
4. Uses that would deplete physical or biological resources or impair views to or from the shoreline over time should be prohibited.
5. Only physical alterations that serve to protect a significant or unique physical, biological or visual shoreline feature that might otherwise be degraded or destroyed; or those alterations that are the minimum necessary to support a permitted use should be allowed.
6. Only the following types of signs should be considered for location in the shorelines: interpretive, directional, navigational, regulatory, and public safety.

4.3.3 Urban Conservancy Shoreline Designation

4.3.3.1 Purpose

The purpose of the “Urban Conservancy” shoreline designation is to protect and restore shoreline ecological functions of open space, floodplains, and other sensitive lands, where they exist in urban and developed settings, while allowing a variety of compatible uses.

4.3.3.2 Designation Criteria

The following criteria are used to consider an Urban Conservancy shoreline designation:

1. The shoreline is located within incorporated municipalities and designated urban growth areas;
2. The shoreline has moderate to high ecological function with moderate to high opportunity for preservation and low to moderate opportunity for restoration, or low to moderate ecological function with moderate to high opportunity for restoration;
3. The shoreline has open space or critical areas that should not be more intensively developed;
4. The shoreline is not highly developed and is likely in recreational use. The shoreline has the potential for development that is compatible with ecological restoration. The shoreline is planned for a park, as open space, or for a Master Planned Resort;
5. The shoreline has moderate to high potential for low-impact, passive or active water-oriented recreation where shoreline ecological functions can be maintained or restored.

4.3.3.3 Areas Designated

The Urban Conservancy shoreline designation applies to areas as shown on a copy of the Unofficial Shoreline Map in Appendix A.

4.3.3.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. Uses that preserve the natural character of the area or promote preservation of open space or critical areas either directly or over the long term should be the primary allowed uses. Uses that result in restoration of shoreline ecological functions should be allowed if the use is otherwise compatible with the purpose of the Urban Conservancy shoreline designation and the setting.
2. Single family residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.
3. Encourage regulations that limit lot coverage, provide adequate setbacks from the shoreline, promote vegetation conservation, reduce the need for shoreline stabilization and maintain or improve water quality to ensure no net loss of shoreline ecological functions.
4. Public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated.
5. Thinning or removal of vegetation should be limited to that necessary to
 - a. Remove noxious vegetation and invasive species;
 - b. Provide physical or visual access to the shoreline; or
 - c. Maintain or enhance an existing use consistent with critical areas protection and maintenance or enhancement of shoreline ecological functions.
6. Public access and public recreation facilities are a preferred use if they will not cause substantial ecological impacts and when restoration of ecological functions is incorporated.
7. Low intensity water-oriented commercial uses may be permitted if compatible with surrounding uses.

4.3.4 Medium Intensity Shoreline Designation

4.3.4.1 Purpose

The purpose of the “Medium Intensity” shoreline designation is to accommodate primarily residential development and appurtenant structures, but to also allow other types of development that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

4.3.4.2 Designation Criteria

The following criteria are used to consider a Medium Intensity shoreline:

1. The shoreline is located within incorporated municipalities and designated urban growth areas.
2. The shoreline has low to moderate ecological function with low to moderate opportunity for restoration;
3. The shoreline contains mostly residential development at urban densities and does not contain resource industries (agriculture, forestry, mining);
4. The shoreline is planned or platted for residential uses in the comprehensive plan; or
5. The shoreline has low to moderate potential for low-impact, passive or active water-oriented recreation where ecological functions can be restored.

4.3.4.3 Areas Designated

The Medium Intensity shoreline designation applies to areas as shown on a copy of the Unofficial Shoreline Map in Appendix A.

4.3.4.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development such as limiting lot coverage, providing adequate setbacks from the shoreline, promoting vegetation conservation, reducing the need for shoreline stabilization and maintaining or improving water quality to ensure no net loss of ecological functions.
2. The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.

3. Public access and joint use (rather than individual) of recreational facilities should be promoted.
4. Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible, and be the minimum necessary to adequately serve existing needs and planned future development.
5. Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.
6. Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed as part of mixed use developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access or restoring degraded shorelines. Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed:
 - a. As part of mixed-use developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access or restoring degraded shorelines;
 - b. Where navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Act's objectives such as providing public access and ecological restoration; or
 - c. If the site is physically separated from the shoreline by another property or public right-of-way.

4.3.5 High Intensity Shoreline Designation

4.3.5.1 Purpose

The purpose of the “High Intensity” shoreline designation is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing shoreline ecological functions and restoring ecological functions in areas that have been previously degraded.

4.3.5.2 Designation Criteria

The following criteria are used to consider a High Intensity shoreline designation:

1. The shoreline is located within incorporated municipalities and designated urban growth areas;

2. The shoreline has low to moderate ecological function with low to moderate opportunity for ecological restoration or preservation;
3. The shoreline contains mostly industrial, commercial, port facility, mixed-use, or multi-family residential development at high urban densities and may contain industries that are not designated agriculture, forestry, or mineral resource lands in the comprehensive plan;
4. The shoreline may be or have been identified as part of a state or federal environmental remediation program;
5. The shoreline is planned or platted for high intensity uses in the comprehensive plan; or
6. The shoreline may support public passive or active water-oriented recreation where ecological functions can be restored.

4.3.5.3 Areas Designated

The High Intensity shoreline designation applies to areas as shown on a copy of the Unofficial Shoreline Map in Appendix A.

4.3.5.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development.
2. Promote infill and redevelopment in developed shoreline areas and encourage environmental remediation and restoration of the shoreline, where applicable with the goal of achieving full utilization of designated high-intensity shorelines.
3. Encourage the transition of uses from non-water-oriented to water-oriented uses.
4. Water-oriented uses are encouraged, however new non-water oriented uses may be allowed if that use has limited access to the shoreline **or and** when included in a master plan or part of a mixed-use development.

The following shoreline designations are not applied within City limits or the urban growth area:

4.3.6 Rural Conservancy – Residential Shoreline Designation

4.3.6.1 Purpose

The purpose of the “Rural Conservancy – Residential” shoreline designation is to protect shoreline ecological functions, conserve existing natural resources and valuable historic

and cultural areas in order to provide for sustained resource use, achieve natural floodplain processes, and provide recreational opportunities. Examples of uses that are appropriate in a Rural Conservancy - Residential shoreline designation include low-impact, passive recreation uses, water-oriented commercial development, and low-intensity residential development.

4.3.6.2 Designation Criteria

The following criteria are used to consider a Rural Conservancy – Residential shoreline designation:

1. The shoreline is located outside of incorporated municipalities and designated urban growth areas;
2. The shoreline has moderate to high ecological function with moderate to high opportunity for preservation and low to moderate opportunity for restoration or low to moderate ecological function with moderate to high opportunity for restoration;
3. The shoreline is not highly developed and most development is low-density residential;
4. The shoreline is planned or platted Rural Center, Rural, or Master Planned Resort;
5. The shoreline has moderate to high potential for public, water-oriented recreation where ecological functions can be maintained or restored; or
6. The shoreline has high scientific or educational value or unique historic or cultural resources value.

4.3.6.3 Areas Designated

The Rural Conservancy – Residential shoreline designation applies to areas as shown on a copy of the Unofficial Shoreline Map in Appendix A.

4.3.6.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. Uses in the Rural Conservancy – Residential shoreline designation should be limited to those that sustain the shoreline area's physical and biological resources and do not substantially degrade shoreline ecological functions or the rural or natural character of the shoreline area.
2. Residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.

3. Encourage regulations that limit lot coverage, provide adequate setbacks from the shoreline, promote vegetation conservation, reduce the need for shoreline stabilization and maintain or improve water quality to ensure no net loss of shoreline ecological functions.
4. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time are preferred uses, provided significant adverse impacts to the shoreline are avoided and unavoidable impacts are minimized and mitigated.
5. Water-oriented commercial uses should be allowed in rural centers and Master Planned Resorts only.
6. Developments and uses that would substantially degrade or permanently deplete the biological resources of the area should not be allowed.

4.3.7 Rural Conservancy – Resource Lands Shoreline Designation

4.3.7.1 Purpose

The purpose of the “Rural Conservancy – Resource Lands” shoreline designation is to protect shoreline ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use, achieve natural floodplain processes, and provide recreational opportunities. Examples of uses that are appropriate in a Rural Conservancy – Resource Lands shoreline designation include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, and other natural resource-based uses.

4.3.7.2 Designation Criteria

The following criteria are used to consider a Rural Conservancy – Resource Lands shoreline designation:

1. The shoreline is located outside of incorporated municipalities and designated urban growth areas;
2. The shoreline has moderate to high ecological function with moderate to high opportunity for preservation and low to moderate opportunity for restoration or low to moderate ecological function with moderate to high opportunity for restoration;
3. The shoreline is not highly developed, but consists primarily of resource operations (agriculture, forestry, mining) and recreation, but may contain Master Planned Resorts;
4. The shoreline is planned or platted Rural Industrial, Forest, Agriculture, Agri-Wildlife, or has a surface mining overlay;

5. The shoreline has a moderate to high potential for low-intensity, passive water-oriented recreation where resource industry-related safety concerns are minimal or mitigated and ecological functions can be maintained or restored; or
6. The shoreline has moderate to high scientific or educational value or unique historic or cultural resources value.

4.3.7.3 Areas Designated

The Rural Conservancy – Resource Lands shoreline designation applies to areas as shown on a copy of the Unofficial Shoreline Map in Appendix A.

4.3.7.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. Agriculture, commercial forestry, and mining should be allowed in Rural Conservancy – Resource Lands provided they are allowed in the underlying zoning designation, and adverse impacts to the shoreline are avoided and unavoidable impacts are minimized and mitigated.
2. Encourage regulations that ensure new shoreline uses, development, and activities to sustain the shoreline area's physical and biological resources, do not substantially degrade shoreline ecological functions or the rural or natural character of the shoreline area, and achieve no net loss of shoreline ecological functions.
3. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time are preferred uses, provided adverse impacts to the shoreline are avoided and unavoidable impacts are minimized and mitigated.
4. Allow open space and recreational uses consistent with protection of shoreline ecological functions and personal safety considerations.
5. Only water-oriented commercial uses that support permitted uses should be allowed.
6. Residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.

4.4 Official Shoreline Map

4.4.1 Map Established

1. The location and extent of areas under the jurisdiction of this Program, and the boundaries of various shoreline designations affecting the lands and waters of the

City shall be as shown on the maps entitled, “Official Shoreline Designation Map (East), City of Vancouver, Washington” and “Official Shoreline Designation Map (West), City of Vancouver, Washington” which together comprise the “Official Shoreline Designation Map” for the City of Vancouver, Washington. All the notations, references, amendments, and other information shown on the “Official Shoreline Designation Map” are hereby made a part of this Program, as if such information set forth on the map were fully described herein.

2. In the event that new shoreline areas are discovered (including but not limited to, associated wetlands) that are not mapped and/or designated on the Official Shoreline Designation Map, these areas are automatically assigned an Urban Conservancy designation for lands within City limits and urban growth areas, or Rural Conservancy – Residential if on lands outside urban growth areas until the shoreline can be re-designated through a Program amendment.
3. In the event of a mapping error, the City will rely upon common boundary descriptions and the criteria contained in RCW 90.58.030(2) and WAC 173-22 pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map.

4.4.2 File Copies

The Official Shoreline Designation Map is in electronic format and shall be kept on file in the office of the City Clerk, on the City website (www.cityofvancouver.us), and at Ecology. Unofficial copies of the Map may be prepared for administrative purposes. To facilitate use of this Program an “unofficial copy” of the Map has been attached in Appendix A.

4.4.3 Map Amendments

The Official Shoreline Designation Map is an integral part of this Program and may not be amended except upon approval by the City and Ecology, as provided under the Act.

4.4.4 Boundary Interpretation

If disagreement develops as to the exact location of a shoreline designation boundary line shown on the Official Shoreline Designation Map, the following rules shall apply:

1. Boundaries indicated as approximately following lot, tract, or section lines shall be so construed;
2. Boundaries indicated as approximately following roads or railways shall be respectively construed to follow their centerlines;
3. Boundaries indicated as approximately parallel to or extensions of features indicated in (1) or (2) above shall be so construed;

4. Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Shoreline Administrator shall interpret the boundaries with deference to actual conditions. Appeals of such interpretation may be filed according to the applicable appeal procedures described in Chapter 7, Administration and Enforcement.

4.4.5 Shoreline Designation Changes and Urban Growth Boundary Revisions

When a portion of shoreline jurisdiction is brought into or removed from an urban growth area, a new shoreline designation may need to be assigned. Shoreline designations shall be assigned in accordance with Table 4-1, Shoreline Designations for Urban/Rural Boundary Revisions. Where more than one designation could be appropriate according to Table 4-1, the shoreline designation criteria in this chapter shall be applied and the best-fitting shoreline designation assigned. Shoreline designation assignments shall occur concurrently with the annexation or other legislative action to remove a portion of shoreline jurisdiction from a City or urban growth area and to amend the Official Shoreline Designation Map and shall be effective upon approval by Ecology (see Section 4.4.3).

Table 4-1. Shoreline Designations for Urban1/Rural2 Boundary Revisions

SENDING Jurisdiction Shoreline Designation	Transfer From/To	RECEIVING Jurisdiction Shoreline Designation(s)
Aquatic	Rural/Urban Urban/Rural	Aquatic Aquatic
Natural	Rural/Urban Urban/Rural	Natural Natural
Rural Conservancy – Residential	Rural/Urban	Urban Conservancy Medium Intensity
Rural Conservancy – Resource Lands	Rural/Urban	Urban Conservancy Medium Intensity High Intensity
Urban Conservancy	Urban/Rural	Rural Conservancy – Residential Rural Conservancy – Resource Lands
Medium Intensity	Urban/Rural	Rural Conservancy – Residential
High Intensity	Urban/Rural	Rural Conservancy – Resource Lands

¹Urban = City or Urban Growth Area

²Rural = Unincorporated Clark County outside Urban Growth Areas

CHAPTER 5 GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS

All uses and development activities in shoreline jurisdiction shall be subject to the following general regulations and those in Chapter 5A in addition to the applicable use-specific regulations in Chapter 6.

5.1 General Shoreline Use and Development Regulations

5.1.1 Shoreline Use

1. Shoreline uses and developments that are wWater-dependent uses shall be given priority.
2. Non-water-oriented uses shall not adversely impact or displace water-oriented shoreline uses.
3. Single family residential uses shall be allowed on all shorelands not subject to a preference for commercial or industrial water-dependent uses, and shall be located, designed and used in accordance with applicable policies and regulations of this Program. However, single family residences are prohibited in the Natural shoreline designation, and new floating homes and floating on-water residences are prohibited in the Aquatic shoreline designation.
4. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline ecological functions on other properties.
5. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative that allows a reasonable and appropriate water-dependent use to become established or expand or protects public safety and existing primary structures.
6. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals including a statement of exemption for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.
7. On navigable waters or their beds, all uses and developments should be located and designed to:
 - a. Minimize interference with surface navigation;
 - b. Consider impacts to public views; and

- c. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
- 8. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.
- 9. Previous approvals of master plans for projects in shoreline jurisdiction should be accepted. New phases of projects for which no master plan has yet been approved, or for which major changes are being proposed, or new projects for which master plans are being submitted shall be subject to the policies and regulations of this Program.

5.1.2 Adverse Impacts and Mitigation

- 1. ~~2.~~ The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.
 - b. Minimizing unavoidable impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize fragmentation of the resource to the greatest extent possible.
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- 2. ~~3.~~ In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through voluntary restoration efforts.

~~4. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline ecological functions on other properties.~~

5. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative that allows a reasonable and appropriate water-dependent use to become established or expand or protects public safety and existing primary structures.
6. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals including a statement of exemption for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.
7. Non-water-oriented uses shall not adversely impact or displace water-oriented shoreline uses.
8. Single family residential uses shall be allowed on all shorelands not subject to a preference for commercial or industrial water-dependent uses, and shall be located, designed and used in accordance with applicable policies and regulations of this Program. However, single family residences are prohibited in the Natural shoreline designation, and new floating homes are prohibited in the Aquatic shoreline designation.
9. On navigable waters or their beds, all uses and developments should be located and designed to:
 - a. Minimize interference with surface navigation;
 - b. Consider impacts to public views; and
 - c. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
10. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.
3. 11. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
4. 12. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.
13. Previous approvals of master plans for projects in shoreline jurisdiction should be accepted. New phases of projects for which no master plan has yet been approved, or

for which major changes are being proposed, or new projects for which master plans are being submitted shall be subject to the policies and regulations of this Program.

5. 14. Within urban growth areas (RCW 36.70A.110), the Department of Ecology may grant relief from use and development regulations of this program On land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark (RCW 90.58.580(3)), relief may be granted when:
 - a. A shoreline restoration project causes or would cause a landward shift in the OHWM creating a hardship meeting specific criteria in RCW 90.58.580;
 - b. The proposed relief meets specific criteria in RCW 90.58.580; and
 - c. The application for relief is submitted to Ecology in writing requesting approval or disapproval as part of a normal review of a shoreline substantial development permit, conditional use permit, or variance. If the proposal is not connected to a shoreline permit review, the City may provide a copy of a complete application to Ecology along with the applicant's request for relief.

A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark (RCW 90.58.580(3)).

6. 15. Developments permitted in the Aquatic Shoreline Designation along the Columbia River shall be sited waterward of -15 feet CRD unless adverse impacts to shallow water habitat will be created as is addressed through mitigation to ensure no net loss. Mitigation can include, enhancement, creation and/or payment of mitigation bank credits and comply with Section 6.4.4.

5.2 Archeological, Cultural and Historic Resources

1. All shoreline uses and development shall comply with the applicable requirements of VMC 20.710, Archaeological Resource Protection.
2. When a shoreline use or development is in an area known or likely to contain archaeological artifacts and data, the applicant shall provide for a site inspection and evaluation by a professional archaeologist prior to issuance of any shoreline permit or approval including a statement of exemption. Work may not begin until the inspection and evaluation have been completed and the City has issued its permit or approval.
3. If any item of possible archaeological interest (including human skeletal remains) is discovered on site, all work shall immediately stop, and the City, State Department of Archaeology and Historic Preservation (DAHP), and affected Native American Tribes shall be notified of the discovery. A stop-work order will

be issued. The shoreline permit will be temporarily suspended. All applicable state and federal permits shall be secured prior to commencement of the activities they regulate and as a condition for resumption of development activities. Development activities may resume only upon receipt of City approval.

4. If the discovery includes human skeletal remains, the find must be secured and protected from further disturbance; the Clark County Medical Examiner and local law enforcement shall be notified in the most expeditious manner possible. The County Medical Examiner will assume jurisdiction over the site and the human skeletal remains, and will make a determination of whether they are crime-related. If they are not, DAHP will take jurisdiction over the remains and report them to the appropriate parties. The State Physical Anthropologist will make a determination of whether the remains are Native American and report that finding to the affected parties. DAHP will handle all consultation with the affected parties as to the preservation, excavation, and disposition of the remains.

5.3 Critical Areas Protection

1. Applicable Critical Areas Regulations

Critical areas and the buffers necessary to protect critical areas shall be regulated in accordance with the provisions of Chapter 5A of this SMP.

Terms stated in Chapter 5A can be clarified by definitions provided in both the VMC or SMP.

2. Review Process

The City will not issue a 'Critical Areas Permit' within shoreline jurisdiction as is done outside shoreline jurisdiction under VMC Chapter 20.740. Instead, the City shall consolidate and integrate the review and processing of the critical areas aspects of the proposal within the shoreline permit decision or review required for the proposed activity as applicable or required by this SMP.

Any decision criteria and submittal requirements within Chapter 5A shall be considered supplemental to the shoreline permit or review required for the proposed activity. In cases where required by Chapter 5A, the applicant shall submit a critical areas report prepared by a qualified professional.

3. Critical Areas Exemptions

Critical Areas exemptions do not apply. Exemptions are limited to those listed in section 2.3.2 and must comply with the standards of the SMP, including Chapter 5A.

4. Conflicting Provisions

Unless otherwise stated, no development shall be constructed, located, extended,

modified, converted, or altered, or land divided without full compliance with the Chapter 5A and this Shoreline Master Program. Chapter 5A shall be liberally construed together with the all other chapters of the Shoreline Master Program to give full effect to the objectives and purposes of the provisions of the Shoreline Master Program and the Shoreline Management Act. If there is a conflict or inconsistency between any of the adopted provisions in Chapter 5A and the Shoreline Master Program, the most restrictive provisions shall prevail.

5. Appeals

All appeals shall be processed per Chapter 7 of the SMP.

5.3.1 General Provisions

1. In addition to the provisions of this section, critical areas (fish and wildlife habitat conservation areas, frequently flooded areas, geologic hazard areas, and wetlands) located within shoreline jurisdiction and their buffers are regulated and protected by Chapter 5A, VMC 20.740, Critical Areas Protection as modified for consistency with the Act and this Program. All shoreline development shall comply with VMC 14.26, Water Resources Protection.
2. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with this Program whether or not a shoreline permit or written statement of exemption is required.
3. Any allowed use, development, or activity affecting a critical area proposed on a parcel located in the shoreline jurisdiction, whether or not exempt from obtaining a shoreline substantial development permit, shoreline conditional use, or shoreline variance, shall be regulated under the provisions of this Program.
4. Shoreline uses and developments and their associated structures and equipment shall be located, designed and operated using best management practices to protect critical areas.
5. The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.
 - b. Minimizing unavoidable impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize fragmentation of the resource to the greatest extent possible.

- ~~e. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;~~
 - ~~d. Reducing or eliminating the impact over time by preservation and maintenance operations;~~
 - ~~e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.~~
 - ~~f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.~~
6. In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through restoration efforts.

5.4 Public Access

1. Provisions for adequate public access shall be incorporated into all shoreline development proposals that involve public funding unless the applicant demonstrates public access is not feasible due to one or more of the provisions of Section 5.4.2 (a-e). Where feasible, such projects shall incorporate ecological restoration.
2. Consistent with constitutional limitations, provisions for adequate public access shall be incorporated into all land divisions and other shoreline development proposals (except residential development of less than five (5) parcels), unless this requirement is clearly inappropriate to the total proposal. Public access will not be required where the applicant demonstrates one or more of the following:
 - a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total proposed development;
 - d. Significant environmental impacts that cannot be mitigated will result from the public access; or
 - e. Significant undue and unavoidable conflict between public access requirements and the proposed use and/or adjacent uses would occur, provided that the applicant has first demonstrated and the City determines that all reasonable alternatives have been evaluated and found infeasible, including but not limited to:

- i. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - ii. Designing separation of uses and activities (including but not limited to, fences, terracing, use of one-way glazings, hedges, landscaping); and
 - iii. Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
3. Public access sites shall be connected to barrier free route of travel and shall include facilities based on criteria ~~within the~~ within the Americans with Disabilities Act Accessibility guidelines.
4. Public access shall include provisions for protecting adjacent properties from trespass and other possible adverse impacts to neighboring properties.
5. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations.
6. Required public access shall be fully developed and available for public use at the time of occupancy of the use or activity.
7. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
8. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, as a minimum. Said recording with the County Auditor's Office shall occur at the time of permit approval.
9. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
10. Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement approved by the Shoreline Administrator and recorded with the County Auditor's Office.

5.5 Restoration

1. Restoration of shoreline ecological functions and processes shall be encouraged and allowed on all shorelines and shall be located, designed and implemented in accordance with applicable policies and regulations of this Program and consistent with other City programs (see Section 6.4.4). Implementation of

restoration projects on shorelines of statewide significance take precedence over implementation of restoration projects on other shorelines of the state.

2. Impacts to shoreline ecological functions shall be fully mitigated. Such mitigation may include elements from the Shoreline Restoration Plan, where appropriate.
3. Elements of the Shoreline Restoration Plan may also be implemented in any shoreline designation to improve shoreline ecological function.
4. Implementation of restoration projects identified in the Shoreline Restoration Plan that are focused on restoring degraded habitat in shoreline jurisdiction take precedence over other restoration projects.
5. Restoration efforts shall be developed by a qualified professional, shall be based on federal, state, and local guidance and shall consider the following:
 - a. Riparian soil conditions;
 - b. In-stream fish habitats; and
 - c. Healthy aquatic and terrestrial food webs.

5.6 Site Planning and Development

5.6.1 General

- ~~1. Land disturbing activities such as grading and cut/fill shall be conducted in such a way as to minimize impacts to soils and native vegetation and shall comply with VMC 14.24, Erosion Prevention & Sediment Control and VMC 14.25, Stormwater Control.~~
1. ~~2.~~ Development shall be designed and land disturbing activities conducted to avoid impacts to healthy trees such that they are likely to become hazard trees.
2. ~~3.~~ Impervious surfaces shall be minimized to the extent feasible so as not to jeopardize public safety. Impervious surfacing for parking lot/space areas, trails, and pathways shall be minimized through the use of alternative surfaces where feasible.
3. ~~4.~~ When feasible, existing transportation corridors shall be utilized. Ingress/egress points shall be designed to minimize potential conflicts with and impacts upon vehicular and pedestrian traffic. Pedestrians shall be provided with safe and convenient circulation facilities.
4. ~~5.~~ Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, alteration of topography and natural features, and designed to accommodate wildlife movement.

5. ~~6.~~ Parking, storage, and non-water dependent accessory and appurtenant structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principal use.
6. ~~7.~~ Trails and uses near the shoreline shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas, without blocking visual access to the water.
7. ~~8.~~ Elevated walkways shall be utilized, as appropriate, to cross sensitive areas such as wetlands.
8. ~~9.~~ Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.
9. ~~10.~~ Exterior lighting shall be designed, shielded and operated to:
 - a. Avoid illuminating nearby properties or public areas;
 - b. Prevent glare on adjacent properties, public areas or roadways;
 - c. Prevent land and water traffic hazards; and
 - d. Reduce night sky effects to avoid impacts to fish and wildlife.
10. ~~11.~~ Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.
11. ~~12.~~ A use locating near a legally established aquaculture enterprise, including an authorized experimental project, shall demonstrate that such use would not result in damage to or destruction of the aquaculture enterprise, or compromise its monitoring or data collection.

5.6.2 Clearing, Grading, Fill and Excavation

1. Land disturbing activities such as clearing grading, fill and excavation shall be conducted in such a way as to minimize impacts to soils and native vegetation, and shall comply with VMC 14.24, Erosion Prevention & Sediment Control; 14.25, Stormwater Control; and VMC Chapter 17.12, International Building Code.
2. Clearing, grading, fill, and excavation activities shall be scheduled to minimize adverse impacts, including but not limited to, damage to water quality and aquatic life.
3. Clearing and grading shall not result in changes to surface water drainage patterns that adversely impact adjacent properties.
4. Developments shall comply with the VMC 14.24, Erosion Prevention & Sediment Control during construction and shall ensure preservation of native vegetation for

- bank stability. Disturbed areas shall be stabilized immediately and revegetated with native vegetation.
5. Habitat that cannot be replaced or restored within twenty (20) years shall be preserved. Peat bogs and stands of mature trees are examples of such habitat.
 6. Fills shall be permitted only in conjunction with a permitted use, and shall be of the minimum size necessary to support that use. Speculative fills are prohibited.
 7. Any fill activity shall comply with the fill provisions of VMC Chapter 17.12. Fill shall consist only of clean materials.
 8. Soil, gravel or other substrate transported to the site for fill shall be screened and documented that it is uncontaminated. Use of any contaminated materials as fill is prohibited.
 9. Fills shall be designed and placed to allow surface water penetration into groundwater supplies where such conditions existed prior to filling.
 10. Fills must protect shoreline ecological functions, including channel migration processes.
 11. Fill waterward of OHWM shall only be allowed as a conditional use, and then only when it is necessary:
 - a. To support a water-dependent or public access use;
 - b. For habitat creation or restoration projects;
 - c. For remediation of contaminated sediments as part of an interagency environmental clean-up plan;
 - d. For disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Washington Department of Natural Resources;
 - e. For expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible;
 - f. For a mitigation action;
 - g. For environmental restoration; or
 - h. For a beach nourishment or enhancement project.
 12. In the Columbia River, fills shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless adverse impacts to shallow water habitat are addressed through mitigation to ensure no net loss will be created as mitigation.

Mitigation can include enhancement, creation and/or payment of mitigation bank credits.

13. Excavation below the OHWM is considered dredging and subject to provisions under that section in Chapter 6.
14. Upon completion of construction, remaining cleared areas shall be replanted with native species on the City's Native Plant List available from the Shoreline Administrator. Replanted areas shall be maintained such that within three (3) years' time the vegetation is fully re-established.

5.6.3 Building Design

1. Non-single family structures shall incorporate architectural features that provide compatibility with adjacent properties, enhance views of the landscape from the water, and reduce scale to the extent possible.
2. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.
3. Façade treatments, mechanical equipment and windows in structures taller than two (2) stories, shall be designed and arranged to prevent bird collisions using the best available technology. Single-family residential structures are exempt from this provision.
4. Interior and exterior structure lighting shall be designed, shielded, and operated to:
 - a. Avoid illuminating nearby properties or public areas;
 - b. Prevent glare on adjacent properties, public areas or roadways;
 - c. Prevent land and water traffic hazards; and
 - d. Reduce night sky effects to avoid impacts to fish and wildlife.
5. Accessory uses, including parking, shall be located as far landward as possible while still serving their intended purposes.

5.7 Vegetation Conservation

1. Existing native vegetation within shoreline jurisdiction shall be retained and allowed to grow naturally in the riparian area.
2. Removal of native vegetation outside the riparian area shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized and mitigated to result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall

be provided consistent with an approved mitigation plan. See Chapter 5A, **20.740.030(B)(1)(f)** on maintaining fire-defensible space.

3. If non-native vegetation is removed, it shall be replaced with native vegetation within the shoreline jurisdiction.
4. Development shall be located to avoid clearing and grading impacts to more mature or multi-storied plant communities and to retain habitat connectivity.
5. Vegetation (such as a mature stand of trees) that cannot be replaced or restored within twenty (20) years shall be preserved.
6. Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views.
7. Topping trees is prohibited.
8. Pruning of trees which are not hazard trees is allowed in compliance with the National Arborist Association pruning standards, and is limited to:
 - a. Removal of no more than twenty-five (25) percent of the limbs of any single tree within a given five-year (5-year) period; and
 - b. No more than twenty-five (25) percent of canopy in a single stand of trees may be removed in a given five-year (5-year) period.
9. Hazard trees are regulated by VMC 20.770 and 17.14.
10. Natural features such as snags, stumps, logs or uprooted trees, which support fish and other aquatic systems, do not intrude on the navigational channel or threaten public safety, and existing structures and facilities, shall be left undisturbed.
11. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a qualified professional.
12. Unless otherwise stated, the vegetation conservation regulations of this Program do not apply to:
 - a. Commercial forest practices as defined by this Program when such activities are covered under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which the City has authority; or
 - b. Flood control levees required to be kept free of vegetation that damages their structural integrity.

5.8 Views and Aesthetics

5.8.1 Visual Access

1. Visual access shall be maintained, enhanced, and preserved as appropriate on shoreline street-ends, public utility rights-of-way above and below the ordinary high water mark, and other view corridors.
2. Development on or over the water shall be constructed to avoid interference with views from surrounding properties to the adjoining shoreline and adjoining waters to the extent practical.
3. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five (35) feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines unless overriding considerations of the public interest will be served. The Shoreline Administrator may require a view analysis including view corridors, view profiles, and vertical profiles from various locations to determine if shoreline views will be obstructed.
4. Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views.
5. Clearing or pruning to preserve or create views shall be allowed as follows:
 - a. When shoreline stability and shoreline ecological functions are maintained; and
 - b. The applicable standards in Sections 5.6 and 5.7 are met.

5.9 Water Quality and Quantity

1. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site.
2. All shoreline development shall comply with the applicable requirements of the VMC Chapter 14.24, Erosion Prevention & Sedimentation Control; 14.25, Stormwater Control; and 14.26, Water Resources Protection.
3. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development.
4. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land except in accordance with VMC 14.26. Potentially harmful materials shall be maintained in safe and leak-proof containers.

5. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five (25) feet of a waterbody, except by a qualified professional in accordance with state and federal laws. Further, pesticides subject to the final ruling in *Washington Toxics Coalition, et al., v. EPA* shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.
6. Any structure or feature in the Aquatic shoreline designation shall be constructed and/or maintained with materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants.
7. Conveyance of any substance not composed entirely of surface and stormwater directly to water resources shall be in accordance with VMC 14.26.

5.10 Septic Systems

1. ~~8.~~ Septic systems should be located as far landward of the shoreline and floodway as possible. Where permitted, new on-site septic systems shall be located, designed, operated, and maintained to meet all applicable water quality, utility, and health standards.

CHAPTER 5A — GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS CONTINUED:

CRITICAL AREAS REGULATIONS

All uses and development activities in shoreline jurisdiction shall be subject to the following general regulations in addition to the applicable use-specific regulations in Chapter 6. All shoreline development shall comply with VMC 14.26, Water Resources Protection.

~~Vancouver WA Zoning Ordinance~~

Chapter 20.740

CRITICAL AREAS PROTECTION

As Modified for Application in Shoreline Jurisdiction

Sections:

- 20.740.010 — Purpose**
- 20.740.020 — General Provisions**
- 20.740.030 — Applicability and Exemptions from Requirement to Obtain Permit**
- 20.740.040 — Approval Process**
- 20.740.050 — Submittal Requirements**
- 20.740.060 — Approval Criteria**
- 20.740.070 — Minor Exceptions**
- 20.740.080 — Reasonable Use Exceptions**
- 20.740.090 — Unauthorized Critical Areas Alterations and Enforcement**
- 20.740.100 — Habitats of Local Importance**
- 20.740.110 — Fish and Wildlife Habitat Conservation Areas**
- 20.740.120 — Frequently Flooded Areas**
- 20.740.130 — Geologic Hazard Areas**
- 20.740.140 — Wetlands**

Section 20.740.010 — Purpose

A. The purpose of this chapter is to designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values, while also allowing for reasonable use of property.

B. As mandated by the Growth Management Act (GMA) (RCW 36.70A), this chapter provides protection for the critical areas of wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and frequently flooded areas. Critical aquifer recharge areas are covered in VMC 14.26.

C. This chapter implements the goals and policies of the Vancouver Comprehensive Plan, 2003-2023 as amended, under the Washington Growth Management Act and other related state and federal laws.
(M 3692, Added, 02/28/2005, Sec 2)

Section 20.740.020 — General Provisions

Effective January 2019

5A-1

A. No Net Loss of Functions

Activity shall result in no net loss of functions and values in the critical areas. Since values are difficult to measure no net loss of functions and values means no net loss of functions. The beneficial functions provided by critical areas include, but are not limited to water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation of flood waters; ground water recharge and discharge; erosion control; and wave attenuation. These beneficial functions are not listed in order of priority. This chapter is also intended to protect residents from hazards and minimize risk of injury or property damage.

B. Relationship to Other Regulations

— 1. These critical areas regulations shall apply in addition to zoning and other regulations adopted by the City.

— 2. Any individual critical area that overlaps another type of critical area shall meet the requirements that provide the most protection to the critical areas involved.

— 3. When there is a conflict between any provisions of this chapter or any other regulations, that which provides the most protection to the subject critical area shall apply.

— 4. Conditions of approval of a project affecting critical areas may be supplemented by a review under the State Environmental Policy Act (SEPA), as locally adopted.

— 5. Compliance with the provisions of 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, or National Pollution Discharge Elimination System permits). The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter. Obtaining all applicable state and federal permits shall be made a condition of a Critical Areas Permit. Such permits shall be obtained prior to issuance of permits for development, construction or site disturbance except under the circumstances set forth in VMC 20.740.040(J).

C. Jurisdiction

— 1. All areas within the City meeting the definition of one or more critical areas, whether mapped or not, are hereby designated critical areas and with their buffers are subject to the provisions of this chapter.

— 2. Watersheds (VMC 20.150) are those most recently identified and mapped by Clark County Maps Online (www.clark.wa.gov). Watershed maps are available from the Shoreline Administrator. Burnt Bridge Creek, Columbia Slope, Vancouver Lake/Lake River, and Lacamas Creek are the primary watersheds in Vancouver.

D. Warning and Disclaimer of Liability

The standards established herein are minimum standards. The standards are established for regulatory purposes only. Minimum compliance with these standards may not be sufficient protection from identified or unidentified hazards. City establishment of these minimum standards is not a representation that these standards are sufficient protection from any hazard. Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than this chapter. The City

~~assumes no liability if these established standards prove to be insufficient protection.
(M 3844, Amended, 10/01/2007, Sec 2; M 3692, Added, 02/28/2005, Sec 2)~~

Section 20.740.030 — Applicability and Exemptions from Requirement to Obtain Permit

A. Applicability

~~— 1. Unless listed in VMC 20.740.030(B)(2) the provisions of this chapter shall apply to all lands, all land uses, clearing and development activity, and all structures and facilities in the City located within a critical area or buffer or on a site containing a critical area or buffer including single family residential lots platted prior to 04/29/05 and developments such as play structures that require no other permits.~~

~~— 2. The provisions of this chapter shall apply whether or not a permit or authorization is required.~~

~~— 3. No person, company, agency, or applicant shall alter a critical area or buffer (including removal of downed woody vegetation from or application of chemicals harmful to fish and wildlife within 25 feet of wetlands, ponds, lakes, streams or rivers) except as consistent with the requirements of this chapter.~~

~~— 4. A Critical Areas Permit will not be issued for development affecting critical areas in shoreline jurisdiction. The Critical Areas Permit requirements of this chapter shall be incorporated into a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance, or Shoreline Statement of Exemption as applicable, and the applicable shoreline permit shall be obtained prior to undertaking any activity or development regulated by this chapter unless listed in VMC 20.740.030(C).~~

B. Activities for which a Statement of Exemption is Required

~~— 1. Applicants for the activities listed in VMC 20.740.030(B)(1)(a-f) shall first obtain a written Statement of Exemption from securing a Critical Areas Permit, prior to undertaking any development activity. This process verifies that the action is exempt from the permitting process of the Critical Areas Ordinance. However, all exempt activities are still subject to the policies and regulations of this Chapter. The Shoreline Administrator shall attach Critical Areas Ordinance conditions to the building permits and other permits and approval as necessary to enforce the policies and regulations of this chapter.~~

~~- Stricken items are either shoreline exemptions (SMP Sections 2.1.1 and 2.3.2) or require a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance.~~

~~— The request for the Statement of Exemption shall be in writing, on forms required by the Shoreline Administrator, and include the information required by the Shoreline Administrator.~~

~~— The Shoreline Administrator shall issue a decision on a request for a Statement of Exemption in accordance with the procedures of VMC 20.210.040, Type I Applications.~~

~~— The following activities shall obtain a Statement of Exemption:~~

~~— a. Development or clearing, outside areas of special flood hazards and other than tree removal, as minimally necessary to remodel an existing single family residence, provided:~~

~~— 1. The activity will increase the footprint of structures including impervious surfaces by less than 500 square feet from the footprint size at the time of the adoption of this chapter; and~~

~~2. If the structure or impervious surface is within a critical area or buffer, the distance from the nearest structure or impervious surface to lakes, streams, rivers, wetlands or geological hazards is not decreased; and~~

~~3. All vegetation disturbed as a result of the development shall be replaced one to one, except trees shall be replaced using tree units derived from VMC 20.770, Tree Conservation. Native vegetation shall be used where feasible.~~

~~4. Impacts to critical areas and buffers shall be minimized and mitigated.~~

~~a. A fence may be installed in a critical area buffer (not in a critical area) where:~~

~~1. The fence is necessary for safety and security;~~

~~2. The property was developed prior to the effective date of VMC 20.740 (April 29, 2005);~~

~~3. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.~~

~~b. Maintaining fire defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least 6" diameter at breast height, grasses, and underbrush, not tree removal or other ground disturbing or soil destabilizing activities. Creating fire defensible space (see VMC 20.740.040(I)) or undertaking other development requires a Critical Areas Permit under VMC 20.740.040(B)(1)(f) and could require other permits as well.~~

~~1. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire defensible space around a structure may be permitted when one or more of the following criteria is met:~~

~~a. The structure nearest the property line is within 30' of a slope of at least 25% (also designated as a landslide hazard area under this chapter);~~

~~b. The nearest structure is within 30' of a forested area;~~

~~c. The vegetation within 30' of the structure is comprised of less than 50% native species;~~

~~d. The vegetation within 30' of the structure is higher than 12";~~

~~e. Trees are crowded within 30' of the structure or overhanging the structure's roof;~~

~~f. The structure is located in an area designated by the Fire Marshal as a "Wildfire Safety Area."~~

~~2. When maintenance of a fire defensible space is permitted, the following standards shall apply:~~

~~a. Trees may be pruned or limbed up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s) (See VMC 20.740.040(B)(1)(f) and .040(I) on creating fire defensible space).~~

~~b. Grasses and underbrush shall be maintained between 8" and 12" in height.~~

~~c. Topping trees is prohibited.~~

~~d. Any debris from pruning shall be disposed of promptly and properly.~~

~~2. Activities Allowed without a Permit.~~

~~Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.~~

~~a. Any development proposed on property pursuant to a currently valid Critical Areas Permit, provided all conditions and requirements of the Critical Areas Permit are met and the proposed activity is within the scope of the original permit.~~

~~b. Landscape maintenance (other than tree removal or use of pesticides, herbicides, fungicides or fertilizers applied into or within 25 feet of water bodies) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.~~

~~c. Clearing of noxious or invasive plants using hand held equipment such as a weed whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation. The City of Vancouver's Noxious or Invasive Plants List and Native Plant Species List are available from the Shoreline Administrator.~~

~~d. Application of pesticides, herbicides, fungicides or fertilizers farther than 25 feet from any wetland, pond, lake, stream or river or in a manner specified in a valid permit.~~

~~e. State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.~~

~~f. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.~~

~~g. Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.~~

~~h. Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.~~

~~i. Existing and ongoing agriculture within fish and wildlife habitat conservation areas so long as livestock and application of pesticides, herbicides, fungicides and fertilizers are kept 25 feet from any water body.~~

~~j. Implementation of a state or federally approved restoration or enhancement project not related to any development project.~~

——— j. In areas with only ground shaking or liquidation hazards, repair or construction of roads, sidewalks or trails (except where there are structures), or water, sewer, stormwater, gas, power, cable, or fiber optic facilities shall be exempt from the ground shaking and liquidation permitting requirements.

——— k. Maintenance, repair, and in-kind replacement of existing fences.
(M 3931, Amended, 11/02/2009, Sec 22 Effective 12/2/2009; M 3922, Amended, 07/06/2009, Sec 36; M 3844, Amended, 10/01/2007, Sec 2; M 3692, Added, 02/28/2005, Sec 2)

Section 20.740.040 — Approval Process

A. Initial Critical Areas Determination Process

——— 1. Pre-application Conference Required. Unless waived pursuant to VMC 20.210.080(B), prior to the City's consideration of any proposed activity not listed under [VMC 20.740.030(B), the applicant shall submit to the department a Pre-application Request Form and other required information pursuant to VMC 20.210.080. Provided, pre-application conferences shall not be required for proposed activities within only ground shaking or liquefaction areas.

The Shoreline Administrator shall review the submitted information, conduct a site inspection, review other information available pertaining to the site and the proposal, and make a determination as to whether a Critical Areas Permit is required.

——— a. Decision Indicators. The Shoreline Administrator shall use the following indicators whenever available, to assist in determining the need for a Critical Areas Permit:

——— 1. Indication by the City's critical area location information of a critical area or buffer that may be impacted by the proposed activity;

——— 2. Information and scientific opinions from appropriate agencies, including but not limited to the Washington Departments of Fish and Wildlife, Natural Resources, and Ecology;

——— 3. Documentation, from a scientific or other reasonable source, of the possible presence of a critical area or buffer.

——— b. Interpretation of Critical Area Boundaries. The Shoreline Administrator shall be authorized to interpret the exact location of the critical area boundary. Final designations shall be based on site conditions and other available data or information. A person who disagrees with the interpretation may appeal the interpretation pursuant to Section 20.255.020(D).

——— 2. Pre-application Waiver. In the event that the Shoreline Administrator grants a pre-application waiver pursuant to VMC 20.210.080(B) the Shoreline Administrator shall either attach a Statement of Exemption, if applicable, or document in the pre-application waiver letter that a Critical Areas Permit is required.

——— 3. Decision on Pre-application. The Shoreline Administrator shall make one of the following decisions in the pre-application staff report:

——— a. Critical Areas Permit Not Required. If the Shoreline Administrator's analysis indicates that there is no critical area or buffer on the subject property, then the Shoreline Administrator shall determine that the initial critical area review is complete and that no further review is required. The Shoreline Administrator shall issue a Statement of Exemption and include it with the Pre-application report.

~~—— b. Critical Areas Permit Required. If the Shoreline Administrator determines that a critical area or its buffer may be located on the subject property, the Shoreline Administrator shall determine that a Critical Areas Permit is required, and shall indicate each of the critical area types to be addressed in the critical areas report.~~

~~—— 4. Reconsideration of Shoreline Administrator's Initial Critical Area Determination. A determination may be reconsidered by the Shoreline Administrator if new information is received. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.~~

B. Final Critical Areas Determination Process

~~—— 1. Type I Application. The following activities shall be processed as a Type I permit pursuant to VMC 20.210.040 except a pre-application conference shall be required unless waived pursuant to VMC 20.210.080(B) or the activity is proposed within only a ground shaking or liquefaction hazard area:~~

~~—— a. New single family and duplex residences, alterations to existing single family and duplex residences, or new accessory structures located within a critical area or buffer, or on a property containing a critical area or buffer.~~

~~—— b. Application of pesticides, herbicides, fungicides or fertilizers within 25 feet of ponds, lakes, streams, rivers or wetlands.~~

~~—— c. Approval of agricultural activities within 25 feet of ponds, lakes, streams or rivers.~~

~~—— d. Critical Area restoration or enhancement projects not related to any development project; and establishment of mitigation banks.~~

~~—— e. Public improvement projects located entirely within the previously improved portion of the right of way.~~

~~—— f. Clearing vegetation within a critical area or buffer, including: (1) grading, uprooting or other activities that impair the soil stabilization function of vegetation in landslide hazard areas (VMC 20.740.130(C)(1)(c)); (2) removal of downed woody vegetation from wetlands, lakes, streams or rivers; and (3) removal of trees, grasses, or brush to create fire defensible space (VMC 20.740.040(I))~~

~~—— g. Approval of recurring activity permits (VMC 20.740.040(H)) for activities within critical areas or buffers.~~

~~—— 2. Other Application Types. All other activities proposed within any critical area or buffer shall be reviewed according to the procedures of the underlying land use application.~~

~~—— 3. Review Procedure. The Shoreline Administrator shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the provisions of Title 20. The Shoreline Administrator's determination shall be based on the approval criteria of VMC 20.740.060. The Critical Areas Permit shall be valid for as long as the underlying land use permit or as otherwise specified by the Shoreline Administrator.~~

C. Notice on Title Covenant and Tracts

~~1. Covenants. This section applies to all non-exempt projects that involve critical areas and buffers.~~

~~a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the City. The covenant shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The covenant shall “run with the land.”~~

~~b. The applicant shall submit proof that the covenant has been filed for public record before the City approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.~~

~~2. Tracts. This section applies in addition to VMC 20.740.040(C)(1) to projects that involve platting on properties containing fish and wildlife habitat conservation areas, wetlands, and their buffers. The Shoreline Administrator may also apply this section to developments that involve platting on properties containing geologic hazard areas and their buffers. The location of the tract, critical area(s), and buffer(s) shall be shown on the face of the plat. See VMC 20.740.040(C)(2)(b) for exceptions.~~

~~a. The property owner shall place the subject critical areas and buffers in one or more non-developable tracts except when:~~

~~1. Creation of a nonbuildable tract would result in violation of minimum lot depth standards;~~
~~or~~

~~2. The responsible official determines a tract is impractical.~~

~~b. When an exception in VMC 20.740.040(C)(2)(a) applies, residential lots may extend into the critical area(s) or buffer(s) provided:~~

~~1. The location of the outer perimeter of the critical area(s) and buffer(s) are marked in the field and approved by the Shoreline Administrator prior to the commencement of permitted activities and maintained throughout the duration of the permit.~~

~~2. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) is installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Shoreline Administrator.~~

~~3. Permanent signs are posted at an interval of one per lot for single family residential uses or at a maximum interval of 200', or as otherwise determined by the Shoreline Administrator, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Shoreline Administrator: “The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information.”~~

D. Financial Assurances

~~1. When mitigation required pursuant to a development proposal is not completed prior to the City final permit approval, such as final plat approval or final building inspection, the City shall require the~~

applicant to provide security in a form and amount deemed acceptable by the City. If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the City to ensure mitigation is fully functional (including but not limited to construction, maintenance, and monitoring).

—2. The security shall be in the amount of 125% of the estimated cost of restoring the functions of the critical area that are at risk.

—3. The security authorized by this section shall remain in effect until the City determines, in writing, that the standards for which the security is required for have been met. Bonds or other security shall be held by the City for a minimum of five (5) years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.

—4. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

—5. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.

—6. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.

—7. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

E. Critical Area Inspections. Reasonable access to the site shall be provided to the City, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

F. Reconsideration of Shoreline Administrator's determination. If, within five (5) days following the date of mailing of a Critical Areas Permit, new information relevant to the decision is made available, any party may request that the decision be reconsidered. If the new information is found to be substantial and relevant to the critical area review, the Shoreline Administrator may reopen the critical area review and make a new determination based on the revised report. The Critical Areas Permit shall not be considered final and subject to appeal until the decision on the request for reconsideration, if applied for, has been issued.

G. Appeals. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC 20.110.130.

H. Recurring Activity Permits. The purpose of a recurring activity permit is to provide for on-going, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently; and (2) at the same time protect critical areas and buffers in accordance with this chapter.

—1. In addition to the submittal requirements in VMC 20.740.050, applicants for a recurring activity permit shall submit a proposed management plan. The management plan shall contain:

- ~~_____ a. _____ A narrative explaining the need for the recurring activity permit.~~
- ~~_____ b. _____ A list of the on-going, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers.~~
- ~~_____ c. _____ A description of the potentially impacted critical area and buffer functions.~~
- ~~_____ d. _____ Proposed measures and standards for avoiding impacts to critical area and buffer functions and where unavoidable, minimizing and mitigating those impacts to achieve no net loss of functions.~~
- ~~_____ e. _____ A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform in accordance with the terms of the permit.~~
- ~~_____ 2. _____ A recurring activity permit may be approved for up to seven years. The permit duration may be tied to other permits or processes.~~
- ~~_____ 3. _____ Every 2 years within 30 days of the anniversary of permit issuance for the duration of the permit, the applicant shall submit a report to the Shoreline Administrator summarizing activities undertaken under the recurring activity permit including any issues to be resolved. The report shall also document the training provided in accordance with VMC Section 20.740.040H(1)(e).~~
- ~~_____ 4. _____ The applicant or the City may initiate an amendment to the recurring activity permit to respond to permit performance issues. An amendment shall be considered through a Type 1 process following a pre-application conference.~~
- ~~_____ 5. _____ An application for reauthorization of a recurring activity permit shall be submitted at least 90 days prior to the date the current permit expires. Recurring activity permits may be reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current recurring activity permit, the Shoreline Administrator may extend the duration of the current permit for 30 days at a time, not to exceed 180 days.~~
- ~~I. Trees, grasses, and brush in a critical area or buffer may be pruned or removed to create fire-defensible space around a structure (see VMC 20.740.040(B)(1)(f)) when one or more of the criteria in VMC 20.740.030(B)(1)(f)(1)(a-f) is met. When creating fire-defensible space is permitted, the following standards shall apply:~~
 - ~~_____ 1. _____ Grasses and underbrush shall be maintained between 8" and 12" in height.~~
 - ~~_____ 2. _____ Trees may be pruned, limbed-up, or removed. Topping trees is prohibited.~~
 - ~~_____ 3. _____ Removal of vegetation in a landslide hazard area is prohibited during the wet season (November 1st to May 1st). The area must be immediately replanted to ensure soil stability. The property owner shall maintain the newly planted vegetation to ensure its survival.~~
 - ~~_____ 4. _____ Any debris from vegetation removal shall be disposed of promptly and properly.~~
 - ~~_____ 5. _____ Required replantings shall be of native, fire-resistant species. A list of native, fire-~~

resistant species is available from the Shoreline Administrator.

J. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:

_____ 1. _____ A phased master plan is submitted under VMC 20.260 or .268 as appropriate, demonstrating:

_____ a. _____ how the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained. "Clearly avoided" means:

_____ 1. The Shoreline Administrator has visited the site;

_____ 2. The critical area(s) and buffer(s) has/have been identified in the field and clearly mapped by a qualified professional through an approved, limited scope Critical Areas Report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location); except that for a single family or duplex residential development on a property with a stream not regulated under the state Shoreline Management Act, its Riparian Management Area or Riparian Buffer, the Shoreline Administrator may accept an aerial photo overlain with 2' contour lines from the Clark County Digital Atlas with the required information drawn to scale by someone other than a qualified professional;

_____ 3. The site plan and final plat show a development envelope within which all development activity will take place, and a note identifying the development envelope and its purpose is placed on the face of the site plan and the final plat;

_____ 4. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers. The maximum critical area and maximum buffer are the greatest that may be applied under any circumstances. (For example, under this chapter, the maximum wetland buffer that could be applied under any circumstance is 300'; the maximum Riparian Management Area is 100', and the maximum Riparian Buffer is 75' from the outer boundary of the Riparian Management Area);

_____ b. _____ how each phase could be permitted as an individual project not relying on development of any other phases in any way;

_____ c. _____ how each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained;

_____ d. _____ no net loss of critical area functions for each phase and for the project as a whole, regardless of whether any or all of the pending state or federal permits are ever obtained.

_____ 2. _____ Development is permitted only in the area that clearly avoids (VMC 20.740.040(J)(1)(a)(1-4)) the maximum critical area(s) and buffer(s).

(M 3959, Amended, 07/19/2010, Sec 37 Effective 8/19/2010; M 3931, Amended, 11/02/2009, Sec 23 Effective 12/2/2009; M 3844, Amended, 10/01/2007, Sec 2; M 3692, Added, 02/28/2005, Sec 2)

Section 20.740.050 — Submittal Requirements

A. Preparation by Qualified Professional. Any required Critical Areas Report shall be prepared by a

qualified professional as defined herein.

B. General Critical Areas Report Contents. At a minimum, the Critical Areas Report shall contain the following:

- 1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
- 2. A copy of the site plan for the development proposal including:
 - a. A map to scale depicting critical areas, buffers, the channel migration zone if applicable, the development proposal, and any areas to be cleared; and
 - b. Proposed stormwater management and sediment control plan for the development including a description of any impacts to drainage alterations; and
 - c. A digital map of the geographic information required pursuant to the applicable provisions of this chapter for each critical area and buffer on site and the channel migration zone if applicable. The digital map(s) must be based on the same coordinate system as the Clark County GIS database: state plane coordinates using the NAD 1983 datum and the Washington South zone (also referred to as the FIPS Zone 4602). The digital map(s) must also conform to other Clark County GIS digital mapping standards and specifications available from the Shoreline Administrator or directly from Clark County's Department of Assessment and GIS. —
- 3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
- 4. Identification and scientific characterization of all critical areas and buffers. The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
- 5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, temporal, and indirect impacts resulting from development of the site and the operations of the proposed development;
- 6. A written response to each of the approval criteria in VMC 20.740.060;
- 7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with VMC 20.740.050(F) Mitigation Plan Requirements.

C. Additional Information. Any additional information required for the specific critical areas and buffers as specified in VMC 20.740.110 Fish and Wildlife Habitat Conservation Area, VMC 20.740.120 Frequently Flooded Areas, VMC 20.740.130 Geologic Hazard Areas, and VMC 20.740.140 Wetlands.

D. Other Reports or Studies. Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Shoreline Administrator. Provided, the site conditions shall not have changed since the earlier report or study was completed.

E. Critical Areas Report Modifications to Requirements

~~Modifications to Required Contents. The applicant may consult with the Shoreline Administrator prior to or during preparation of the Critical Areas Report to obtain City approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential impacts to any critical areas or buffers and the required mitigation. The Shoreline Administrator may also initiate a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter.~~

~~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; and~~

~~f. A functional assessment of the proposed mitigation to ensure no net loss of shoreline ecological functions.~~

~~These written descriptions shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.~~

~~— 2. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. For example, ten (10) years or more of monitoring are typically needed for forested wetlands or scrub shrub communities.~~

~~When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City verify and certify so in writing. The City shall conduct an on-site assessment as part of the verification process. The applicant shall provide reasonable access to the property as necessary for verification and certification.~~

~~When the City has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a naturally occurring critical area when processing a future development permit application(s).~~

~~— 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.

(M 3931, Amended, 11/02/2009, Sec 24 Effective 12/2/2009; M 3844, Amended, 10/01/2007, Sec 2; M 3692, Added, 02/28/2005, Sec 2)

Section 20.740.060 — Approval Criteria

Any activity or development subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The City may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site. Mitigation shall occur in the following order of priority:

A. Avoid Impacts. The Applicant shall first avoid all impacts that degrade the functions and values of (a) critical area(s) by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.

B. Minimize Impacts. The applicant shall minimize the impacts of the activity by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.

C. Rectify Impacts. The applicant shall rectify the impacts by repairing, rehabilitating, or restoring the affected environment.

D. Reduce Impacts. The applicant shall reduce or eliminate the impacts over time by preservation and maintenance operations;

E. Compensatory Mitigation. The applicant shall compensate for the impacts by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.

F. Monitor Impacts and Mitigation. The applicant shall monitor the impacts and the compensation projects and take appropriate corrective measures.

G. Type and Location of Mitigation. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.

H. In addition to mitigation, unavoidable adverse impacts may be addressed through restoration efforts.

I. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.

J. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

K. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.

(M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.070 — Minor Exceptions

~~A. Minor Exceptions Authorized. Minor exceptions shall be processed in accordance with the Shoreline Variance provisions of SMP Sections 2.6 and 7.4.5. Minor exceptions from the NFIP development standards of VMC 20.740.120, Frequently Flooded Areas are prohibited (VMC 20.740.120(D)).~~

Section 20.740.080 — Reasonable Use Exceptions

~~A. Exception Request and Review Process.~~

~~If the application of this chapter would deny all reasonable economic use of the subject property, the applicant may request a Shoreline Variance in accordance with Sections 2.6 and 7.4.5.~~

Section 20.740.090 — Unauthorized Critical Areas Alterations and Enforcement

~~A. Enforcement.~~

~~— 1. It shall be unlawful to violate the provisions of VMC Chapter 20.740. SMP Chapter 7 shall provide the enforcement provisions for Chapter 5A, VMC Chapter 20.740.~~

~~B. Requirement for Restoration Plan. In the event the City initiates enforcement action or files a complaint in court, the City may require a restoration plan consistent with the requirements of this chapter and Chapter 7. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in VMC 20.740.090(C). The Shoreline Administrator shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.~~

~~C. Minimum Performance Standards for Restoration.~~

~~— 1. For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:~~

~~—— a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;~~

~~—— b. The soil types and configuration prior to violation shall be replicated;~~

~~—— c. The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Shoreline Administrator). If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(B)(1), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Shoreline Administrator; and~~

~~——— d. Information demonstrating compliance with the requirements in VMC 20.740.050(F) Mitigation Plan Requirements shall be submitted to the Shoreline Administrator.~~

~~—— 2. For alterations to frequently flooded and geologic hazard areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:~~

~~——— a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;~~

~~——— b. The risk of personal injury resulting from the alteration shall be eliminated or minimized;~~

~~——— c. Drainage patterns shall be restored to those existing before the alteration; and~~

~~——— d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(B)(1), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Shoreline Administrator.~~

~~D. Site Investigations. The Shoreline Administrator is authorized to make site inspections and take such actions as are necessary to enforce this chapter. As a condition of the restoration plan, the applicant shall grant reasonable access to the property.~~

~~(M 3844, Amended, 10/01/2007, Sec 2; M 3692, Added, 02/28/2005, Sec 2)~~

Section 20.740.100 — Habitats of Local Importance

~~A. Eligibility and Approval Criteria. Habitats of Local Importance are Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but are designated as locally significant by the City. Criteria for designation include all of the following:~~

~~—— 1. A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.~~

~~—— 2. The area is sufficient in size to support the species or habitat functions for which it is designated.~~

~~—— 3. The designation will not compromise the ability of the City to achieve the goals of the Comprehensive Plan.~~

~~—— 4. There is a proposed management strategy describing how the functions of the habitat will be protected after designation.——~~

~~B. Designation Process. Habitats of Local Importance may be proposed by the property owner or the City and shall be designated according to a Type IV legislative procedure (VMC 20.210.070).~~

~~(M 3692, Added, 02/28/2005, Sec 2)~~

Section 20.740.110 — Fish and Wildlife Habitat Conservation Areas

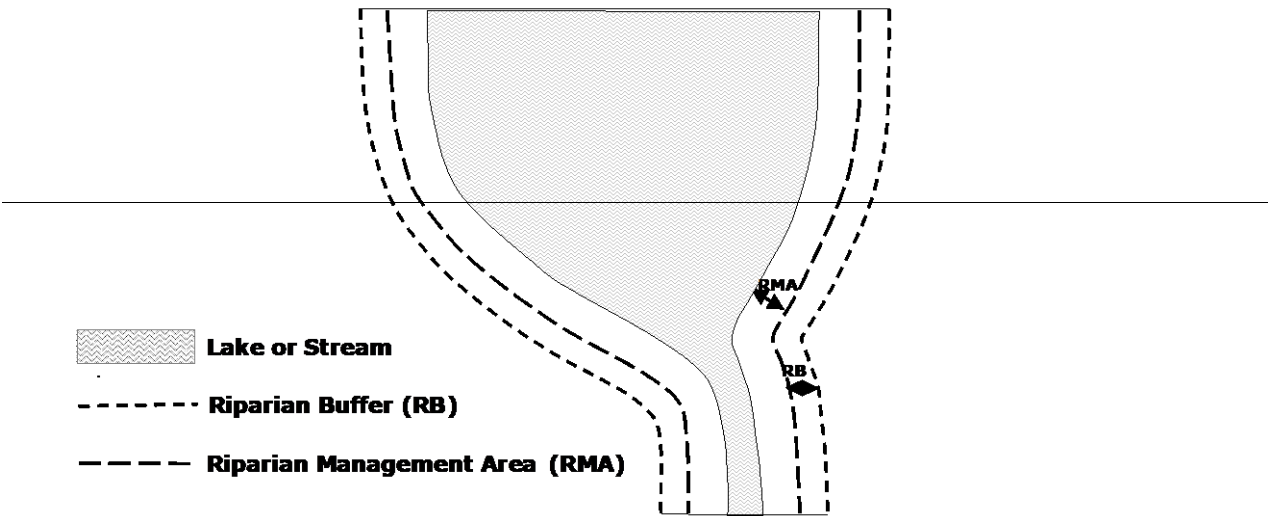
~~A. Designation.~~

~~—— 1. Final designations shall be based on site conditions and other available data or information (See~~

VMC 20.740.020(C)(1). There are established in the City the following identified Fish and Wildlife Habitat Conservation Areas:

- ~~_____ a. Habitat used by any life stage of state or federally designated endangered, threatened, and sensitive fish or wildlife species. A current list of federally and state identified species is available from the Shoreline Administrator.~~
- ~~_____ b. Priority Habitats and areas associated with Priority Species. Current lists of Priority Habitats and Species and applicable Management Recommendations promulgated by the Washington Department of Fish and Wildlife are available from the Shoreline Administrator.~~
- ~~_____ c. Water bodies including lakes, streams, rivers, and naturally occurring ponds.~~
- ~~_____ d. Habitats of Local Importance. Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but are designated as locally significant by the City in accordance with VMC 20.740.100.~~
- ~~_____ e. Riparian Management Areas and Riparian Buffers. The regulated areas include the land from the ordinary high water mark to a specified distance as measured horizontally in each direction. The Riparian Management Area is adjacent to the lake, stream or river, and the Riparian Buffer is adjacent to the Riparian Management Area.~~

**Figure 20.740.110-1
Riparian Management Area and Riparian Buffer**



~~(1) The Riparian Management Areas and Riparian Buffers are as follows:~~

TABLE 20.740.110-1

RIPARIAN MANAGEMENT AREAS & BUFFERS

DNR /Vancouver Stream Type	Description	Land Use Intensity ¹	RMA	RB ²
S	Shorelines of the State	High/Moderate/Low	100'	75'
F	Lakes, streams, and rivers that contain fish habitat	High/Moderate/Low	100'	75'
Np or Ns, large	Streams and rivers that: (1) are not shorelines of the state; (2) do not contain fish habitat; (3) are wider than 5' between the ordinary high water marks on the banks.	High/Moderate/Low	100'	75'
Np, small, connected	Streams and rivers that: (1) are not shorelines of the state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are perennial	High/Moderate Low	100' 100'	50' 25'
Ns, small, connected	Streams and rivers that: (1) are not shorelines of the state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are seasonal	High/Moderate Low	100' 100'	25' 0'
Np or Ns, small, not connected	Streams and rivers that: (1) are not shorelines of the state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do not connect via surface water to another stream or river; and (5) are either perennial or seasonal	High/Moderate/Low	25'	0'

¹Refer to Table 20.740.140-1.²The RB is the distance shown or the full extent of the 100-year floodplain, whichever is farther

landward.

____ (A) When impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Shoreline Administrator may adjust the regulated riparian area to reflect site conditions and sound science.

2. ~~Habitat Location Information. Information on the approximate location and extent of Habitat Conservation Areas is available from the Shoreline Administrator.~~

The habitat location information is based on:

- ____ a. Washington Department of Fish and Wildlife Priority Habitat and Species Maps;
- ____ b. Washington Department of Fish and Wildlife Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHAP);
- ____ c. Washington Department of Natural Resources Official Water Type Reference Maps;
- ____ d. City designated Habitats of Local Importance;
- ____ e. Other information acquired by the City.

B. ~~Additional Critical Areas Report Requirements~~

____ 1. A Critical Areas Report for a Riparian Management Area or Riparian Buffer shall include evaluation of the habitat functions using the Clark County Habitat Conservation Ordinance Riparian Habitat Field Rating Form or another habitat evaluation tool approved by the Washington Department of Fish and Wildlife.

____ a. In addition to the standards of (VMC 20.740.050F), where a mitigation plan is required as part of the Critical Areas Report for a fish and wildlife habitat conservation area that involves a water body, Riparian Management Area or Riparian Buffer, the monitoring program protocol shall include where relevant to the impacted functions:

- ____ 1. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates)
- ____ 2. Large woody debris surveys
- ____ 3. Streamflow monitoring
- ____ 4. Water quality monitoring to detect pollution impacts
- ____ 5. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling)

____ 2. If the clearing or development activity is in the Riparian Management Area, the Critical Areas Report shall contain the following information, if applicable, in addition to the general Critical Areas Report requirements of VMC 20.740.050:

_____ a. How the clearing or development activity constitutes a water dependent, water related or water enjoyment use; or

_____ b. How the clearing or development activity cannot feasibly be located on the site outside of the Riparian Management Area; and

_____ c. How the proposal meets the Riparian Management Area width averaging standard (VMC 20.740.110(C)(2)(c)); and

_____ d. How the proposal will not adversely affect the connectivity of habitat functions.

C. Performance Standards

_____ 1. General.

_____ a. Development or clearing activities shall protect the functions of the Habitat Conservation Areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas approval criteria (VMC 20.740.060). Functions include:

_____ 1. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and

_____ 2. Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.

_____ b. An applicant shall replace any lost functions preferably by restoring or if not, then by enhancing other habitat functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a Riparian Management Area or Buffer. To the maximum extent feasible, enhancement shall be undertaken on-site.

_____ c. If development or clearing activity is within a Priority Habitat and Species area the applicant shall follow Washington Department of Fish and Wildlife Management Guidelines, Management Recommendations or other standards approved by the Washington Department of Fish and Wildlife. Where there are no guidelines, recommendations or other standards, development or clearing may occur provided that:

_____ 1. The development or clearing results in no net loss of habitat function on the site; and

_____ 2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved.

_____ d. Signs for Fish and Wildlife Conservation Areas

_____ 1. Temporary markers. The location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the Shoreline Administrator prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

2. Permanent signs. Permanent signs shall be posted on public and private properties at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet or as otherwise determined by the Shoreline Administrator, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Shoreline Administrator: "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

2. Riparian Management Areas and Riparian Buffers.

In addition to the standards in VMC 20.740.060 and VMC 20.740.110(C)(1) the standards in this section shall apply in Riparian Management Areas and Buffers.

a. Riparian Buffer. Development or clearing activity may occur in the Riparian Buffer, providing that:

1. The planned mitigation results in no net loss of riparian habitat functions on the site, and

2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC 20.740.110(C)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.

b. Riparian Management Area. No development or clearing activity is allowed within the Riparian Management Area unless such activity is:

1. A water dependent, water related or water enjoyment activity where there are no feasible alternatives that would have a less adverse impact on the Riparian Management Area or Riparian Buffer. The applicant shall minimize the impact and mitigate for any unavoidable impact to functions; Cost may be considered, but shall not be overriding; or

2. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the Riparian Management Area, that minimizes impacts, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or

3. Mitigation for activities allowed by this chapter, providing the activity provides no net loss of riparian habitat functions on the site.

c. Modification of the Riparian Management Area Width. The width of the Riparian Management Area may be modified (See VMC 20.170.080(B)(1)) if all the following are met:

1. The square footage of the area meeting the performance standards of the Riparian Management Area (VMC 20.740.110(C)(2)(b)) is not reduced; and

2. There is no net loss of functions as a result of the averaging; and

3. Notwithstanding any other provision, the reduction of the Riparian Management Area width at any location may be no greater than 25%.

d. Owners of developed properties within the Riparian Management Area or Riparian Buffer are encouraged to enhance the area by planting native plants and to apply integrated pest management.

~~—c. Agricultural activities in the Riparian Management Area or Riparian Buffer are encouraged to develop farm conservation plans.~~

~~(M 3931, Amended, 11/02/2009, Sec 25 Effective 12/2/2009; M 3844, Amended, 10/01/2007, Sec 2; M3692, Added, 02/28/2005, Sec 2)~~

Section 20.740.120 — Frequently Flooded Areas

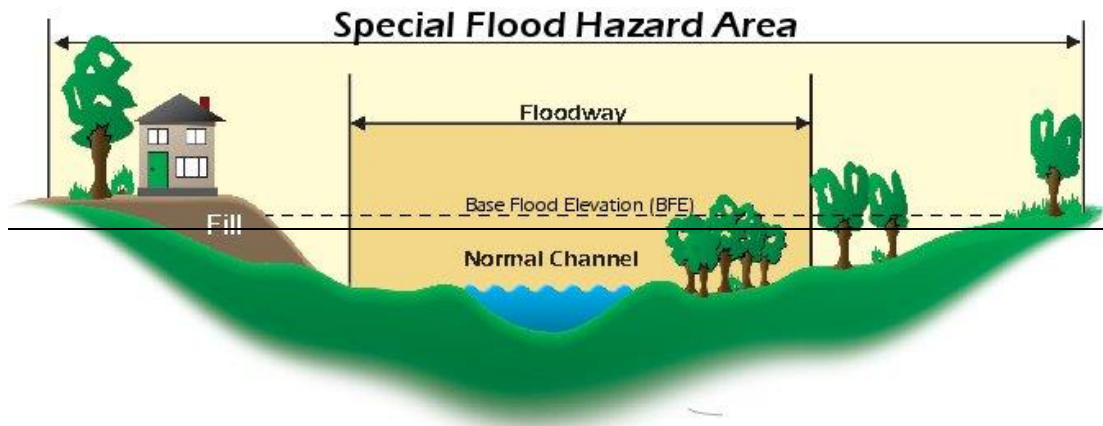
A. Designation.

Frequently Flooded Areas are the *Areas of Special Flood Hazards* identified by the Federal Insurance Administration and the Federal Emergency Management Agency (FEMA), respectively, in scientific and engineering reports entitled, *Flood Insurance Study: Clark County, Washington and Incorporated Areas, Volumes 1 and 2 (Numbers 53011CV001A and 53011CV002A, respectively)*, effective September 5, 2012 with accompanying Flood Insurance Rate Maps (FIRMs and their digital version, DFIRMs). The Flood Insurance Study (FIS), FIRMs and DFIRMs are available from the Shoreline Administrator, 415 West 6th Street, Vancouver, WA 98660. (See VMC 20.150.040 Meanings of Specific Words and Terms for definitions for *Areas of Special Flood Hazards*, *Floodplain*, *Floodway*, and *Frequently Flooded Areas*.)

Portions of channel migration zones located outside areas of special flood hazards are not designated as frequently flooded areas.

When base flood elevation (BFE) data has not been provided in frequently flooded areas (Zone A), the Shoreline Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of this chapter. This best available information for flood hazard area identification shall be the basis for regulation until a new FIRM/DFIRM is issued.

Figure 20.740.120-1
Frequently Flooded Areas/Areas of Special Flood Hazards



Adapted from Floodplain Management: A Local Administrator's Guide to the National Flood Insurance Program, Fifth Edition, FEMA Region 10.

B. Additional Critical Areas Report Requirements.

In addition to the Critical Areas Report requirements in VMC 20.740.050, the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.

- 1. Base (100 year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or 5 acres, whichever is less.
- 2. Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures.
- 3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least 1 foot above the base flood elevation or for non-residential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.
- 4. Location of the channel migration zone. See the Clark County Shoreline Inventory & Characterization Report, Volume 1, Lewis and Salmon Washougal Watersheds and Rural Areas, Map 27, Potential Channel Migration Zone (CMZ) Areas for general locations of channel migration zones. The actual location of the channel migration zone on-site must be identified by a qualified professional and mapped in accordance with the submittal requirements of VMC 20.740.050.
- 5. Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety. When the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120A), the Critical Areas Report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.

~~— 6. Certification, documentation, and demonstration by a qualified professional of how the applicable standards of VMC 20.740.120(C) will be met. To support the “no rise” analyses required in VMC 20.740.120(C)(1)(b), the documentation required in the most recently updated or amended FEMA Region 10 publication, *Floodplain Management: A Local Floodplain Administrator’s Guide to the National Flood Insurance Program* shall be submitted.~~

C. Performance Standards.

Except as noted, the following standards apply to all structures and development (including but not limited to the placement of manufactured homes, substantial improvement, roads, railroads, trails, dikes, levees, or water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facilities) in all areas of special flood hazards and channel migration zones (CMZs). Additional restrictions apply in the floodway.

~~— 1. Encroachments. (See Section 5.6.2.)~~

~~— a. Designated Floodway: Prohibited Encroachments. The following are prohibited in the floodway:~~

~~— 1. Water wells (20.740.120(C)(4)(a)).~~

~~— 2. On site waste disposal systems (20.740.120(C)(5)(a)).~~

~~— 3. Residential structures or other structures for human habitation including but not limited to:~~

~~— a. Building envelopes within subdivisions (20.740.120(C)(9)(a));~~

~~— b. New construction or reconstruction of residential structures (20.740.120(C)(10)(b)(1));~~

~~— c. Placement or replacement of manufactured homes (all types) (20.740.120(C)(10)(b)(2));~~

~~— d. Critical facilities housing vulnerable populations and emergency services (20.740.120(C)(12)(a)); and~~

~~— e. Recreational vehicles (20.740.120(C)(13)(a)).~~

~~— b. Designated Floodway: Allowed Encroachments. In areas where the base flood elevation has been provided and a regulatory floodway has been designated, other encroachments including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless:~~

~~— 1. Certification by a qualified professional (in this case, a registered professional engineer) is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in base flood elevation (less than 0.00 feet, rounded) or flood velocity during the occurrence of the base flood discharge. At a minimum, such “no rise” analyses shall include a step backwater analysis and a conveyance compensation analysis as required in the most recently updated or amended FEMA Region 10 publication, *Floodplain Management: A Local Floodplain Administrator’s Guide to the National*~~

Flood Insurance Program; and

~~_____ 2. The applicable standards of Chapter 5A, VMC 20.740.120(C)(2-14) are also met.~~

~~_____ c. **No Designated Floodway: Allowed Encroachments.** In areas where the base flood elevation has been provided but a regulatory floodway has not been designated, no encroachments including but not limited to new construction, substantial improvement, or other development (including fill) shall be permitted, unless:~~

~~_____ 1. The applicant has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and~~

~~_____ 2. The applicable standards of Chapter 5A, VMC 20.740.120(C)(2-14) are also met.~~

~~_____ d. **Other Areas of Special Flood Hazards and CMZs.** In areas of special flood hazards except the floodway or where the BFE has not been provided, or in channel migration zones, encroachments, including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited, unless:~~

~~_____ 1. A qualified professional provides certification demonstrating that the proposed project would not result in a net loss of flood storage capacity; and~~

~~_____ 2. The applicable standards of Chapter 5A, VMC 20.740.120(C)(2-14) are also met.~~

~~_____ 2. **Property Damage.** Development shall not result in adverse impacts to other properties either upstream or downstream.~~

~~_____ 3. **Drainage.** Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.~~

~~_____ 4. **Water.**~~

~~_____ a. Water wells are prohibited in the floodway.~~

~~_____ b. In areas of special flood hazards except the floodway and in CMZs, water wells shall be constructed to withstand a 100-year flood without adversely impacting groundwater quality (WAC 173-160-171).~~

~~_____ c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.~~

~~_____ 5. **Waste.**~~

~~_____ a. On-site waste disposal systems are prohibited in the floodway.~~

~~_____ b. In areas of special flood hazards except the floodway and in CMZs, on-site waste disposal systems shall be located to avoid flood damage to them or release of contaminants from them during a base flood event.~~

~~_____ c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate~~

~~infiltration of flood waters into the systems and discharge from the systems into flood waters.~~

~~— 6. Construction Materials and Methods.~~

~~— a. Construction methods and practices shall minimize flood damage.~~

~~— b. Construction materials and utility equipment shall be resistant to flood damage. For guidance on flood-resistant materials see the most current FEMA Technical Bulletin 2, *Flood-Resistant Materials Requirements*.~~

~~— c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a base flood event. For guidance on the placement of building utility systems, see the most current FEMA Publication #348, *Protecting Building Utilities from Flood Damage*.~~

~~— 7. Anchoring. All new construction including substantial improvements and all types of manufactured homes shall:~~

~~— a. Be elevated on a permanent foundation and securely anchored to an adequate foundation system to prevent flotation, collapse, or lateral movement.~~

~~— b. Be installed or placed using methods and practices that minimize flood damage. Manufactured home placement shall follow the guidance in the most current FEMA P-85, *Protecting Manufactured Homes from Floods and Other Hazards*.~~

~~— 8. Enclosed Areas Below the Base Flood Elevation.~~

~~— a. Enclosed areas below the base flood elevation shall be used only for vehicle parking, building access, or storage.~~

~~— b. New or substantially improved enclosed areas below the base flood elevation shall be constructed in accordance with:~~

~~— 1. VMC 20.740.120(C)(7), Anchoring~~

~~— 2. VMC 20.740.120(C)(10)(c)(2)(d), Residential Construction~~

~~— 3. VMC 20.740.120(C)(6)(b-c), Construction Materials and Methods~~

~~— c. Enclosed areas below the BFE shall not be considered to be the lowest floor when they are not part of a basement and meet the requirements of VMC 20.740.120(C)(10)(d).~~

~~— d. Crawlspace Construction. Crawlspaces are a type of enclosed area below the BFE. Crawlspaces constructed at or above the lowest adjacent exterior grade are preferred. (Note: Insurance premiums for structures with below-grade crawlspaces will be higher than those with the interior elevation at or above the lowest adjacent exterior grade.) Refer to the most current FEMA Technical Bulletin 11, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas* (available from the Planning Official) for more information. Crawlspaces:~~

~~— 1. Are prohibited in areas with flood velocities greater than five feet (5') per second~~

~~unless designed by a qualified professional (in this case an architect or professional engineer).~~

~~_____ 2. Shall meet the requirements of VMC 20.740.120(C)(8)(a-c), Enclosed Areas below the BFE.~~

~~_____ 3. Shall not be considered “basements” for the purposes of VMC 20.740.120 when constructed according to the following standards:~~

~~_____ a. The interior grade of a crawlspace below the base flood elevation must not be more than 2’ below the lowest adjacent exterior grade.~~

~~_____ b. The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4’ at any point.~~

~~_____ c. The crawlspace must be equipped with a drainage system that removes floodwaters from the interior area of the crawlspace in a reasonable period of time after a base flood event.~~

~~_____ 9. Subdivisions.~~

~~_____ a. All subdivisions shall be designed:~~

~~_____ 1. To ensure that no residential structure or other structures for human habitation are located in the floodway even though lots may extend into the floodway;~~

~~_____ 2. To avoid placement of any structures in areas of special flood hazards and in CMZs;~~

~~_____ 3. Where it is not possible to design a subdivision in a manner to avoid placement of any structures in areas of special flood hazards or CMZs, the subdivision shall be designed to minimize or eliminate potential flood damage.~~

~~_____ b. All subdivisions shall have facilities such as sewer, gas, power, cable, fiber optic, telephone, stormwater and water systems located and constructed to minimize or eliminate flood damage. (See VMC 20.740.120(C)(2), Property Damage; VMC 20.740.120(C)(4), Water; VMC 20.740.120(C)(5), Waste; VMC 20.740.120(C)(6), Construction Materials and Methods; and VMC 20.740.120(C)(7), Anchoring.)~~

~~_____ c. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (See VMC 20.740.120(C)(3), Drainage.)~~

~~_____ 10. Residential Construction (including Manufactured Homes).~~

~~_____ a. Residential Construction in the Floodway.~~

~~_____ 1. New construction and reconstruction of residential development including placement and replacement of all types of manufactured homes is prohibited in the floodway.~~

~~_____ 2. Existing residential structures and manufactured homes in the floodway are non-conforming, but may be repaired or improved, provided:~~

~~_____ a. The repair or improvement does not increase the ground floor area of the structure; and~~

~~_____ b. The repair or improvement does not result in adverse impacts to other properties either upstream or downstream; and~~

~~_____ c. The cost of the repair or improvement does not exceed 50% of the market value of the structure either:~~

~~_____ 1. Before the start of repair or improvement where there is no damage to the structure; or~~

~~_____ 2. Before flood or other damage to the structure occurred.~~

~~_____ d. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Planning Official and which are the minimum necessary to assure safe living conditions may be excluded from the 50%.~~

~~_____ e. Any project for improvement to a structure identified as a historic place may be excluded from the 50%.~~

~~_____ b. Residential Construction in Other Areas of Special Flood Hazards and CMZs. In areas of special flood hazards except the floodway and in channel migration zones:~~

~~_____ 1. New residential construction and reconstruction, including all types of manufactured homes and other structures for human habitation shall meet all the provisions of this chapter, including VMC 20.740.120(C)(8) and (10)(c-d).~~

~~_____ 2. New placement or replacement of all types of manufactured homes shall meet the standards of VMC 20.740.120(C)(7), Anchoring.~~

~~_____ 3. Repair or Substantial Improvement. All provisions of this chapter (including the elevation standards of VMC 20.740.120(C)(8) and (10)(c-d)), all state and local health, sanitary, safety codes, and where applicable, historic preservation codes shall be met when the cost of repair or improvement of an existing residential structure exceeds 50% of the market value of the structure either:~~

~~_____ a. Before the start of repair or improvement where there is no damage to the structure; or~~

~~_____ b. Before flood or other damage to the structure occurred.~~

~~_____ c. Elevation~~

~~_____ 1. BFE Established. The lowest floor (including basement) of new residential structures (including but not limited to reconstruction, substantial improvement, the placement or replacement of all types of manufactured homes) shall be elevated at least 1 foot above base flood elevation. Structures shall be elevated using means other than fill (such as extended foundation or other enclosure walls, piles, or columns) whenever feasible.~~

~~_____ 2. No BFE. In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120(A) and .120(B)(5)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be~~

reasonably safe from flooding, new residential construction (including but not limited to substantial improvement and the placement of manufactured homes) shall be elevated at least 2' above the highest adjacent grade. (Note: Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates.)

_____ d. Fully Enclosed Areas Below Lowest Floor. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must be certified by a qualified professional (in this case, a registered professional engineer or architect), or must meet or exceed the following minimum criteria:

_____ 1. Contain a minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding;

_____ 2. The bottom of all openings are no higher than 1 foot above grade; and

_____ 3. Openings permit the automatic entry and exit of floodwaters even when equipped with screens, louvers, or other coverings or devices.

_____ For guidance on flood openings, see FEMA Technical Bulletin 1-93, *Openings in Foundation Walls*.

_____ 11. Non-Residential Construction. New construction and substantial improvement of any nonresidential structure shall either be elevated (VMC 20.740.120(C)(11)(a or b)) or flood proofed (VMC 20.740.120(C)(11)(c)):

_____ a. Be Elevated: BFE Established.

_____ 1. Have the lowest floor, including basement, elevated at least one foot above the base flood elevation; and

_____ 2. Meet the same standards for space below the lowest floor as described in 20.740.120(C)(8)(d) and VMC 20.740.120(C)(10)(d);

_____ b. Be Elevated: No BFE.

_____ 1. In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120(C)(2A) and (3.120(B)(5)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new non-residential construction shall be elevated at least 2' above the highest adjacent grade. Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates; and

_____ 2. Meet the same standards for space below the lowest floor as described in 20.740.120(C)(8)(d) and VMC 20.740.120(C)(10)(d); or

_____ c. Be Flood proofed. Together with attendant utility and sanitary facilities shall:

_____ 1. Be flood proofed so that below one foot (or more) above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;

~~_____ 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~

~~_____ 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Official as set forth in VMC 20.740.120(E).~~

~~_____ 12. Critical Facilities.~~

~~_____ a. Critical facilities housing vulnerable populations and emergency services shall be prohibited in the floodway.~~

~~_____ b. In areas of special flood hazard except the floodway and in CMZs, construction of new critical facilities shall be prohibited unless the applicant demonstrates that:~~

~~_____ 1. No feasible alternative site is available; and either:~~

~~_____ a. The lowest floor, entrances, egresses, and to the extent feasible access routes are elevated to 3 feet above the base flood elevation or to the elevation of the 500-year flood, whichever is lower; or~~

~~_____ b. The applicant demonstrates that other measures would ensure that in the event of a flood, the facility would remain safe and fully operational and that potentially harmful materials would not be displaced by or released into floodwaters. Such measures shall be conditions of approval of the Critical Areas Permit.~~

~~_____ 13. Recreational Vehicles.~~

~~_____ a. Recreational vehicles shall be located outside the floodway.~~

~~_____ b. Recreational vehicles in areas of special flood hazard except the floodway and in CMZs shall either:~~

~~_____ 1. Be on the site for fewer than 180 consecutive days;~~

~~_____ 2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type water, sewer, stormwater, gas, power, cable, fiber optic, telephone, and security devices, and have no permanently attached additions; or~~

~~_____ 3. Meet the requirements of VMC 20.740.120(C)(7), Anchoring; VMC 20.740.120(C)(8), Enclosed Areas below the Base Flood Elevation; and VMC 20.740.120 (C)(10)(c), Elevation.~~

~~_____ 14. Alteration of Watercourse.~~

~~_____ a. The Shoreline Administrator shall notify adjacent communities and the state coordinating agency, Washington State Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.~~

~~_____ b. Alteration or relocation of a watercourse shall be allowed only after:~~

- ~~_____ 1. Certification by a qualified professional that the alteration or relocation:~~
 - ~~_____ a. Is the only feasible alternative or is part of a restoration project approved by the appropriate state or federal agencies;~~
 - ~~_____ b. Will not diminish the flood-carrying capacity of the watercourse;~~
 - ~~_____ c. Will not block side channels;~~
 - ~~_____ d. Will be accomplished using soft armoring techniques wherever possible;~~
 - ~~_____ e. Will avoid to the extent possible and then minimize and mitigate removal of vegetation including downed woody vegetation; and~~
 - ~~_____ f. Will not endanger development in the channel migration zone.~~
- ~~_____ 2. The applicant provides assurance acceptable to the Shoreline Administrator of maintenance of the relocated channel such that the flood-carrying capacity of the watercourse is not diminished.~~

~~D. Variances and Minor Exceptions.~~

~~_____ Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property. They apply to the land and are not personal in nature, do not pertain to the structure, its inhabitants, or economic or financial circumstances. The development standards contained in VMC 20.740.120, Frequently Flooded Areas are required by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) to protect life and property from flood damage.~~

~~_____ Variances from the NFIP standards of VMC 20.740.120 shall meet the approval criteria and other requirements of VMC 20.740.120(D) in addition to any other applicable variance criteria or requirements (e.g., VMC 20.290 or VMC 20.760). Variances from the NFIP standards of VMC 20.740.120 shall be processed as Type I or II variances or shoreline variances as appropriate, not as Minor Exceptions (VMC 20.740.070).~~

~~_____ Variances or minor exceptions from other critical area standards (any standards of VMC 20.740 not in Section VMC 20.740.120) shall meet the applicable criteria and follow the applicable procedures for the relief requested (VMC 20.740.070, VMC 20.290, or VMC 20.760)~~

- ~~_____ 1. NFIP Variances may be allowed:~~
 - ~~_____ a. For Historic Structures. NFIP variances may be issued for the repair, reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, Washington Heritage Register, Washington's Heritage Barn Register, Washington's Historic Property Inventory Database, Clark County Cultural Resources Inventory, or Clark County Heritage Register, provided:~~
 - ~~_____ 1. The proposed development will not preclude the structure's continued designation as a historic structure;~~
 - ~~_____ 2. The variance is the minimum necessary to preserve the historic character and design of the structure; and~~

- 3. NFIP variance approval criteria at VMC 20.740.120(D)(2)(a-d) are met:
 - b. From the Elevation Standard. An NFIP variance from the elevation standard may be issued for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases the technical justification required for issuing the variance increases.
 - c. From the Flood proofing Standard for Non-Residential Buildings. NFIP variances may be issued for non-residential buildings to allow a lesser degree of flood proofing than watertight or dry flood proofing where it can be determined that such action:
 - 1. Will have low damage potential;
 - 2. Complies with all other NFIP variance criteria except VMC 20.740.120(D)(1)(a)(2);
 - 3. Complies with VMC 20.740.120(C)(4), Water; VMC 20.740.120(C)(5), Waste; VMC 20.740.120(C)(7), Anchoring; and VMC 20.740.120(C)(9), Subdivisions.
 - d. For Allowed Development within the Floodway. NFIP variances may be issued for development within a floodway only when the requirements of VMC 20.740.120(C)(1)(b) are met.
- 2. NFIP Variance Approval Criteria. NFIP variances from elevation and flood proofing standards, and for development in the floodway (VMC 20.740.120(D)(1)(a)(2-4)) may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:
 - a. The NFIP variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. The applicant has demonstrated good and sufficient cause.
 - c. Failure to grant the NFIP variance would result in exceptional hardship to the applicant. (Exceptional hardship for an NFIP variance is described in a FEMA memorandum dated July 22, 1986 entitled *Resource Materials on NFIP Variance Criteria* available from the Planning Official.)
 - d. Granting the variance will not result in increased flood heights or velocities, additional threats to public safety, significantly increased property damage potential, extraordinary public expense, or conflict with existing local laws or ordinances.
 - e. Demonstration that the following factors have been considered:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;

~~—— 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~

~~—— 7. The compatibility of the proposed use with existing and anticipated development;~~

~~—— 8. The relationship of the proposed use to the comprehensive plan;~~

~~—— 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~—— 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~

~~—— 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of facilities such as sewer, gas, electrical, stormwater, and water systems, and streets and bridges.~~

~~—— 3. Notices Required.~~

~~A notice to the applicant is required whenever a variance is approved, approved with conditions, or denied. Such notice shall include the decision and the reasons for the decision. When a variance from the elevation standard is approved or approved with conditions, such notice shall state that the structure will be permitted to be built with a lowest floor elevation below that normally required with respect to the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

E. Information to be Obtained and Maintained.

~~1. For all new and substantially improved structures and development, the Shoreline Administrator shall complete Section B of a current elevation certificate and obtain and record on that certificate:~~

~~a. For elevated (rather than flood proofed) structures and development, the actual (as built) elevation in relation to mean sea level of the lowest floor (including basement), and whether or not the structure contains a basement.~~

~~b. For non-residential, flood proofed structures, the elevation to which the structure was flood proofed. All flood proofing certifications shall also be maintained.~~

~~c. Maintain all records pertaining to development in frequently flooded areas subject to the provisions of this chapter, VMC 20.740, for public inspection.~~

~~—— 2. Records of Variance Actions. The Shoreline Administrator shall keep records of all variance actions and report any approved variances to the Federal Insurance Administration upon request.~~

~~—— 3. Records of Appeal Actions. The Shoreline Administrator shall keep records of all appeal actions. (M 3844, Amended, 10/01/2007, Sec 2; M 3692, Added, 02/28/2005, Sec 2)~~

Section 20.740.130 — Geologic Hazard Areas

A. Designation. Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion

Hazard Areas. With the exception of bank erosion hazard areas and fault rupture hazard areas, their potential locations are shown on maps available from the Shoreline Administrator. Final designations shall be based on site conditions and other available data or information [See VMC 20.740.020(C)(1)].

— 1. Landslide Hazard Areas. Potential landslide hazard areas are identified from the sources listed below.

—— a. Slopes greater than 25% on the property and adjacent areas within 100 feet, except engineered slopes such as cut and fill slopes along transportation routes (including trails), railroad and other berms, or dikes.

—— b. Areas of historic or active landslides, potential instability, or older landslide debris identified on the 1975 map by Allen Fiksdal of the Washington State Department of Natural Resources entitled, *Slope Stability: Clark County Washington* as revised or superseded, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.

— 2. Seismic Hazard Areas. Seismic Hazard Areas include Liquefaction or Dynamic Settlement, Ground Shaking Amplification, and Fault Rupture Hazard Areas.

—— a. Liquefaction or Dynamic Settlement. The following are designated Liquefaction or Dynamic Settlement Hazard Areas:

—— 1. Areas with Low to Moderate, Moderate, Moderate to High, or High liquefaction susceptibility or Peat Deposits as indicated on the *Alternative Liquefaction Susceptibility Map of Clark County, Washington based on Swanson's Groundwater Model* by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004, as revised or superseded.

—— 2. Areas of fill (Fn) identified by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington and by the Shoreline Administrator, based on other reliable evidence.

—— b. Ground Shaking Amplification. The following are designated Ground Shaking Amplification Hazard Areas:

Site Classes C to D, D, D to E, E and F as indicated on the *Site Class Map of Clark County, Washington* by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004 as revised or superseded.

—— c. Fault Rupture Hazard Areas. Potential Fault Rupture Hazard Areas are faults identified on geological maps prepared and maintained by the Washington Department of Natural Resources (DNR), U.S. Geological Survey (USGS), Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County, Washington, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.

— 3. Erosion Hazard Areas. Erosion Hazard Areas include Soil Erosion and Bank Erosion Hazard Areas.

—— a. Soil Erosion Hazard Areas. The following are designated Soil Erosion Hazard Areas:

Areas with soils identified as having a severe erosion hazard by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington.

——— b. Bank Erosion Hazard Areas. Bank Erosion Hazard Areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

B. Additional Critical Areas Report Requirements.

In addition to the requirements of VMC 20.740.050, the following are Critical Areas Report requirements for development proposals in potential geologic hazard areas. These requirements may be adjusted as appropriate by the Shoreline Administrator. The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area (See VMC 20.740.130(B)(6)). If it is, the Critical Areas Report requires additional information, mapping, and analysis (See VMC 20.740.130(B)(7)).

——— 1. Identification of the site and project area (defined at VMC 20.150), topography in 2-foot contours (or other increment at the discretion of the Shoreline Administrator), gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees, and existing structures on the site plan required by VMC 20.740.050; and

——— 2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations; and

——— 3. Field investigation and evaluation of the areas on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and

——— 4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and

——— 5. Identification of the hazard area indicators that were found (if any) on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and

——— 6. Conclusion as to whether there is a geologic hazard area on site or for landslide and bank erosion hazards on or within 100 feet of the site; and

——— 7. If a liquefaction, dynamic settlement, ground shaking amplification, fault rupture, or soil erosion hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site:

——— a. Label and show on the site plan required by VMC 20.740.050:

——— 1. The location(s), extent, and type(s) of geologic hazard area(s) identified; and

——— 2. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development; and

——— 3. The boundaries of the area that may be disturbed.

~~_____ 4. The dimension of the closest distance(s) between the geologic hazard area(s) and the project area.~~

~~_____ 5. The dimension of the closest distance(s) [See VMC 20.170.030(C)] between any non-disturbance area [VMC 20.740.130(B)(7)(a)(2)] and the project area.~~

~~For bank erosion hazard areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures.~~

~~_____ b. Analysis of the erosion processes on site for soil erosion hazard areas and on or within 100 feet of the site for bank erosion hazard areas.~~

~~_____ c. Evaluation of the impact of the geologic hazard area(s) on the proposed development, other properties, and other critical areas.~~

~~_____ 1. Landslide hazard areas. The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.~~

~~_____ 2. Bank erosion hazard areas. Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.~~

~~_____ d. Evaluation of the impact of the proposed development on the geologic hazard area(s).~~

~~_____ e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.~~

~~_____ f. Written discussion of:~~

~~_____ 1. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for bank erosion hazard areas); and other critical areas; and~~

~~_____ 2. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.~~

~~_____ g. Recommendations for mitigation of impacts to protect:~~

~~_____ 1. Human health and safety;~~

~~_____ 2. Infrastructure;~~

~~_____ 3. The proposed development;~~

~~_____ 4. Other properties (both upstream and downstream for bank erosion hazard areas);~~

~~_____ 5. Other critical areas; and~~

~~_____ 6. The hazard area during construction and for the anticipated life of the proposed~~

development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

——— h. A demonstration of how the standards of VMC 20.740.130(C) applicable to each geologic hazard area will be met.

C. Performance Standards.

——— 1. Landslide, Soil Erosion, and Bank Erosion Hazard Areas. Development in non-disturbance areas (VMC 20.740.130(B)(7)(a)(2)) shall be prohibited. In other areas, development in landslide, soil erosion, and bank erosion hazard areas and their buffers [VMC 20.740.130(C)(1)(j)] shall be prohibited except where the applicant has demonstrated compliance with or satisfaction of the following standards or requirements:

——— a. The applicant has demonstrated that during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):

——— 1. Will not increase the threat of the geological hazard beyond pre-development conditions; and

——— 2. Will not adversely impact other critical areas wherever feasible given the type of critical areas involved and the characteristics of the site; and

——— 3. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions; and

——— 4. The life safety risk is minimal or eliminated; and

——— 5. Are certified by a qualified professional as safe as designed and under anticipated conditions.

Landslide hazard areas may be eliminated through grading based on a Critical Areas Report which demonstrates that the slope will be stabilized prepared by a qualified professional (in this case a licensed Engineering Geologist or Professional Engineer). The Critical Areas Permit shall be conditioned on a final inspection approval confirming that the grading and site are stable. At the applicant's expense, after site grading, (a) the qualified professional who prepared the Critical Areas Report shall provide inspection specifications; and (b) an inspector acceptable to the City Building Official shall inspect the grading and the site and submit a report to the City indicating whether the site is stable.

——— b. A plan for revegetation and landscape maintenance to ensure soil stabilization shall be developed and implemented in accordance with the mitigation plan requirements of VMC 20.740.050(F).

——— c. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1st to May 1st), except as authorized under a valid state or federal permit or a City Type I permit [VMC 20.740.040(B)(1)(f)].

——— d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the geologic hazard area, or other critical areas or buffers is increased.

——— e. The requirements of VMC 14.24, Erosion Control shall be met.

~~_____ f. Trails shall be for pedestrian and non-motorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.~~

~~_____ g. Roads in Landslide and Bank Erosion Hazard Areas. A road through or across a landslide or bank erosion hazard area shall meet the standards of VMC 20.740.130(C)(1)(a)–(f) and shall not be:~~

~~_____ 1. The sole access for a proposed subdivision (not including short subdivision) or critical facility;~~

~~_____ 2. Longer than 200 feet;~~

~~_____ 3. Steeper than a 15% grade.~~

~~_____ h. Markers and Signs in Landslide Hazard Areas.~~

~~_____ 1. The boundary at the outer edge of landslide area tracts and easements shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.~~

~~_____ 2. The boundary at the outer edge of the furthest of the landslide hazard area, non-disturbance area [VMC 20.740.130(B)(7)(a)(2)], or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.~~

~~_____ 3. These provisions may be modified by the Shoreline Administrator as necessary to ensure protection of sensitive features or wildlife needs.~~

~~_____ i. Bank Stabilization for Existing Development in Bank Erosion Hazard Areas.~~

~~_____ 1. Bank stabilization measures may be employed to protect an existing structure when a Critical Areas Report conclusively demonstrates all of the following:~~

~~_____ a. Bank erosion threatens an established use or existing structure(s); and~~

~~_____ b. The threatened structure(s) cannot be relocated landward of any non-disturbance area [VMC 20.740.130(B)(7)(a)(2)]; and~~

~~_____ c. Where applicable, bank stabilization measures are necessary to the operation and location of water-dependent, water-related, or water enjoyment activities consistent with the City of Vancouver Shoreline Management Master Program; and~~

~~_____ d. Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and~~

~~_____ e. Bank stabilization measures will not cause a significant adverse impact on fish, wildlife, or their habitats protected by this chapter.~~

~~_____ 2. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved Critical Areas Report demonstrates conclusively that beach nourishment,~~

bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.

_____. 3. When bank stabilization is allowed, the pertinent policies and regulations of the City of Vancouver Shoreline Management Master Program shall apply in addition to the requirements of this section. The terms and conditions of any other required state or federal permit or approval shall also apply.

_____. j. Buffer. The following regulations apply to landslide and bank erosion hazard area buffers. No buffer is required for soil erosion hazard areas. Buffers may be included in non-disturbance areas [VMC 20.740.130(B)(7)(a)(2)] and required planting and maintenance activities may be undertaken within them.

_____. 1. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See VMC 20.170.030(B) and (K)].

_____. 2. A vegetated buffer shall be maintained around all landslide and bank erosion hazard areas. No alteration to the buffer shall be undertaken without an erosion control plan approved pursuant to the provisions of VMC 14.24, Erosion Control and this chapter. New plantings shall consist of native vegetation. Maintenance shall be the responsibility of the property owner.

_____. 3. The minimum buffer width for bank erosion hazard areas shall be the distance recommended in an approved Critical Areas Report.

_____. 4. The minimum buffer width for landslide hazard areas shall be the greatest of the following distances:

_____. a. 50 feet from all edges of the landslide hazard area; or

_____. b. A distance of 1/3 the height of the slope at the top of the slope and a distance of 1/2 the height of the slope at the bottom of the slope [See VMC 20.170.030(J)]; or

_____. c. The minimum distance(s) recommended in an approved Critical Areas Report.

_____. 5. A larger buffer width may be required for landslide and bank erosion hazard areas at the discretion of the Shoreline Administrator when:

_____. a. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts; or

_____. b. The area has a severe risk of slope failure or downslope stormwater drainage impacts; or

_____. c. The area is directly adjacent to a riparian management area or wetland; or

_____. d. Recommended in an approved Critical Areas Report.

_____. 6. The buffer width for landslide hazard areas may be reduced to as little as the smallest of the distances identified in VMC 20.740.130(C)(1)(j)(4) at the discretion of the Shoreline Administrator when the dimensions of the landslide hazard area are smaller than those distances.

_____. 2. Seismic Hazard Areas

~~_____ a. Liquefaction or Dynamic Settlement Hazard Areas. All building structures in liquefaction or dynamic settlement hazard areas shall comply with the requirements of VMC Title 17, Building and Construction. No buffer is required for liquefaction or dynamic settlement hazard areas.~~

~~_____ b. Ground Shaking Amplification Hazard Areas. All building structures in ground shaking amplification hazard areas shall comply with the requirements of VMC Title 17, Building and Construction applicable to the NEHRP soil classification of the subject property. No buffer is required for ground shaking amplification hazard areas.~~

~~_____ c. Fault Rupture Hazard Areas.~~

~~_____ 1. A road through or across a fault rupture hazard area shall not be:~~

~~_____ a. The sole access for a proposed subdivision (not including short subdivision) or critical facility;~~

~~_____ b. Longer than 200 feet';~~

~~_____ c. Steeper than a 15% grade.~~

~~_____ 2. Structures for human habitation and critical facilities shall be prohibited within fault rupture hazard areas and buffers.~~

~~_____ 3. Buffer.~~

~~_____ a. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See VMC 20.170.030(B)].~~

~~_____ b. The buffer width shall be the greater of the following distances:~~

~~_____ i. 50 feet from all edges of a fault rupture hazard area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet [See VMC 20.170.030(L)]; or~~

~~_____ ii. The minimum distance recommended in an approved Critical Areas Report.~~

~~_____ c. A larger buffer width may be required when the Shoreline Administrator determines that the buffer is not adequate to protect the proposed development.~~

~~(M 3844, Amended, 10/01/2007, Sec 2; M 3692, Added, 02/28/2005, Sec 2)~~

Section 20.740.140 — Wetlands

A. Designating and Rating Wetlands

— 1. Designating Wetlands

Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include

swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created (but not as mitigation for impacts to wetlands) from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities or those wetlands created after July 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.

Final designations shall be based on site conditions and other available data or information (See VMC 20.740.020(C)(1)).

2. Wetland ratings

Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system Washington State Wetland Rating System for Western Washington 2014 Update, Ecology publication #14-06-029, October 2014 or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used:

a. Wetland Rating Categories

1. Category I. Category I wetlands are:

- a. Relatively undisturbed estuarine wetlands larger than 1 acre;
- b. Wetlands of high conservation value that are identified by scientists of the Washington natural Heritage Program of the Department of Natural Resources;
- c. Bogs;
- d. Mature and old-growth forested wetland larger than 1 acre;
- e. Wetlands that perform many functions well, scoring 23 points or more. These wetlands are those that:
 - 1) Represent unique or rare wetland types;
 - 2) Are more sensitive to disturbance than most wetlands;
 - 3) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
 - 4) Provide a high level of functions.

2. Category II. Category II wetlands function at a moderately high function, scoring between 20 and 22 points.

3. Category III wetlands are:

- a. Wetlands with a moderate level of functions, scoring between 16 and 19 points; and
- b. Can often be adequately replaced with a well-planned mitigation project.

4. Category IV. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases 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.

B. Additional Critical Areas Report Requirements

A Critical Areas Report for wetlands shall be prepared according to the Washington State Wetland Rating

System for Western Washington 2014 Update, Ecology publication #14-06-029, October 2014 (or as revised by Ecology). The Critical Areas Report shall contain an analysis of the wetlands including the following site- and proposal-related information:

— 1. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:

— a. Hydrogeomorphic (HGM) subclassification and Cowardin class;

— b. Wetland category;

— c. Wetland delineation and required buffers;

— d. Existing wetland acreage;

— e. Vegetative, faunal, and hydrologic characteristics;

— f. Soil types and substrate conditions;

— g. Topographic elevations, at 1' contours; and

— h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year—drift lines, algal layers, moss lines, and sediment deposits).

— 2. Functional evaluation for the wetland and buffer using Ecology's most current approved method and including the reference of the method and all data sheets.

— 3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives (for example, where enhancement for one function would adversely affect another), a written description and accompanying maps of the mitigation area, including the following information:

— a. Existing and proposed wetland acreage;

— b. Existing and proposed vegetative and faunal conditions;

— c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;

— d. Relationship to lakes, streams and rivers in the watershed;

— e. Soil type and substrate conditions;

— f. Topographic elevations, at 1' contours; and

— g. Required wetland buffers including existing and proposed vegetation.

— h. Identification of the wetland's contributing area; and

~~_____ i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.~~

C. Performance Standards

~~_____ 1. General Requirements. Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas performance standards (VMC 20.740.060).~~

~~_____ a. Wetlands~~

~~_____ 1. In Category I Wetlands only the following activities may be allowed:~~

~~_____ a. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility that cannot feasibly be located outside of the wetland, that minimizes the impact, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or~~

~~_____ b. Trails and wildlife viewing structures provided that the trails and structures minimize the impact and are constructed so that they do not interfere with any wetland functions and do not result in increased sediment entering the wetland.~~

~~_____ 2. In Category II Wetlands only the following activities may be allowed:~~

~~_____ a. Activities allowed in Category I wetlands pursuant to VMC 20.740.140(C)(1)(a)(1).~~

~~_____ b. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.~~

~~_____ c. Within shoreline jurisdiction (VMC 20.760.020), water dependent, water related or water enjoyment activities where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.~~

~~_____ d. Where non water dependent, related or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impacts on a wetland on another site or sites in the City of Vancouver or Vancouver Urban Growth Area.~~

~~_____ 3. In Category III Wetlands only the following activities may be allowed:~~

~~_____ a. Activities allowed in Category II wetlands pursuant to VMC 20.740.140(C)(1)(a)(2).~~

~~_____ b. Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).~~

~~_____ 4. In Category IV Wetlands activities and uses that result in impacts may be permitted in accordance with an approved Critical Areas Report and mitigation plan if the proposed activity is the only~~

reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to VMC 20.740.140(C)(2).

_____ a. Wetland Buffers

_____ 1. Standard buffer widths. Standard buffer widths are those determined by Ecology and described in Freshwater Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands or as revised by Ecology. Buffer widths are based on wetland category, wetland characteristics and land use intensity.

_____ a. Land use intensities are as follows:

**TABLE 20.740.140—1
LAND USE INTENSITIES**

Land Use Intensity	VMC Title 20 Zoning Districts
High	All Residential, Commercial or Industrial Zones
Moderate	Open Space Park or Open Space Greenway: General
Low	Open Space Greenway: Lettuce Fields or Vancouver Lowlands; or Open Space Natural

_____ b. Level of function for habitat, based on the Washington State Wetland Rating System is as follows:

**TABLE 20.740.140-2
RATING SYSTEM**

Level of Function	Habitat Score In Rating System
High	8—9
Moderate	5—7
Low	3—4

_____ c. Buffer widths are measured horizontally from the edge of the wetland [See VMC 20.170.030(B) and (H)] and are as follows:

_____ i. Category I Wetlands

TABLE 20.740.140-3
CATEGORY I WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
Wetlands of High Conservation Value	High Moderate Low	250' 190' 125'
Forested Wetlands — High Habitat Function	High Moderate Low	300' 225' 150'
Moderate Habitat Function	High Moderate Low	150' 110' 75'
Low Habitat Function	High Moderate Low	100' 75' 50'
Other Category I Wetlands — High Habitat Function	High Moderate Low	300' 225' 150'
Moderate Habitat Function	High Moderate Low	150' 110' 75'
Low Habitat Function	High Moderate Low	100' 75' 50'

ii. Category II wetlands

TABLE 20.740.140-4
CATEGORY II WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
High Habitat Function	High Moderate Low	300' 225' 150'
Moderate Habitat Function	High	150'

	Moderate Low	110' 75'
Low Habitat Function	High Moderate Low	100' 75' 50'

iii. Category III wetlands

**TABLE 20.740.140-5
CATEGORY III WETLAND BUFFER WIDTHS**

Wetland Characteristics	Land Use Intensity	Buffer Width
Moderate Habitat Function	High Moderate Low	150' 110' 75'
Low Habitat Function	High Moderate Low	80' 60' 40'

iv. Category IV wetlands

**TABLE 20.740.140-6
CATEGORY IV WETLAND BUFFER WIDTHS**

Wetland Characteristics	Land Use Intensity	Buffer Width
All Category IV Wetlands	High Moderate Low	50' 40' 25'

d. All buffers shall be measured from the wetland boundary as surveyed in the field.

e. Areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.

2. Wetland buffer width averaging. The Shoreline Administrator may allow modification of the standard wetland buffer width in accordance with an approved Critical Areas Report on a case-by-case basis by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception. Averaging of buffer widths (See VMC 20.170.080(B)(2)) may only be allowed where a qualified professional wetland scientist demonstrates that:

a. Such averaging will not reduce wetland functions or functional performance; and

_____ b. The wetland varies in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; and

_____ c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

_____ d. The buffer width is reduced by no more than 25% of the standard width and at no point to less than 25'.

_____ 3. Buffer width reduction based on reducing the intensity of impacts from land uses. Buffer widths required for high intensity land uses may be reduced to those required for moderate land use intensity under the following conditions:

_____ a. For wetlands with moderate or high habitat function:

_____ i. A relatively undisturbed vegetated corridor at least 100' wide is protected between the wetland and any other Priority Habitats and areas associated with Priority Species (VMC 20.740.110(A)(1)(b)); and

_____ ii. Measures to minimize the impacts of different land uses on wetlands are applied, as approved by the Shoreline Administrator. Such measures include, but are not limited to, the examples summarized below:

TABLE 20.740.140-7
EXAMPLES OF MEASURES TO MINIMIZE LAND USE IMPACTS

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, residential	Direct lights away from wetland
Noise	Manufacturing, residential, commercial	Locate activity that generates noise away from wetland
Toxic runoff	Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals	Route only treated runoff to a wetland Establish covenants limiting use of toxic chemicals within 150' of wetland Apply integrated pest management
Change in water regime	Impervious surfaces, lawns, tilling	Infiltrate or treat, detain, and disperse new runoff into buffer
Pets	Residential	Plant dense vegetation around buffer, such as rose or hawthorn
Human disturbance	Residential, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn

Dust	Tilled fields	Utilize best management practices to control dust
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~~_____ b. For wetlands with low habitat function measures to minimize the impacts of different land uses on wetlands (VMC 20.740.140(C)(1)(b)(3)(a)(ii) are applied.~~

~~_____ c. Buffer width reduction shall not be used in combination with buffer width averaging (VMC 20.740.140(C)(1)(b)(2)) or a minor exception (20.740.070).~~

~~_____ 4. Buffer maintenance. Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be maintained according to the approved Critical Areas Permit.~~

~~_____ 5. Buffer uses. The following uses may be permitted within a wetland buffer in accordance with the review procedures of this Chapter; provided, they are not prohibited by any other applicable law or regulation and they are conducted in a manner so as to avoid and minimize impacts to the buffer and the wetland:~~

~~_____ a. Activities allowed under the same terms and conditions as in the associated wetlands pursuant to VMC 740.140(C)(1)(a) provided trails shall be located in the outer 25% to 50% of the buffer when feasible and consistent with the public access provisions of this program.~~

~~_____ b. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.~~

~~_____ c. Passive recreation facilities including trails and wildlife viewing structures, provided that the trails and structures are constructed with a surface that does not interfere with wetland hydrology.~~

~~_____ d. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. Stormwater management facilities, limited to detention facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, may be constructed in accordance with an approved Critical Areas Report within the buffers of Category III or IV wetlands, provided that:~~

~~_____ i. No other location is feasible; and~~

~~_____ ii. The location of such facilities will not degrade the functions of the wetland or buffer.~~

~~_____ c. Signs and Fencing of Wetlands~~

~~_____ 1. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the Shoreline Administrator prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.~~

~~_____ 2. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the Shoreline Administrator.~~

~~_____ 3. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals~~

within the property unless the Shoreline Administrator determines that the animals would not degrade the functions of the wetland or buffer.

————— 4. Permanent signs shall be posted at an interval of one per lot for single family residential uses or at a maximum interval of 200', or as otherwise determined by the Shoreline Administrator, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Shoreline Administrator: "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

————— 2. Compensatory Mitigation. Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC 20.740.060 and shall be consistent with the Department of Ecology *Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance*, Version 1, Ecology publication #06-06-011a March 2006, or as revised by Ecology. Watersheds are defined in VMC 20.740.020(C)(2) and 20.150.

————— a. Mitigation for lost or affected functions. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland or buffer functions as those lost, except when:

————— 1. The lost wetland or buffer provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington state watershed assessment plan or protocol; or

————— 2. Out of kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

————— b. Mitigation actions

————— 1. Creation. The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.

————— 2. 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. Activities could include removing fill material, plugging ditches or breaking drain tiles. Re-establishment results in a gain in wetland acres and functions.

————— 3. Rehabilitation. The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.

————— 4. Enhancement. The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions 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. Activities typically consist of planting vegetation, controlling non native or invasive species, modifying site elevations to result in open water ponds, or

some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

— c. Type and location of mitigation. Compensatory mitigation for ecological functions shall be in-kind. Compensatory mitigation shall be on-site or within the impacted wetland's: (1) contributing area; (2) stream reach; (3) sub-watershed; or (4) watershed. (Sub-watersheds and watersheds are identified on the Clark County Digital Atlas.) The mitigation site shall be where the greatest level of wetland functions can be achieved. Mitigation actions may be conducted in a different watershed when:

—— 1. Based on a determination of the natural capacity of the potential mitigation sites to mitigate for the impacts, there are no reasonable on-site or in-watershed opportunities or those opportunities do not have a high likelihood of success. Consideration shall include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, and potential to impact riparian fish and wildlife habitat including connectivity; or

—— 2. Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or

—— 3. Credits from a certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

— d. Mitigation ratios

—— 1. Replacement ratios:

—— a. The replacement ratios shall apply to wetland mitigation that: (i) is for the same hydrogeomorphic subclass (e.g. riverine flow-through, depressional outflow or flats), and Cowardin class (e.g. palustrine emergent, palustrine forested or estuarine wetlands); (ii) is on-site; (iii) is in the same category; (iv) is implemented prior to or concurrent with alteration; and (v) has a high probability of success.

—— b. The replacement ratios are based on replacing the affected wetland with a compensation wetland of the same category, and hydrogeomorphic (HGM) subclass and Cowardin class.

—— c. The replacement ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification.

—— d. Mitigation ratios. Mitigation ratios are as follows (see VMC 20.740.140(C)(2)(b) for definitions of mitigation actions):

**TABLE 20.740.140-8
MITIGATION RATIOS**

Wetland Category and Type	Re-Establishment or Creation	Rehabilitation	Re-Establishment or Creation (R/C) plus Rehabilitation	Re-Establishment or Creation (R/C) plus Enhancement	Enhancement Only
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			(RH)	(E)	
Category I Bog	Not Considered Possible	6:1 Rehabilitation of a Bog	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
Category I Natural Heritage Site	Not Considered Possible	6:1 Rehabilitation of a Natural Heritage Site	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
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 II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
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 IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1

2. Adjustment of replacement ratios. The Shoreline Administrator may adjust the replacement ratios to compensate for deviations from the requirements under VMC 20.740.140©(2)(d)(1)(a), subject to the following:

a. In most cases, adjustments to the replacement ratios will increase the required amount of mitigation. The required mitigation may be decreased under exceptional circumstances, for example, if programmatic out-of-kind mitigation yields watershed-scale benefits that would not be realized from in-kind mitigation, or if out-of-kind mitigation would protect irreplaceable wetlands.

b. Mitigation timing. The mitigation shall be implemented prior to or concurrent with alterations. If mitigation implemented after alteration is allowed, the planning official may require additional mitigation to compensate for temporal losses of wetland functions.

c. Buffers for mitigation wetlands. Refer to Wetland Buffer tables 20.740.140-3 and 4 and 5 and 6.

d. Wetland mitigation banks.

1. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

a. The bank is certified under Chapter 173-700 WAC;

b. The Shoreline Administrator determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

_____ c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

_____ 2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

_____ 3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.
(M 3844, Amended, 10/01/2007, Sec 2; M 3692, Added, 02/28/2005, Sec 2)

Chapter 20.740 Chapter 5A

SHORELINE CRITICAL AREAS PROTECTION REGULATIONS

All uses and development activities in shoreline jurisdiction shall be subject to the following general regulations in addition to the applicable use-specific regulations in Chapter 6. All shoreline development shall comply with VMC 14.26, Water Resources Protection.

Vancouver WA Zoning Ordinance

Chapter 20.740

CRITICAL AREAS PROTECTION

As Modified for Application in Shoreline Jurisdiction

Sections:

20.740.010	Purpose.
20.740.020	General Provisions.
20.740.030	Applicability and Exemptions from <u>Chapter 5A Requirement to Obtain Permit.</u>
20.740.040	Approval Process.
20.740.050	Submittal Requirements.
20.740.060	Approval Criteria.
20.740.070	Minor Exceptions.
20.740.080	Reasonable Use Exceptions.
20.740.090	Unauthorized Critical Areas Alterations and Enforcement.
20.740.100	Habitats of Local Importance.
20.740.110	Fish and Wildlife Habitat Conservation Areas.
20.740.120	Frequently Flooded Areas.
20.740.130	Geologic Hazard Areas.
20.740.140	Wetlands.

20.740.010 Purpose.

A. The purpose of this chapter is to designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values, while also allowing for reasonable use of property.

B. As mandated by the Growth Management Act (GMA) (RCW [36.70A](#)), this chapter provides protection for the critical areas of wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and frequently flooded areas. Critical aquifer recharge areas are covered in VMC [14.26](#).

C. This chapter implements the goals and policies of the Vancouver Comprehensive Plan, 2003-2023, under the Washington Growth Management Act and other related state and federal laws. (Ord. M 3692 § 2, 2005)

In addition to the purpose as set forth in Chapter 1, the regulations set forth in Chapter 5A designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values. This chapter provides protection for wetlands, fish and wildlife habitat conservation areas and geologically hazardous areas.

VMC Chapter 20.740.120 Frequently Flooded Areas regulations apply within shoreline jurisdiction, but are not incorporated into this Shoreline Master Program.

Critical aquifer recharge areas are addressed in VMC Chapter 14.26 Water Resources Protection, but the regulations are not incorporated into this Shoreline Master Program.

20.740.020 General Provisions.

A. *No Net Loss of Functions.* Activity shall result in no net loss of functions and values in the critical areas. Since values are difficult to measure no net loss of functions and values means no net loss of functions. The beneficial functions provided by critical areas include, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation of flood waters; ground water recharge and discharge; erosion control; and wave attenuation. These beneficial functions are not listed in order of priority. This chapter is also intended to protect residents from hazards and minimize risk of injury or property damage.

B. *Relationship to Other Regulations.*

1. These critical areas regulations shall apply in addition to zoning and other regulations adopted by the city.
2. Any individual critical area that overlaps another type of critical area shall meet the requirements that provide the most protection to the critical areas involved.
3. When there is a conflict between any provisions of this chapter or any other regulations, that which provides the most protection to the subject critical area shall apply.

4. Conditions of approval of a project affecting critical areas may be supplemented by a review under the State Environmental Policy Act (SEPA), as locally adopted.

5. Compliance with the provisions of 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, or National Pollution Discharge Elimination System permits). The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter. Obtaining all applicable state and federal permits shall be made a condition of any shoreline authorization a Critical Areas Permit. Such authorizations permits shall be obtained prior to issuance of permits for development, construction or site disturbance except under the circumstances set forth in VMC 20.740.040(I).

C. *Jurisdiction.*

1. All areas within the city meeting the definition of one or more critical areas, whether mapped or not, are hereby designated critical areas and with their buffers are subject to the provisions of this chapter.

2. Watersheds (Chapter 20.150 VMC) are those most recently identified and mapped by Clark County Public Works. Watershed maps are available from the planning official. Burnt Bridge Creek, Columbia Slope, and Vancouver Lake/Lake River are the primary watersheds in Vancouver.

Chapter 5A shall apply to all critical areas and their buffers within shoreline jurisdiction as defined in Chapter 2 of the SMP.

D. *Warning and Disclaimer of Liability.* The standards established herein are minimum standards. The standards are established for regulatory purposes only. Minimum compliance with these standards may not be sufficient protection from identified or unidentified hazards. City establishment of these minimum standards is not a representation that these standards are sufficient protection from any hazard. Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than this chapter. The city assumes no liability if these established standards prove to be insufficient protection.

E. *Interpretation of Critical Area Boundaries.* The Shoreline Administrator planning official shall be authorized to interpret the exact location of the critical area boundary. Final designations shall be based on site conditions and other available data or information. A person who disagrees with the interpretation may appeal the interpretation pursuant to VMC 20.255.020(D); Chapter 7 of the SMP. (Ord. M 4289 § 4, 2019; Ord. M 4017 § 4, 2012; Ord. M 3844 § 2, 2007; Ord. M 3692 § 2, 2005.

20.740.030 Applicability and Exemptions from Requirement to Obtain Permit **Chapter 5A**

A. *Applicability.*

1. ~~Unless listed in VMC 20.740.030(B)(2),~~ The provisions of ~~Chapter 5A, this chapter~~ shall apply to all lands, all land uses, clearing and development activity, and all structures and facilities in the city located within a critical area or buffer or on a site containing a critical area or buffer including single-family residential lots platted prior to April 29, 2005, and developments such as play structures that require no other permits.
2. The provisions of this chapter shall apply whether or not a permit or authorization is required.
3. No person, company, agency, or applicant shall alter a critical area or buffer (including removal of downed woody vegetation or application of chemicals harmful to fish and wildlife within 25 feet of wetlands, ponds, lakes, streams or rivers) except as consistent with the requirements of this chapter.
4. ~~If required by this SMP, a shoreline substantial development permit, shoreline permit statement of exemption, shoreline conditional use or shoreline variance~~ The Critical Areas Permit required pursuant to ~~this chapter~~ shall be obtained prior to undertaking any activity or development regulated by this chapter; ~~unless exempted by this chapter.~~

B. *Statements of Exemption Process.* ~~For exempt activities listed in subsection (C)(1) of this section, a written Statement of Exemption from securing a Critical Areas Permit must be obtained prior to undertaking any development activity. Activities exempt from subsection (C)(2) of this section do not require a statement of exemption.~~

~~Exemptions from the shoreline permit process are only authorized through Chapter 2.3 Exemptions in this SMP. All exempt activities are still subject to the policies and regulations of the SMP including Chapter 5A this chapter. The Shoreline Administrator planning official shall attach Critical Areas Ordinance conditions to the building permits and other permits and approval as necessary to enforce the policies and regulations of this chapter.~~

~~The request for the Statement of Exemption shall be in writing, on forms required by the planning official, and include the information required by the planning official.~~

~~The planning official shall issue a decision on a request for a Statement of Exemption in writing within 21 calendar days of receiving the request.~~

~~The following actions may be authorized, pursuant to the following provisions, provided the applicant demonstrates mitigation sequencing and there is no net loss of shoreline ecological function.~~

C. Exemptions from Requirement to Obtain a Critical Areas Permit.

1. Category I Exemptions ~~Activities for which a Statement of Exemption is required. The following activities shall obtain a Statement of Exemption under subsection B of this section:~~

a. Existing Structure Remodel—Impervious Surface Increase Less than 500 Square Feet.

Development or clearing, outside areas of special flood hazards and other than tree removal, as minimally necessary to remodel an existing structure, provided:

- i. The activity will increase the footprint of structures including impervious surfaces by less than 500 square feet from the footprint size at the time of the adoption of this chapter; and
- ii. If the structure or impervious surface is within a critical area or buffer, the distance from the nearest structure or impervious surface to lakes, streams, rivers, wetlands or geological hazards is not decreased; and
- iii. All vegetation disturbed as a result of the development shall be replaced one-to-one, except trees shall be replaced using tree units derived from Chapter [20.770](#) VMC, Tree, Vegetation, and Soil Conservation. Native vegetation shall be used where feasible.
- iv. Impacts to critical areas and buffers shall be minimized and mitigated.

b. No Impervious Surface Increase in the Riparian Management Area or Riparian Buffer.

Development activity on the portions of sites with existing structures or impervious surfaces which does not increase the impervious surface area within the Riparian Management Area or Riparian Buffer and which is not otherwise exempt under subsection [B](#) of this section shall be exempt from the provisions of VMC Section [20.740.110](#) (Fish and Wildlife Habitat Conservation Areas). The applicant is encouraged to provide enhancement to the extent feasible. Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management practices that would enhance habitat functions.

c. Approved Subarea Plan with EIS. Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:

- i. Baseline information on existing critical areas and their functions at the level of detail required for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA);
- ii. An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and
- iii. Mitigation for those impacts consistent with the requirements of this chapter.

d. a. Fence. A fence may be installed in a critical area buffer (not in a critical area) where:

- i. The fence is necessary for safety and security;
- ii. The property was developed prior to the effective date of Chapter [20.740](#) VMC (April 29, 2005);

- iii. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.

e.b. *On-site Critical Area will be Avoided.* Development may be permitted on a site containing a critical area or buffer not also subject to state or federal permits where the **Shoreline Administrator Planning Official** determines that the critical areas and buffers will be clearly avoided using the following procedures and criteria:

- i. The **Shoreline Administrator planning official** has visited the site;
- ii. The critical area(s) and buffer(s) has/have been identified in the field and clearly mapped by a qualified professional through an approved, limited-scope Critical Areas Report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location); except that for a single-family or duplex residential development on a property with a stream not regulated under the state Shoreline Management Act, its Riparian Management Area or Riparian Buffer, the **Shoreline Administrator planning official** may accept an aerial photo overlain with two-foot contour lines from the Clark County Digital Atlas with the required information drawn to scale by someone other than a qualified professional;
- iii. The site plan and final plat show a development envelope within which all development activity will take place, and a note identifying the development envelope and its purpose is placed on the face of the site plan and the final plat;
- iv. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers. The maximum critical area and maximum buffer are the greatest that may be applied under any circumstances. (For example, under this chapter, the maximum wetland buffer that could be applied under any circumstance is 300 feet; the maximum Riparian Management Area is 100 feet, and the maximum Riparian Buffer is 75 feet from the outer boundary of the Riparian Management Area.)

f.c. *Fire-Defensible Space.* Maintaining fire-defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least six-inch diameter at breast height, grasses, and underbrush, not tree removal or other ground-disturbing or soil-destabilizing activities; ~~or- Creating or maintaining~~ fire-defensible space **as follows: (see VMC 20.740.040(H)) or undertaking other development requires a Critical Areas Permit under VMC 20.740.040(A)(2)(f) and could require other permits as well.**

- i. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible space around a structure may be permitted when one or more of the following criteria are met:
 - A. The structure nearest the property line is within 30 feet of a slope of at least 25 percent (also designated as a landslide hazard area under this chapter);

- B. The nearest structure is within 30 feet of a forested area;
 - C. The vegetation within 30 feet of the structure is comprised of less than 50 percent native species;
 - D. The vegetation within 30 feet of the structure is higher than 12 inches;
 - E. Trees are crowded within 30 feet of the structure or overhanging the structure's roof;
 - F. The structure is located in an area designated by the Fire Marshal as a "Wildfire Safety Area."
- ii. When maintenance of a fire-defensible space is permitted, the following standards shall apply:

~~A. Trees may be pruned or limbed up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s). (See VMC 20.740.040(A)(2)(f) and 20.740.040(H) on creating fire defensible space.)~~

~~B. A.~~ Grasses and underbrush shall be maintained between eight inches and 12 inches in height.

~~C. B.~~ ~~Trees may be pruned, limbed-up, or removed.~~ Topping trees is prohibited.

~~C. Removal of vegetation in a landslide hazard area is prohibited during the wet season (November 1st to May 1st). The area must be immediately replanted to ensure soil stability. The property owner shall maintain the newly planted vegetation to ensure its survival.~~

D. Any debris from pruning shall be disposed of promptly and properly.

~~E. Required replantings shall be of native, fire-resistant species. A list of native, fire-resistant species is available from the Shoreline Administrator.~~

2. ~~Category II Exemptions Activities for which a Statement of Exemption is not required. Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.~~

The following activities ~~may be exempt from the need for a shoreline Substantial Development Permit when consistent with the provisions of Chapter 2.3 Exemptions or are determined to not meet the definition of development found in Chapter 8 are exempt from needing a Critical Areas Permit and do not require a statement of exemption:~~

- a. *Emergencies.* ~~See Chapter 2.3 (Exemptions) of the SMP.~~ Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:

- i. The emergency action uses reasonable methods to address the emergency.
 - ii. The emergency action must have the minimum possible impact to the critical area or its buffer.
 - iii. The property owner, person or agency undertaking such action shall notify the city within one working day following commencement of the emergency activity.
 - iv. Within 14 days the **Shoreline Administrator planning official** shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the **Shoreline Administrator planning official** determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of VMC [20.740.090](#) shall apply.
 - v. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained in this chapter.
 - vi. Restoration and/or mitigation activities must be initiated within three months of the date of the emergency or as otherwise determined by the **Shoreline Administrator planning official**, and completed in a timely manner.
- b. ~~(Repealed) *Valid Critical Areas Permit*. Any development proposed on property pursuant to a currently valid Critical Areas Permit, provided all conditions and requirements of the Critical Areas Permit are met and the proposed activity is within the scope of the original permit.~~
- c. *Hazard Tree*. Emergency or hazard tree removal (as defined in Chapter [20.770](#) VMC) conducted so that critical area impacts are minimized.
 - d. *Landscape Maintenance*. **See Chapter 2.3 (Exemptions) of the SMP.** Landscape maintenance (other than tree removal or use of pesticides, herbicides, fungicides or fertilizers applied into or within 25 feet of water bodies) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.
 - e. *Noxious or Invasive Plants*. Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation. The city of Vancouver's Noxious or Invasive Plants List and Native Plant Species List are available from the **Shoreline Administrator planning official**.

- f. *Pesticides, Herbicides, Fungicides or Fertilizers 25 feet from Critical Area.* Application of pesticides, herbicides, fungicides or fertilizers farther than 25 feet from any wetland, pond, lake, stream or river or in a manner specified in a valid permit.
- g. *State or Federally Approved Conservation or Preservation.* State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.
- h. *Harvesting Wild Crops.* The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.
- i. *Passive Activities.* Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.
- j. *Land surveys, soil sampling, percolation tests, and other related activities.* In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized immediately.
- k. *Navigational Aids and Boundary Markers.* See Chapter 2.3 Exemptions (6) and (10). Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.
- l. *Agricultural Activities.* See Chapter 2.3.2(5) Exemptions. Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.

Existing and ongoing agriculture within fish and wildlife habitat conservation areas so long as livestock and application of pesticides, herbicides, fungicides and fertilizers are kept 25 feet from any water body.
- m. *State or Federally Approved Restoration or Enhancement Project.* See Chapter 2.3 Exemptions. Implementation of a state or federally approved restoration or enhancement project not related to any development project.
- n. *Operation, Repair and Maintenance.* See Chapter 2.3 Exemptions. Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or levees or water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.
- o. *Areas with only ground shaking or liquefaction hazards.* In areas with only ground shaking or liquefaction hazards, repair or construction of roads, sidewalks or trails (except where there are structures), or water, sewer, stormwater, gas, power, cable, or fiber optic facilities shall be exempt from the ground shaking and liquefaction permitting requirements.

p. Public improvement projects located within existing impervious surface areas.

~~q. City, State or Federally Approved Stand-alone “Critical Area” Creation Project. Implementation of a city, state or federally approved stand-alone “critical area” creation project that is not mitigation. A “Critical Area” created under these circumstances that would not otherwise have met the definition of that type of critical area is exempt from the provisions of this chapter. Also see the definition of “Wetlands” at Chapter 20.150 VMC.~~

~~r. q. Clearing in Frequently Flooded Area and/or Seismic Hazard Area Only. Clearing vegetation within the floodplain but outside the Riparian Management Area or Riparian Buffer (see VMC 20.740.040(A)(2)(f)).~~

Clearing vegetation in critical areas that are only seismic hazard areas (see VMC 20.740.040(A)(2)(f)).

~~s. r. Fence Repair. See Chapter 2.3 Exemptions.~~ Maintenance, repair, and in-kind replacement of existing fences.

~~t. s. Seismic Hazard Areas Only. Sites identified as located within only a Seismic Hazard Area (VMC Section 20.740.130 – Geologic Hazard Areas) shall be exempt from needing to provide a seismic hazard critical areas report prior to issuance of a shoreline substantial development permit, shoreline permit statement of exemptions, shoreline conditional use or shoreline variance obtain a critical areas permit.~~ All projects within the Seismic Hazard Area must comply with the Building Code at time of building permit review including providing a geotechnical report. (Ord. M-4289 § 4, 2019; Ord. M-4034 § 23, 2012; Ord. M-4017 § 5, 2012; Ord. M-3931 § 22, 2009; Ord. M-3922 § 36, 2009; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.040 Approval Process.

A. ~~Critical Areas Approval Process~~ Approval Process.

The City shall consolidate and integrate the review and processing of the critical areas aspects of the proposal within the shoreline permit decision or review required for the proposed activity as applicable or required by this SMP.

Any additional decision criteria and submittal requirements within Chapter 5A shall be considered supplemental to the shoreline permit or review required for the proposed activity. In cases where required by this Chapter, the applicant shall submit a critical areas report prepared by a qualified professional.

~~1. Pre-application Conference Required. A pre-application meeting or waiver per Chapter 20.210 VMC is required prior to submitting a critical areas permit. Provided, pre-application conferences shall not be required for the following:~~

- a. Proposed activities within only ground shaking and/or liquefaction areas.
- b. Proposals involving only an addition to an existing single family home, including accessory structures.
- c. Other minor improvements determined by the planning official to not warrant a pre-application meeting.

2. *Critical Areas Permit.* All Critical Areas Permits as determined to be necessary under Chapter [20.740](#) VMC and as stated below shall be processed as a Type I permit or, when submitted with another land use application, reviewed according to the procedures of the underlying land use application pursuant to Chapter [20.210](#) VMC.

- a. New single family and duplex residences, alterations to existing single family and duplex residences, or new accessory structures located within a critical area or buffer, or on a property containing a critical area or buffer.
- b. Application of pesticides, herbicides, fungicides or fertilizers within 25 feet of ponds, lakes, streams, rivers or wetlands.
- c. Approval of agricultural activities within 25 feet of ponds, lakes, streams or rivers.
- d. Critical Area restoration or enhancement projects not related to any development project; and establishment of mitigation banks.
- e. Public improvement projects located entirely within the previously improved portion of the right-of-way, not otherwise exempted by this chapter.
- f. Clearing vegetation within a critical area or buffer, including: (i) grading, uprooting or other activities that impair the soil stabilization function of vegetation in landslide hazard areas (VMC [20.740.130](#)); (ii) removal of downed woody vegetation from wetlands, lakes, streams or rivers; and (iii) removal of trees, grasses, or brush to create fire defensible space (subsection [H](#) of this section). However, clearing vegetation within the area of special flood hazard outside of the Riparian Management Area and Buffer and in seismic hazard areas shall not require a permit (see VMC [20.740.030](#)).
- g. Approval of programmatic permits (subsection [C](#) of this section) for activities within critical areas or buffers.

3. *Review Procedure.* The planning official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the provisions of VMC Title [20](#). The planning official's determination shall be based on the approval criteria of VMC [20.740.060](#). The Critical Areas Permit shall be valid for as long as the underlying land use permit or as otherwise specified by the planning official.

B. *Notice on Title – Covenant and Tracts.*

1. *Covenants.* This section applies to all nonexempt projects that involve critical areas and buffers.
 - a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the city. The covenant shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The covenant shall “run with the land.”
 - b. The applicant shall submit proof that the covenant has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.
2. *Tracts.* This section applies in addition to subsection (B)(1) of this section to projects that involve platting on properties containing fish and wildlife habitat conservation areas, wetlands, and their buffers. The **Shoreline Administrator planning official** may also apply this section to developments that involve platting on properties containing geologic hazard areas and their buffers. The location of the tract, critical area(s), and buffer(s) shall be shown on the face of the plat. **See subsection (B)(2)(b) of this section for exceptions.**
 - a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when:
 - i. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
 - ii. The responsible official determines a tract is impractical.
 - b. When an exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:
 - i. The location of the outer perimeter of the critical area(s) and buffer(s) is marked in the field and approved by the **Shoreline Administrator planning official** prior to the commencement of permitted activities and maintained throughout the duration of the permit.
 - ii. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) is installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the **Shoreline Administrator planning official**.
 - iii. Permanent signs are posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the **Shoreline Administrator planning official**, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the **Shoreline Administrator**

planning official: "The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

C. *Financial Assurances.*

1. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to provide security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional (including but not limited to construction, maintenance, and monitoring).
2. The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.
3. The security authorized by this section shall remain in effect until the city determines, in writing, that the standards for which the security is required have been met. Bonds or other security shall be held by the city for a minimum of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.
4. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
5. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.
6. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.
7. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

D. *Critical Area Inspections.* Reasonable access to the site shall be provided to the city, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

~~E. *Reconsideration of planning official's determination.* If, within five days following the date of mailing of a Critical Areas Permit, new information relevant to the decision is made available, any party may request that the decision be reconsidered. If the new information is found to be substantial and relevant to the critical area review, the planning official may reopen the critical area review and make a new determination based on the~~

revised report. The Critical Areas Permit shall not be considered final and subject to appeal until the decision on the request for reconsideration, if applied for, has been issued.

F. E. Appeals. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC [20.210.130](#). Appeals per Chapter 7 of the SMP.

G. F. Programmatic Authorization Permits. The purpose of a programmatic permit authorization is to provide for ongoing, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently; and (2) at the same time protect critical areas and buffers in accordance with this chapter.

1. In addition to the submittal requirements in VMC [Section 20.740.050](#), applicants for a programmatic permit authorization shall submit a proposed management plan. The management plan shall contain:
 - a. A narrative explaining the need for the authorization programmatic permit.
 - b. A list of the ongoing, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers.
 - c. A description of the potentially impacted critical area and buffer functions.
 - d. Proposed measures and standards for avoiding impacts to critical area and buffer functions and, where unavoidable, minimizing and mitigating those impacts to achieve no net loss of functions.
 - e. A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform in accordance with the terms of the permit.
2. A programmatic authorization permit may be approved for up to seven years. The permit duration may be tied to other permits or processes.
3. Every two years within 30 days of the anniversary of permit authorization issuance ~~for the duration of the permit~~, the applicant shall submit a report to the planning official Shoreline Administrator summarizing activities undertaken under the authorization programmatic permit including any issues to be resolved. The report shall also document the training provided in accordance with this section subsection (G)(1)(c) of this section.
4. The applicant or the city may initiate an amendment to the programmatic authorization permit to respond to permit performance issues. An amendment shall be considered through a Type 1 process following a pre-application conference and may require a new or amended shoreline permit or shoreline permit statement of exemption.
5. An application for reauthorization of a programmatic permit approval shall be submitted at least 90 days prior to the date the current permit approval expires. Programmatic approval permits may be

reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current programmatic approval permit, the planning official Shoreline Administrator may extend the duration of the current approval permit for 30 days at a time, not to exceed 180 days.

H. ~~Trees, grasses, and brush in a critical area or buffer may be pruned or removed to create fire-defensible space around a structure (see subsection (A)(2)(f) of this section) when one or more of the criteria in VMC 20.740.030(C)(1)(f)(i)(A) through (C)(1)(f)(i)(E) are met. When creating fire-defensible space is permitted, the following standards shall apply:~~

- ~~1. Grasses and underbrush shall be maintained between eight inches and 12 inches in height.~~
- ~~2. Trees may be pruned, limbed-up, or removed. Topping trees is prohibited.~~
- ~~3. Removal of vegetation in a landslide hazard area is prohibited during the wet season (November 1st to May 1st). The area must be immediately replanted to ensure soil stability. The property owner shall maintain the newly planted vegetation to ensure its survival.~~
- ~~4. Any debris from vegetation removal shall be disposed of promptly and properly.~~
- ~~5. Required replantings shall be of native, fire-resistant species. A list of native, fire-resistant species is available from the planning official.~~

I. ~~Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:~~

- ~~1. A phased master plan is submitted under Chapter 20.260 or 20.268 VMC as appropriate, demonstrating:~~
 - ~~a. How the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained;~~
 - ~~b. How each phase could be permitted as an individual project not relying on development of any other phases in any way;~~
 - ~~c. How each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained;~~
 - ~~d. No net loss of critical area functions for each phase and for the project as a whole, regardless of whether any or all of the pending state or federal permits are ever obtained.~~

2. Development is permitted only in the area that clearly avoids (VMC 20.740.030(B)(2)(f)(i)(A)) the maximum critical area(s) and buffer(s). (Ord. M 4289 § 4, 2019; Ord. M 4105 § 3, 2014; Ord. M 4017 § 6, 2012; Ord. M 3959 § 37, 2010; Ord. M 3931 § 23, 2009; Ord. M 3844 § 2, 2007; Ord. M 3692 § 2, 2005)

20.740.050 Submittal Requirements.

A. *Preparation by Qualified Professional.* Any required Critical Areas Report shall be prepared by a qualified professional as defined herein.

B. *General Critical Areas Report Contents.* At a minimum, the Critical Areas Report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
2. A copy of the site plan for the development proposal including:
 - a. A map to scale depicting critical areas, buffers, ordinary high water mark, shoreline jurisdiction extent, the development proposal, and any areas to be cleared; and
 - b. Proposed stormwater management and sediment control plan for the development including a description of any impacts to drainage alterations; and
 - c. A digital map of the geographic information required pursuant to the applicable provisions of this chapter for each critical area and buffer on site. The digital map(s) must be based on the same coordinate system as the Clark County GIS database: state plane coordinates using the NAD 1983 datum and the Washington South zone (also referred to as the FIPS Zone 4602). The digital map(s) must also conform to other Clark County GIS digital mapping standards and specifications available from the Shoreline Administrator Planning Official or directly from Clark County's Department of Assessment and GIS.
3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
4. *Identification and scientific characterization of all critical areas and buffers.* The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, temporal, and indirect impacts resulting from development of the site and the operations of the proposed development;
6. A written response to each of the approval criteria in VMC Section 20.740.060;

7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with [Section VMC 20.740.050\(P\)](#) Mitigation Plan Requirements.

C. *Additional Information.* Any additional information required for the specific critical areas and buffers as specified in [VMC Section 20.740.110](#) Fish and Wildlife Habitat Conservation Area, [VMC Section 20.740.120](#) Frequently Flooded Areas, [VMC Section 20.740.130](#) Geologic Hazard Areas, and [VMC Section 20.740.140](#) Wetlands.

D. *Other Reports or Studies.* Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the [Shoreline Administrator planning official](#). Provided, the site conditions shall not have changed since the earlier report or study was completed.

E. *Critical Areas Report – Modifications to Requirements.* Modifications to Required Contents. The applicant may consult with the [Shoreline Administrator planning official](#) prior to or during preparation of the Critical Areas Report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential impacts to any critical areas or buffers and the required mitigation. The [Shoreline Administrator planning official](#) may also initiate a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter.

F. *Mitigation Plan Requirements.* When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:

1. *Detailed Construction Plans.* The mitigation plan shall include descriptions of the mitigation proposed, such as:
 - a. The proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;
 - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - e. Measures to protect and maintain plants until established.

These written descriptions shall be accompanied by detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

2. *Monitoring Program.* The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the

schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. For example, ten (10) years or more of monitoring are typically needed for forested wetlands or scrub-shrub communities.

When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City verify and certify so in writing. The City shall conduct an on-site assessment as part of the verification process. The applicant shall provide reasonable access to the property as necessary for verification and certification.

When the City has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a naturally-occurring critical area when processing a future development permit application(s).

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. (Ord. M-3931 § 24, 2009; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.060 Approval Criteria.

Any activity or development subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site.

~~A. *Avoid Impacts.* The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.~~

~~B. *Minimize Impacts.* Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.~~

~~A. *Mitigation Sequencing.* Before impacting any Critical Area or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:~~

~~1. *Avoid the impact altogether by not taking a certain action or parts of an action.*~~

~~2. *Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.*~~

3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the impact over time by preservation and maintenance operations.
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitor the required compensation and take remedial or corrective measures when necessary.

BE. *Compensatory Mitigation.* The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.

CD. *No Net Loss.* The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.

DE. *Consistency with General Purposes.* The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

EF. *Performance Standards.* The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas **VMC Section 20.740.110**, Frequently Flooded Areas **VMC Section 20.740.120**, Geologic Hazard Areas **VMC Section 20.740.130**, and Wetlands **VMC Section 20.740.140**, as applicable. (~~Ord. M 4017 § 7, 2012; Ord. M 3692 § 2, 2005~~)

20.740.070 Minor Exceptions.

Minor exceptions do not apply in shoreline jurisdiction. Deviations are allowed through a Shoreline Variance.

A. *Minor Exceptions Authorized.* Minor exceptions of no greater than 10% from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in **VMC 20.210.050**, Type II Applications. Minor exceptions shall not be combined with buffer averaging [~~(20.740.140(C)(1)(b)(ii))~~] or buffer reduction ~~(20.740.140(C)(1)(b)(iii))~~. Minor exceptions from the NFIP development standards of **VMC 20.740.120**, Frequently Flooded Areas are prohibited (**VMC 20.740.120(D)**).

B. *Minor Exception Criteria.* A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:

1. Unusual conditions or circumstances exist that are peculiar to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or district;

2. The unusual conditions or circumstances do not result from the actions of the applicant;
3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
5. The minor exception requested is the least necessary and no greater than 10% of the subject standard to relieve the unusual circumstances or conditions identified in Subsection VMC [20.740.070\(B\)\(1\)](#) above;
6. The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the City of Vancouver Comprehensive Plan, this Title, this chapter, and the underlying zoning district;
7. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be minimized and mitigated to the extent feasible in accordance with the provision of this chapter;
8. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;
9. The proposed development complies with all other applicable standards.

C. Conditions May Be Required. In granting any minor exception, the city may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.

D. Time Limit. The city shall prescribe a time limit within which the action for which the minor exception is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the minor exception.

E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application. (Ord. M 4017 § 8, 2012; Ord. M 3844 § 2, 2007; Ord. M 3692 § 2, 2005)

20.740.080 Reasonable Use Exceptions.

Reasonable Use Exceptions do not apply in shoreline jurisdiction. The applicant must apply for a Shoreline Variance.

A. Exception Request and Review Process. If the application of this chapter would deny all reasonable economic use of the subject property, the city shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this

chapter may be authorized by the city in accordance with the procedures set forth in VMC 20.210.060, Type III Applications.

An application for a reasonable use exception shall be made to the city and shall include a Critical Areas Report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW 43.21C). The planning official shall prepare a recommendation to the Hearings Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in VMC 20.740.080(B).

B. Reasonable Use Review Criteria. The city shall approve applications for reasonable use exceptions when all of the following criteria are met:

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 critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
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 effective date of this chapter, or its predecessor;
5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible and contributes to the Critical Areas Restoration Fund for any impacts that cannot be mitigated;
7. The proposal is consistent with other applicable regulations and standards;

C. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. (Ord. M 3692 § 2, 2005)

20.740.090 Unauthorized Critical Areas Alterations and Enforcement.

A. Enforcement.

1. It shall be unlawful to violate the provisions of VMC Chapter 5A 20.740. Any violation of this chapter shall constitute a public nuisance. Violations of this Chapter are subject to enforcement under Chapter 7 of this SMP.

2. VMC Title 22 shall provide the enforcement provisions for VMC Chapter 20.740. VMC Title 22 may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the enforcement provisions contained in VMC Title 22, the city may also seek injunctive or other relief from any court of competent jurisdiction.

3. The city shall deposit all monetary penalties collected pursuant to VMC Title 22 into the Critical Areas Restoration Fund. Accrued monies in the Critical Areas Restoration Fund shall be used to protect and restore critical areas within the City of Vancouver.

B. *Requirement for Restoration Plan.* In the event the city initiates enforcement action under VMC Title 22 Chapter 7 or files a complaint in court, the city may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in VMC Section 20.740.090(C). The planning official Shoreline Administrator shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

C. *Minimum Performance Standards for Restoration.*

1. For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

- a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
- b. The soil types and configuration prior to violation shall be replicated;
- c. The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Planning Official Shoreline Administrator). If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(C)(1)(i), the vegetation for replanting must be not only native but also fire resistant. A list of native, fire-resistant species is available from the Planning Official; and
- d. Information demonstrating compliance with the requirements in VMC Section 20.740.050(F) Mitigation Plan Requirements shall be submitted to the Shoreline Administrator planning official.

2. For alterations to frequently flooded and geologic hazard areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

- a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;

- b. The risk of personal injury resulting from the alteration shall be eliminated or minimized;
- c. Drainage patterns shall be restored to those existing before the alteration; and
- d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. **If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(C)(1)(f)(i), the vegetation for replanting must be not only native but also fire resistant. A list of native, fire resistant species is available from the Planning Official.**

D. *Site Investigations.* The **planning official Shoreline Administrator** is authorized to make site inspections and take such actions as are necessary to enforce this chapter. As a condition of the restoration plan, the applicant shall grant reasonable access to the property. (Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.100 Habitats of Local Importance.

A. *Eligibility and Approval Criteria.* Habitats of Local Importance are Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but are designated as locally significant by the city. Criteria for designation include all of the following:

1. A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.
2. The area is sufficient in size to support the species or habitat functions for which it is designated.
3. The designation will not compromise the ability of the city to achieve the goals of the Comprehensive Plan.
4. There is a proposed management strategy describing how the functions of the habitat will be protected after designation.

B. *Designation Process.* Habitats of Local Importance may be proposed by the property owner or the city and shall be designated according to a Type IV legislative procedure (VMC [20.210.070](#)). (Ord. M-3692 § 2, 2005)

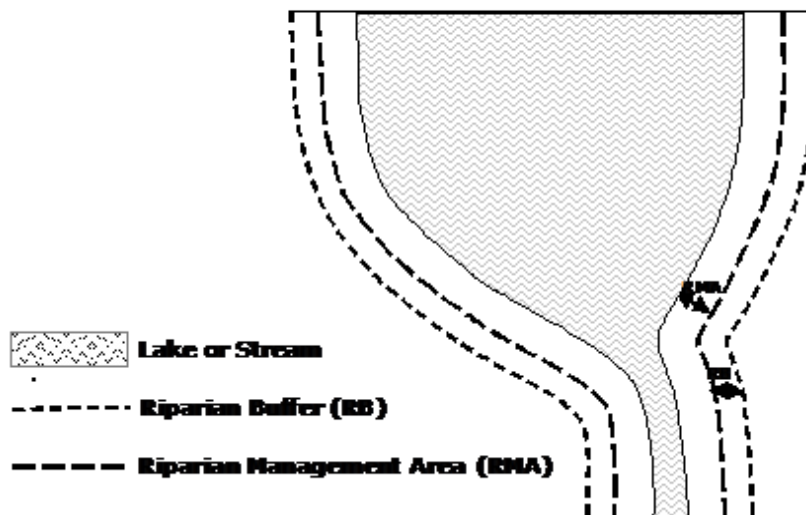
20.740.110 Fish and Wildlife Habitat Conservation Areas.

A. *Designation.*

1. Final designations shall be based on site conditions and other available data or information **(See VMC 20.740.020(C)(1))**. There are established in the city the following identified Fish and Wildlife Habitat Conservation Areas:

- a. Habitat used by any life stage of state or federally designated endangered, threatened, and sensitive fish or wildlife species. A current list of federally and state identified species is available from the **Shoreline Administrator planning official**.
- b. *Priority Habitats and areas associated with Priority Species*. Current lists of Priority Habitats and Species and applicable Management Recommendations promulgated by the Washington Department of Fish and Wildlife are available from the **Shoreline Administrator planning official**.
- c. Water bodies including lakes, streams, rivers, and naturally occurring ponds.
- d. *Habitats of Local Importance*. Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but are designated as locally significant by the city in accordance with **VMC Section 20.740.100**.
- e. *Riparian Management Areas and Riparian Buffers*. The regulated areas include the land from the ordinary high water mark to a specified distance as measured horizontally in each direction. The Riparian Management Area is adjacent to the lake, stream or river, and the Riparian Buffer is adjacent to the Riparian Management Area.

**Figure 20.740.110-1
Riparian Management Area and Riparian Buffer**



(1) The Riparian Management Areas and Riparian Buffers are as follows:

Table 20.740.110-1. RIPARIAN MANAGEMENT AREAS & BUFFERS

DNR/Vancouver Stream Type	Description	Land Use Intensity ¹	RMA	RB ²
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DNR/Vancouver Stream Type	Description	Land Use Intensity ¹	RMA	RB ²
S	Shorelines-of-the-State	High/Moderate/Low	100'	75'
F	Lakes, streams, and rivers that contain fish habitat	High/Moderate/Low	100'	75'
Np or Ns, large	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are wider than 5' between the ordinary high water marks on the banks.	High/Moderate/Low	100'	75'
Np, small, connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are perennial	High/Moderate Low	100' 100'	50' 25'
Ns, small, connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are seasonal	High/Moderate Low	100' 100'	25' 0'
Np or Ns, small, not connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do not connect via surface water to another stream or river; and (5) are either perennial or seasonal	High/Moderate/Low	25'	0'

¹ Refer to Table 20.740.140-1.

² The RB is the distance shown or the full extent of the 100-year floodplain, whichever is farther landward.

(A) When impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the **Shoreline Administrator planning official** may adjust the regulated riparian area to reflect site conditions and sound science.

2. *Habitat Location Information.* Information on the approximate location and extent of Habitat Conservation Areas is available from the **Shoreline Administrator planning official**.

The habitat location information is based on:

- a. Washington Department of Fish and Wildlife Priority Habitat and Species Maps;
- b. Washington Department of Fish and Wildlife Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP);
- c. Washington Department of Natural Resources Official Water Type Reference Maps;
- d. City-designated Habitats of Local Importance;
- e. Other information acquired by the city.

B. Additional Critical Areas Report Requirements.

1. A Critical Areas Report for a Riparian Management Area or Riparian Buffer shall include evaluation of the habitat functions using the Clark County Habitat Conservation Ordinance Riparian Habitat Field Rating Form or another habitat evaluation tool approved by the Washington Department of Fish and Wildlife.

a. In addition to the standards of (**VMC Section 20.740.050(F)**), where a mitigation plan is required as part of the Critical Areas Report for a fish and wildlife habitat conservation area that involves a water body, Riparian Management Area or Riparian Buffer, the monitoring program protocol shall include where relevant to the impacted functions:

1. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates)
2. Large woody debris surveys
3. Streamflow monitoring
4. Water quality monitoring to detect pollution impacts
5. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling)

2. If the clearing or development activity is in the Riparian Management Area, the Critical Areas Report shall contain the following information, if applicable, in addition to the general Critical Areas Report requirements of [VMC Section 20.740.050](#):

- a. How the clearing or development activity constitutes a water-dependent, water-related or water-enjoyment use; or
- b. How the clearing or development activity cannot feasibly be located on the site outside of the Riparian Management Area; and
- c. How the proposal meets the Riparian Management Area width averaging standard ([VMC Section 20.740.110\(C\)\(2\)\(c\)](#)); and
- d. How the proposal will not adversely affect the connectivity of habitat functions.

C. Performance Standards.

1. General.

- a. Development or clearing activities shall protect the functions of the Habitat Conservation Areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas approval criteria ([Section VMC 20.740.060](#)). Functions include:
 1. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and
 2. Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.
- b. An applicant shall replace any lost functions preferably by restoring or if not, then by enhancing other habitat functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a Riparian Management Area or Buffer. To the maximum extent feasible, enhancement shall be undertaken on-site.
- c. If development or clearing activity is within a Priority Habitat and Species area the applicant shall follow Washington Department of Fish and Wildlife Management Guidelines, Management Recommendations or other standards approved by the Washington Department of Fish and Wildlife. Where there are no guidelines, recommendations or other standards, development or clearing may occur provided that:
 1. The development or clearing results in no net loss of habitat function on the site; and

2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved.

d. Signs for Fish and Wildlife Conservation Areas

1. *Temporary markers.* The location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the Shoreline Administrator planning official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
2. *Permanent signs.* Permanent signs shall be posted on public and private properties at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet or as otherwise determined by the Shoreline Administrator planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Shoreline Administrator planning official: “The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information.”

2. Riparian Management Areas and Riparian Buffers.

In addition to the standards in VMC Section 20.740.060 and VMC Section 20.740.110(C)(1) the standards in this section shall apply in Riparian Management Areas and Buffers.

- a. *Riparian Buffer.* Development or clearing activity may occur in the Riparian Buffer, providing that:
 1. The planned mitigation results in no net loss of riparian habitat functions on the site, and
 2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC Section 20.740.110(C)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.
- b. *Riparian Management Area.* No development or clearing activity is allowed within the Riparian Management Area unless such activity is:
 1. A water-dependent, water-related or water-enjoyment activity where there are no feasible alternatives that would have a less adverse impact on the Riparian Management Area or Riparian Buffer. The applicant shall minimize the impact and mitigate for any unavoidable impact to functions; Cost may be considered, but shall not be overriding; or
 2. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the Riparian

Management Area, that minimizes impacts, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or

3. Mitigation for activities allowed by this chapter, providing the activity provides no net loss of riparian habitat functions on the site.

c. *Modification of the Riparian Management Area Width.* The width of the Riparian Management Area may be modified (See VMC [20.170.080\(B\)\(1\)](#)) if all the following are met:

1. The square footage of the area meeting the performance standards of the Riparian Management Area ([VMC Section 20.740.110\(C\)\(2\)\(b\)](#)) is not reduced; and
2. There is no net loss of functions as a result of the averaging; and
3. Notwithstanding any other provision, the reduction of the Riparian Management Area width at any location may be no greater than 25%.

d. Owners of developed properties within the Riparian Management Area or Riparian Buffer are encouraged to enhance the area by planting native plants and to apply integrated pest management.

e. Agricultural activities in the Riparian Management Area or Riparian Buffer are encouraged to develop farm conservation plans. (Ord. M-3931 § 25, 2009; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.120 Frequently Flooded Areas.

VMC Chapter 20.740.120 Frequently Flooded Areas regulations apply within shoreline jurisdiction, but are not incorporated as part of this Shoreline Master Program.

A. —Designation. Frequently Flooded Areas are the Areas of Special Flood Hazards identified by the Federal Insurance Administration and the Federal Emergency Management Agency (FEMA), respectively, in scientific and engineering reports entitled, Flood Insurance Study: Clark County, Washington and Incorporated Areas, Volumes 1 and 2 (Numbers 53011CV001A and 53011CV002A, respectively,) effective September 5, 2012 and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs and their digital version, DFIRMs) and any revisions thereto. The Flood Insurance Study (FIS), FIRMs and DFIRMs are available from the Planning Official, 415 West 6th Street, Vancouver, WA 98660. (See VMC [20.150.040](#) Meanings of Specific Words and Terms for definitions for Areas of Special Flood Hazards, Floodplain, Floodway, and Frequently Flooded Areas.)

Portions of channel migration zones located outside areas of special flood hazards are not designated as frequently flooded areas.

When base flood elevation (BFE) data has not been provided in frequently flooded areas (Zone A), the Planning Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of this chapter. This best available information for flood hazard area identification shall be the basis for regulation until a new FIRM/DFIRM is issued.

Figure 20.740.120-1. Frequently Flooded Areas/Areas of Special Flood Hazards



Adapted from Floodplain Management: A Local Administrator's Guide to the National Flood Insurance Program, Fifth Edition, FEMA Region 10

B. *Additional Critical Areas Report Requirements.* In addition to the Critical Areas Report requirements in VMC [20.740.050](#), the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.

1. Base (100-year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or 5 acres, whichever is less.
2. Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures.
3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least 1 foot above the base flood elevation or for nonresidential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.
4. *Location of the channel migration zone.* See the Clark County Shoreline Inventory & Characterization Report, Volume 1, Lewis and Salmon Washougal Watersheds and Rural Areas, Map 27, Potential Channel Migration Zone (CMZ) Areas for general locations of channel migration zones. The actual location of the channel migration zone on site must be identified by a qualified professional and mapped in accordance with the submittal requirements of VMC [20.740.050](#).
5. *Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety.* When the base flood elevation has not been provided or is not available from an authorized source (VMC [20.740.120\(A\)](#)), the Critical Areas Report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.
6. Certification, documentation, and demonstration by a qualified professional of how the applicable standards of VMC [20.740.120\(C\)](#) will be met. To support the "no rise" analyses required in VMC [20.740.120\(C\)\(1\)](#), the documentation required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator's Guide to the National Flood Insurance Program shall be submitted.

C. *Performance Standards.* Except as noted, the following standards apply to all structures and development (including but not limited to the placement of manufactured homes, substantial improvement, roads, railroads, trails, dikes, levees, or water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone

facilities) in all areas of special flood hazards and channel migration zones (CMZs). Additional restrictions apply in the floodway.

1. ~~Encroachments.~~

a. ~~Designated Floodway: Prohibited Encroachments.~~ The following are prohibited in the floodway:

1. ~~Water wells (20.740.120(C)(4)(a)).~~

2. ~~On-site waste disposal systems (20.740.120(C)(5)(a)).~~

3. ~~Residential structures or other structures for human habitation including but not limited to:~~

a. ~~Building envelopes within subdivisions(20.740.120(C)(9)(a));~~

b. ~~New construction or reconstruction of residential structures (20.740.120(C)(10)(b)(1));~~

c. ~~Placement or replacement of manufactured homes (all types)
(20.740.120(C)(10)(b)(2));~~

d. ~~Critical facilities housing vulnerable populations and emergency
services(20.740.120(C)(12)(a)); and~~

e. ~~Recreational vehicles (20.740.120(C)(13)(a)).~~

b. ~~Designated Floodway: Allowed Encroachments.~~ In areas where the base flood elevation has been provided and a regulatory floodway has been designated, other encroachments including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless:

1. ~~Certification by a qualified professional (in this case, a registered professional engineer) is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in a net increase in base flood elevation (less than 0.00 feet, rounded) or flood velocity during the occurrence of the base flood discharge. At a minimum, such “no rise” analyses shall include a step-backwater analysis and a conveyance compensation analysis as required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator’s Guide to the National Flood Insurance Program; and~~

2. ~~The applicable standards of VMC 20.740.120(C)(2-14) are also met.~~

c. ~~No Designated Floodway: Allowed Encroachments.~~ In areas where the base flood elevation has been provided but a regulatory floodway has not been designated, no encroachments including but not limited to new construction, substantial improvement, or other development (including fill) shall be permitted, unless:

1. The applicant has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and

2. The applicable standards of VMC [20.740.120\(C\)\(2-14\)](#) are also met.

d. *Other Areas of Special Flood Hazards and CMZs.* In areas of special flood hazards except the floodway or where the BFE has not been provided, or in channel migration zones, encroachments, including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited, unless:

1. A qualified professional provides certification demonstrating that the proposed project would not result in a net loss of flood storage capacity; and

2. The applicable standards of VMC [20.740.120\(C\)\(2-14\)](#) are also met.

2. *Property Damage.* Development shall not result in adverse impacts to other properties either upstream or downstream.

3. *Drainage.* Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.

4. *Water.*

a. Water wells are prohibited in the floodway.

b. In areas of special flood hazards except the floodway and in CMZs, water wells shall be constructed to withstand a 100-year flood without adversely impacting groundwater quality (WAC [173-160-171](#)).

c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5. *Waste.*

a. On-site waste disposal systems are prohibited in the floodway.

b. In areas of special flood hazards except the floodway and in CMZs, on-site waste disposal systems shall be located to avoid flood damage to them or release of contaminants from them during a base flood event.

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

6. *Construction Materials and Methods.*

a. Construction methods and practices shall minimize flood damage.

b. Construction materials and utility equipment shall be resistant to flood damage. For guidance on flood-resistant materials see the most current FEMA Technical Bulletin 2, Flood-Resistant Materials Requirements.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a base flood event. For guidance on the placement of building utility systems, see the most current FEMA Publication #348, Protecting Building Utilities from Flood Damage.

7. *Anchoring.* All new construction including substantial improvements and all types of manufactured homes shall:

a. Be elevated on a permanent foundation and securely anchored to an adequate foundation system to prevent flotation, collapse, or lateral movement.

b. Be installed or placed using methods and practices that minimize flood damage. Manufactured home placement shall follow the guidance in the most current FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards.

8. *Enclosed Areas Below the Base Flood Elevation.*

a. Enclosed areas below the base flood elevation shall be used only for vehicle parking, building access, or storage.

b. New or substantially improved enclosed areas below the base flood elevation shall be constructed in accordance with:

1. VMC [20.740.120\(C\)\(7\)](#), Anchoring

2. VMC [20.740.120\(C\)\(10\)\(c\)\(2\)\(d\)](#), Residential Construction

3. VMC [20.740.120\(C\)\(6\)\(b-c\)](#), Construction Materials and Methods

c. Enclosed areas below the BFE shall not be considered to be the lowest floor when they are not part of a basement and meet the requirements of VMC [20.740.120\(C\)\(10\)\(d\)](#).

d. *Crawlspace Construction.* Crawlspaces are a type of enclosed area below the BFE. Crawlspaces constructed at or above the lowest adjacent exterior grade are preferred. (Note: Insurance premiums for structures with below-grade crawlspaces will be higher than those with the interior elevation at or above the lowest adjacent exterior grade.) Refer to the most current FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas (available from the Planning Official) for more information. Crawlspaces:

1. Are prohibited in areas with flood velocities greater than five feet (5') per second unless designed by a qualified professional (in this case an architect or professional engineer).

2. Shall meet the requirements of VMC 20.740.120(C)(8)(a-c), Enclosed Areas below the BFE.

3. Shall not be considered "basements" for the purposes of VMC 20.740.120 when constructed according to the following standards:

a. The interior grade of a crawlspace below the base flood elevation must not be more than 2' below the lowest adjacent exterior grade.

b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4' at any point.

c. The crawlspace must be equipped with a drainage system that removes floodwaters from the interior area of the crawlspace in a reasonable period of time after a base flood event.

9. Subdivisions.

a. All subdivisions shall be designed:

1. To ensure that no residential structure or other structures for human habitation are located in the floodway even though lots may extend into the floodway;

2. To avoid placement of any structures in areas of special flood hazards and in CMZs;

3. Where it is not possible to design a subdivision in a manner to avoid placement of any structures in areas of special flood hazards or CMZs, the subdivision shall be designed to minimize or eliminate potential flood damage.

b. All subdivisions shall have facilities such as sewer, gas, power, cable, fiber optic, telephone, stormwater and water systems located and constructed to minimize or eliminate flood damage. (See VMC 20.740.120(C)(2), Property Damage; VMC 20.740.120(C)(4), Water; VMC 20.740.120(C)(5), Waste; VMC 20.740.120(C)(6), Construction Materials and Methods; and VMC 20.740.120(C)(7), Anchoring.)

c. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (See VMC 20.740.120(C)(3), Drainage.)

10. Residential Construction (including Manufactured Homes).

a. Residential Construction in the Floodway.

1. New construction and reconstruction of residential development including placement and replacement of all types of manufactured homes is prohibited in the floodway.

2. Existing residential structures and manufactured homes in the floodway are nonconforming, but may be repaired or improved, provided:

a. The repair or improvement does not increase the ground floor area of the structure; and

b. The repair or improvement does not result in adverse impacts to other properties either upstream or downstream; and

c. The cost of the repair or improvement does not exceed 50% of the market value of the structure either:

1. Before the start of repair or improvement where there is no damage to the structure; or

2. Before flood or other damage to the structure occurred.

d. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Planning Official and which are the minimum necessary to assure safe living conditions may be excluded from the 50%.

e. Any project for improvement to a structure identified as a historic place may be excluded from the 50%.

b. *Residential Construction in Other Areas of Special Flood Hazards and CMZs.* In areas of special flood hazards except the floodway and in channel migration zones:

1. New residential construction and reconstruction, including all types of manufactured homes and other structures for human habitation shall meet all the provisions of this chapter, including VMC [20.740.120\(C\)\(8\)](#) and (10)(c-d).

2. New placement or replacement of all types of manufactured homes shall meet the standards of VMC [20.740.120\(C\)\(7\)](#), Anchoring.

3. *Repair or Substantial Improvement.* All provisions of this chapter (including the elevation standards of VMC [20.740.120\(C\)\(8\)](#) and (10)(c-d)), all state and local health, sanitary, safety codes, and where applicable, historic preservation codes shall be met when the cost of repair or improvement of an existing residential structure exceeds 50% of the market value of the structure either:

a. Before the start of repair or improvement where there is no damage to the structure; or

b. ~~Before flood or other damage to the structure occurred.~~

c. ~~Elevation~~

1. ~~*BFE Established.* The lowest floor (including basement) of new residential structures (including but not limited to reconstruction, substantial improvement, the placement or replacement of all types of manufactured homes) shall be elevated at least 1 foot above base flood elevation. Structures shall be elevated using means other than fill (such as extended foundation or other enclosure walls, piles, or columns) whenever feasible.~~

2. ~~*No BFE.* In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC [20.740.120\(A\)](#) and [.120\(B\)\(5\)](#)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new residential construction (including but not limited to substantial improvement and the placement of manufactured homes) shall be elevated at least 2' above the highest adjacent grade. (Note: Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates.)~~

d. ~~*Fully Enclosed Areas Below Lowest Floor.* Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must be certified by a qualified professional (in this case, a registered professional engineer or architect), or must meet or exceed the following minimum criteria:~~

1. ~~Contain a minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding;~~

2. ~~The bottom of all openings are no higher than 1 foot above grade; and~~

3. ~~Openings permit the automatic entry and exit of floodwaters even when equipped with screens, louvers, or other coverings or devices.~~

~~For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.~~

11. ~~*Non-Residential Construction.* New construction and substantial improvement of any nonresidential structure shall either be elevated (VMC [20.740.120\(C\)\(11\)\(a or b\)](#)) or flood-proofed (VMC [20.740.120\(C\)\(11\)\(c\)](#)):~~

a. ~~Be Elevated: BFE Established.~~

1. ~~Have the lowest floor, including basement, elevated at least one foot above the base flood elevation; and~~

2. Meet the same standards for space below the lowest floor as described in 20.740.120(C)(8)(d) and VMC 20.740.120(C)(10)(d);

b. Be Elevated: No BFE;

1. In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120(C)(2A) and (3.120(B)(5)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new nonresidential construction shall be elevated at least 2' above the highest adjacent grade. Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates; and

2. Meet the same standards for space below the lowest floor as described in 20.740.120(C)(8)(d) and VMC 20.740.120(C)(10)(d); or

c. Be Flood-proofed. Together with attendant utility and sanitary facilities shall:

1. Be flood-proofed so that below one foot (or more) above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Official as set forth in VMC 20.740.120(E).

12. Critical Facilities.

a. Critical facilities housing vulnerable populations and emergency services shall be prohibited in the floodway.

b. In areas of special flood hazard except the floodway and in CMZs, construction of new critical facilities shall be prohibited unless the applicant demonstrates that:

1. No feasible alternative site is available; and either:

a. The lowest floor, entrances, egresses, and to the extent feasible access routes are elevated to 3 feet above the base flood elevation or to the elevation of the 500-year flood, whichever is lower; or

b. The applicant demonstrates that other measures would ensure that in the event of a flood, the facility would remain safe and fully operational and that potentially harmful

materials would not be displaced by or released into floodwaters. Such measures shall be conditions of approval of the Critical Areas Permit.

~~13. Recreational Vehicles.~~

~~a. Recreational vehicles shall be located outside the floodway.~~

~~b. Recreational vehicles in areas of special flood hazard except the floodway and in CMZs shall either:~~

~~1. Be on the site for fewer than 180 consecutive days;~~

~~2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type water, sewer, stormwater, gas, power, cable, fiber optic, telephone, and security devices, and have no permanently attached additions; or~~

~~3. Meet the requirements of VMC [20.740.120\(C\)\(7\)](#), Anchoring; VMC [20.740.120\(C\)\(8\)](#), Enclosed Areas below the Base Flood Elevation; and VMC [20.740.120 \(C\)\(10\)\(c\)](#), Elevation.~~

~~14. Alteration of Watercourse.~~

~~a. The planning official shall notify adjacent communities and the state coordinating agency, Washington State Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.~~

~~b. Alteration or relocation of a watercourse shall be allowed only after:~~

~~1. Certification by a qualified professional that the alteration or relocation:~~

~~a. Is the only feasible alternative or is part of a restoration project approved by the appropriate state or federal agencies;~~

~~b. Will not diminish the flood carrying capacity of the watercourse;~~

~~c. Will not block side channels;~~

~~d. Will be accomplished using soft armoring techniques wherever possible;~~

~~e. Will avoid to the extent possible and then minimize and mitigate removal of vegetation including downed woody vegetation; and~~

~~f. Will not endanger development in the channel migration zone.~~

~~2. The applicant provides assurance acceptable to the planning official of maintenance of the relocated channel such that the flood carrying capacity of the watercourse is not diminished.~~

D. *Variances and Minor Exceptions.* Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property. They apply to the land and are not personal in nature, do not pertain to the structure, its inhabitants, or economic or financial circumstances. The development standards contained in VMC [20.740.120](#), Frequently Flooded Areas are required by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) to protect life and property from flood damage.

Variances from the NFIP standards of VMC [20.740.120](#) shall meet the approval criteria and other requirements of VMC [20.740.120\(D\)](#) in addition to any other applicable variance criteria or requirements (e.g., VMC [20.290](#) or VMC [20.760](#)). Variances from the NFIP standards of VMC [20.740.120](#) shall be processed as Type I or II variances or shoreline variances as appropriate, not as Minor Exceptions (VMC [20.740.070](#)).

Variances or minor exceptions from other critical area standards (any standards of VMC [20.740](#) not in Section VMC [20.740.120](#)) shall meet the applicable criteria and follow the applicable procedures for the relief requested (VMC [20.740.070](#), VMC [20.290](#), or VMC [20.760](#))

1. *NFIP variances may be allowed:*

a. *For Historic Structures.* NFIP variances may be issued for the repair, reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the Washington Heritage Register, Washington's Heritage Barn Register, Washington's Historic Property Inventory Database, Clark County Cultural Resources Inventory, or Clark County Heritage Register, provided:

1. The proposed development will not preclude the structure's continued designation as a historic structure;
2. The variance is the minimum necessary to preserve the historic character and design of the structure; and
3. NFIP variance approval criteria at (VMC [20.740.120\(D\)\(2\)\(a-d\)](#)) are met.

b. *From the Elevation Standard.* An NFIP variance from the elevation standard may be issued for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases the technical justification required for issuing the variance increases.

c. *From the Flood-proofing Standard for Non-Residential Buildings.* NFIP variances may be issued for nonresidential buildings to allow a lesser degree of flood-proofing than watertight or dry flood-proofing where it can be determined that such action:

1. Will have low damage potential;

2. ~~Complies with all other NFIP variance criteria except VMC [20.740.120\(D\)\(1\)\(a\)\(2\)](#);~~

3. ~~Complies with VMC [20.740.120\(C\)\(4\)](#), Water; VMC [20.740.120\(C\)\(5\)](#), Waste; VMC [20.740.120\(C\)\(7\)](#), Anchoring; and VMC [20.740.120\(C\)\(9\)](#), Subdivisions;~~

d. ~~For Allowed Development within the Floodway, NFIP variances may be issued for development within a floodway only when the requirements of VMC [20.740.120\(C\)\(1\)\(b\)](#) are met.~~

2. ~~NFIP Variance Approval Criteria. NFIP variances from elevation and flood-proofing standards, and for development in the floodway (VMC [20.740.120\(D\)\(1\)\(a\)\(2-4\)](#)) may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:~~

a. ~~The NFIP variance is the minimum necessary, considering the flood hazard, to afford relief.~~

b. ~~The applicant has demonstrated good and sufficient cause.~~

c. ~~Failure to grant the NFIP variance would result in exceptional hardship to the applicant. (Exceptional hardship for an NFIP variance is described in a FEMA memorandum dated July 22, 1986 entitled Resource Materials on NFIP Variance Criteria available from the Planning Official.)~~

d. ~~Granting the NFIP variance will not result in increased flood heights or velocities, additional threats to public safety, significantly increased property damage potential, extraordinary public expense, or conflict with existing local laws or ordinances.~~

e. ~~Demonstration that the following factors have been considered:~~

1. ~~The danger that materials may be swept onto other lands to the injury of others;~~

2. ~~The danger to life and property due to flooding or erosion damage;~~

3. ~~The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

4. ~~The importance of the services provided by the proposed facility to the community;~~

5. ~~The necessity to the facility of a waterfront location, where applicable;~~

6. ~~The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~

7. ~~The compatibility of the proposed use with existing and anticipated development;~~

8. ~~The relationship of the proposed use to the comprehensive plan;~~

9. ~~The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of facilities such as sewer, gas, electrical, stormwater, and water systems, and streets and bridges.

3. *Notices Required.* A notice to the applicant is required whenever a variance is approved, approved with conditions, or denied. Such notice shall include the decision and the reasons for the decision. When a variance from the elevation standard is approved or approved with conditions, such notice shall state that the structure will be permitted to be built with a lowest floor elevation below that normally required with respect to the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

E. Information to be Obtained and Maintained.

1. For all new and substantially improved structures and development, the planning official shall complete Section B of a current elevation certificate and obtain and record on that certificate:

a. For elevated (rather than flood-proofed) structures and development, the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement), and whether or not the structure contains a basement.

b. For nonresidential, flood-proofed structures, the elevation to which the structure was flood-proofed. All flood-proofing certifications shall also be maintained.

c. Maintain all records pertaining to development in frequently flooded areas subject to the provisions of this chapter, VMC [20.740](#), for public inspection.

2. *Records of Variance Actions.* The planning official shall keep records of all variance actions and report any approved variances to the Federal Insurance Administration upon request.

3. *Records of Appeal Actions.* The planning official shall keep records of all appeal actions. (Ord. M 4020 § 2, 2012; Ord. M 4017 § 9, 2012; Ord. M 3844 § 2, 2007; Ord. M 3692 § 2, 2005)

20.740.130 Geologic Hazard Areas.

A. *Designation.* Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion Hazard Areas. With the exception of bank erosion hazard areas and fault rupture hazard areas, their potential locations are shown on maps available from the [Shoreline Administrator](#) [planning official](#). Final designations shall be based on site conditions and other available data or information [\[See VMC 20.740.020\(C\)\(1\)\]](#).

1. *Landslide Hazard Areas.* Potential landslide hazard areas are identified from the sources listed below.

- a. Slopes greater than 25% on the property and adjacent areas within 100 feet, except engineered slopes such as cut and fill slopes along transportation routes (including trails), railroad and other berms, or dikes.
 - b. Areas of historic or active landslides, potential instability, or older landslide debris identified on the 1975 map by Allen Fiksdal of the Washington State Department of Natural Resources entitled, Slope Stability: Clark County Washington as revised or superseded, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.
2. *Seismic Hazard Areas.* Seismic Hazard Areas include Liquefaction or Dynamic Settlement, Ground Shaking Amplification, and Fault Rupture Hazard Areas.
 - a. *Liquefaction or Dynamic Settlement.* The following are designated Liquefaction or Dynamic Settlement Hazard Areas:
 1. Areas with Low to Moderate, Moderate, Moderate to High, or High liquefaction susceptibility or Peat Deposits as indicated on the Alternative Liquefaction Susceptibility Map of Clark County, Washington based on Swanson's Groundwater Model by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004, as revised or superseded.
 2. Areas of fill (Fn) identified by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington and by the Shoreline Administrator planning official, based on other reliable evidence.
 - b. *Ground Shaking Amplification.* The following are designated Ground Shaking Amplification Hazard Areas:

Site Classes C to D, D, D to E, E and F as indicated on the Site Class Map of Clark County, Washington by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004 as revised or superseded.
 - c. *Fault Rupture Hazard Areas.* Potential Fault Rupture Hazard Areas are faults identified on geological maps prepared and maintained by the Washington Department of Natural Resources (DNR), U.S. Geological Survey (USGS), Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County, Washington, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.
3. *Erosion Hazard Areas.* Erosion Hazard Areas include Soil Erosion and Bank Erosion Hazard Areas.
 - a. *Soil Erosion Hazard Areas.* The following are designated Soil Erosion Hazard Areas:

Areas with soils identified as having a severe erosion hazard by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington.

- b. *Bank Erosion Hazard Areas.* Bank Erosion Hazard Areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

B. *Additional Critical Areas Report Requirements.* In addition to the requirements of [VMC Section 20.740.050](#), the following are Critical Areas Report requirements for development proposals in potential geologic hazard areas. These requirements may be adjusted as appropriate by the [Shoreline Administrator planning official](#). The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area (See [VMC Section 20.740.130\(B\)\(6\)](#)). If it is, the Critical Areas Report requires additional information, mapping, and analysis (See [VMC Section 20.740.130\(B\)\(7\)](#)).

1. Identification of the site and project area (defined at [VMC 20.150](#)), topography in 2-foot contours (or other increment at the discretion of the [Shoreline Administrator planning official](#)), gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees, and existing structures on the site plan required by [VMC Section 20.740.050](#); and
2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations; and
3. Field investigation and evaluation of the areas on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and
4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and
5. Identification of the hazard area indicators that were found (if any) on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and
6. Conclusion as to whether there is a geologic hazard area on site or for landslide and bank erosion hazards on or within 100 feet of the site; and
7. If a liquefaction, dynamic settlement, ground shaking amplification, fault rupture, or soil erosion hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site:

- a. Label and show on the site plan required by [VMC Section 20.740.050](#):

1. The location(s), extent, and type(s) of geologic hazard area(s) identified; and

2. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development; and
3. The boundaries of the area that may be disturbed.
4. The dimension of the closest distance(s) between the geologic hazard area(s) and the project area.
5. The dimension of the closest distance(s) [See VMC [20.170.030\(C\)](#)] between any nondisturbance area [[VMC Section 20.740.130\(B\)\(7\)\(a\)\(2\)](#)] and the project area.

For bank erosion hazard areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures.

- b. Analysis of the erosion processes on site for soil erosion hazard areas and on or within 100 feet of the site for bank erosion hazard areas.
- c. Evaluation of the impact of the geologic hazard area(s) on the proposed development, other properties, and other critical areas.
 1. *Landslide hazard areas.* The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.
 2. *Bank erosion hazard areas.* Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.
- d. Evaluation of the impact of the proposed development on the geologic hazard area(s).
- e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
- f. Written discussion of:
 1. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for bank erosion hazard areas); and other critical areas; and
 2. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.
- g. Recommendations for mitigation of impacts to protect:
 1. Human health and safety;

2. Infrastructure;
 3. The proposed development;
 4. Other properties (both upstream and downstream for bank erosion hazard areas);
 5. Other critical areas; and
 6. The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
- h. A demonstration of how the standards of **VMC Section 20.740.130(C)** applicable to each geologic hazard area will be met.

C. Performance Standards.

1. *Landslide, Soil Erosion, and Bank Erosion Hazard Areas.* Development in nondisturbance areas (**VMC Section 20.740.130(B)(7)(a)(2)**) shall be prohibited. In other areas, development in landslide, soil erosion, and bank erosion hazard areas and their buffers [**VMC Section 20.740.130(C)(1)(j)**] shall be prohibited except where the applicant has demonstrated compliance with or satisfaction of the following standards or requirements.

- a. The applicant has demonstrated that during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):
 1. Will not increase the threat of the geological hazard beyond pre-development conditions; and
 2. Will not adversely impact other critical areas wherever feasible given the type of critical areas involved and the characteristics of the site; and
 3. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
 4. The life safety risk is minimal or eliminated; and
 5. Are certified by a qualified professional as safe as designed and under anticipated conditions.

Landslide hazard areas may be eliminated through grading based on a Critical Areas Report which demonstrates that the slope will be stabilized prepared by a qualified professional (in this case a licensed Engineering Geologist or Professional Engineer). The Critical Areas Permit shall be conditioned on a final inspection approval confirming that the grading and site are

stable. At the applicant's expense, after site grading, (a) the qualified professional who prepared the Critical Areas Report shall provide inspection specifications; and (b) an inspector acceptable to the City Building Official shall inspect the grading and the site and submit a report to the City indicating whether the site is stable.

b. A plan for revegetation and landscape maintenance to ensure soil stabilization shall be developed and implemented in accordance with the mitigation plan requirements of **VMC Section 20.740.050(F)**.

c. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1st to May 1st), except as authorized under a valid state or federal permit or **shoreline substantial development permit or shoreline statement exemption**, a City Type I permit [**VMC 20.740.040(A)(2)(D)**].

d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the geologic hazard area, or other critical areas or buffers is increased.

e. The requirements of VMC **14.24**, Erosion Control shall be met.

f. Trails shall be for pedestrian and nonmotorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.

g. *Roads in Landslide and Bank Erosion Hazard Areas.* A road through or across a landslide or bank erosion hazard area shall meet the standards of **VMC Section 20.740.130(C)(1)(a)-(f)** and shall not be:

1. The sole access for a proposed subdivision (not including short subdivision) or critical facility;
2. Longer than 200 feet;
3. Steeper than a 15% grade.

h. *Markers and Signs in Landslide Hazard Areas.*

1. The boundary at the outer edge of landslide area tracts and easements shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.
2. The boundary at the outer edge of the furthest of the landslide hazard area, nondisturbance area [**VMC Section 20.740.130(B)(7)(a)(2)**], or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.

3. These provisions may be modified by the **Shoreline Administrator planning official** as necessary to ensure protection of sensitive features or wildlife needs.
- i. Bank Stabilization for Existing Development in Bank Erosion Hazard Areas.
 1. Bank stabilization measures may be employed to protect an existing structure when a Critical Areas Report conclusively demonstrates all of the following:
 - a. Bank erosion threatens an established use or existing structure(s); and
 - b. The threatened structure(s) cannot be relocated landward of any nondisturbance area [**VMC Section 20.740.130(B)(7)(a)(2)**]; and
 - c. Where applicable, bank stabilization measures are necessary to the operation and location of water-dependent, water-related, or water enjoyment activities consistent with the City of Vancouver Shoreline Management Master Program; and
 - d. Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and
 - e. Bank stabilization measures will not cause a significant adverse impact on fish, wildlife, or their habitats protected by this chapter.
 2. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved Critical Areas Report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.
 3. When bank stabilization is allowed, the pertinent policies and regulations of the City of Vancouver Shoreline Management Master Program shall apply in addition to the requirements of this section. The terms and conditions of any other required state or federal permit or approval shall also apply.
 - j. *Buffer.* The following regulations apply to landslide and bank erosion hazard area buffers. No buffer is required for soil erosion hazard areas. Buffers may be included in nondisturbance areas [**VMC Section 20.740.130(B)(7)(a)(2)**] and required planting and maintenance activities may be undertaken within them.
 1. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See **VMC Section 20.170.030(B)** and **(K)**].
 2. A vegetated buffer shall be maintained around all landslide and bank erosion hazard areas. No alteration to the buffer shall be undertaken without an erosion control plan approved

pursuant to the provisions of VMC [14.24](#), Erosion Control and this chapter. New plantings shall consist of native vegetation. Maintenance shall be the responsibility of the property owner.

3. The minimum buffer width for bank erosion hazard areas shall be the distance recommended in an approved Critical Areas Report.
4. The minimum buffer width for landslide hazard areas shall be the greatest of the following distances:
 - a. 50 feet from all edges of the landslide hazard area; or
 - b. A distance of 1/3 the height of the slope at the top of the slope and a distance of 1/2 the height of the slope at the bottom of the slope [See VMC [20.170.030\(J\)](#)]; or
 - c. The minimum distance(s) recommended in an approved Critical Areas Report.
5. A larger buffer width may be required for landslide and bank erosion hazard areas at the discretion of the **Shoreline Administrator planning official** when:
 - a. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts; or
 - b. The area has a severe risk of slope failure or downslope stormwater drainage impacts; or
 - c. The area is directly adjacent to a riparian management area or wetland; or
 - d. Recommended in an approved Critical Areas Report.
6. The buffer width for landslide hazard areas may be reduced to as little as the smallest of the distances identified in **VMC Section [20.740.130\(C\)\(1\)\(j\)\(4\)](#)** at the discretion of the **Shoreline Administrator planning official** when the dimensions of the landslide hazard area are smaller than those distances.

2. Seismic Hazard Areas

- a. *Liquefaction or Dynamic Settlement Hazard Areas.* All building structures in liquefaction or dynamic settlement hazard areas shall comply with the requirements of VMC Title [17](#), Building and Construction. No buffer is required for liquefaction or dynamic settlement hazard areas.
- b. *Ground Shaking Amplification Hazard Areas.* All building structures in ground shaking amplification hazard areas shall comply with the requirements of VMC Title [17](#), Building and Construction applicable to the NEHRP soil classification of the subject property. No buffer is required for ground shaking amplification hazard areas.
- c. *Fault Rupture Hazard Areas.*

1. A road through or across a fault rupture hazard area shall not be:
 - a. The sole access for a proposed subdivision (not including short subdivision) or critical facility;
 - b. Longer than 200 feet’;
 - c. Steeper than a 15% grade.
2. Structures for human habitation and critical facilities shall be prohibited within fault rupture hazard areas and buffers.
3. Buffer.
 - a. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See VMC [20.170.030\(B\)](#)].
 - b. The buffer width shall be the greater of the following distances:
 - i. 50 feet from all edges of a fault rupture hazard area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet [See VMC [20.170.030\(L\)](#)]; or
 - ii. The minimum distance recommended in an approved Critical Areas Report.
 - c. A larger buffer width may be required when the **Shoreline Administrator planning official** determines that the buffer is not adequate to protect the proposed development. (Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.140 Wetlands.

A. Designating and Rating Wetlands.

1. *Designating Wetlands.* Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created (but not as mitigation for impacts to wetlands) from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.

Final designations shall be based on site conditions and other available data or information (see VMC 20.740.020(C)(1)).

2. *Wetland Ratings.* Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system, Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No. 14-06-029, October 2014, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used.

a. *Wetland Rating Categories.*

i. *Category I.* Category I wetlands are:

- A. Relatively undisturbed estuarine wetlands larger than one acre;
- B. Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program of the Department of Natural Resources;
- C. Bogs;
- D. Mature and old-growth forested wetlands larger than one acre;
- E. Wetlands that perform many functions well, scoring twenty-three points or more. These wetlands are those that:
 - 1. Represent unique or rare wetland types;
 - 2. Are more sensitive to disturbance than most wetlands;
 - 3. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
 - 4. Provide a high level of functions.

ii. *Category II.* Category II wetlands function at a moderately high function, scoring between twenty and twenty-two points.

iii. *Category III.* Category III wetlands are:

- A. Wetlands with a moderate level of functions, scoring between sixteen and nineteen points; and
- B. Can often be adequately replaced with a well planned mitigation project.

iv. *Category IV.* Category IV wetlands have the lowest levels of functions (scoring fewer than sixteen points) and are often heavily disturbed. These are wetlands that should be able to be

replaced, or in some cases 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.

B. *Additional Critical Areas Report Requirements.* A critical areas report for wetlands shall be prepared according to the Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No. 14-06-029, October 2014 or as revised by Ecology. The critical areas report shall contain an analysis of the wetlands including the following site- and proposal-related information:

1. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:
 - a. Hydrogeomorphic (HGM) subclassification and Cowardin class;
 - b. Wetland category;
 - c. Wetland delineation and required buffers;
 - d. Existing wetland acreage;
 - e. Vegetative, faunal, and hydrologic characteristics;
 - f. Soil types and substrate conditions;
 - g. Topographic elevations, at one-foot contours; and
 - h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits).
2. Functional evaluation for the wetland and buffer using Ecology's most current approved method and including the reference of the method and all data sheets.
3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives (for example, where enhancement for one function would adversely affect another), a written description and accompanying maps of the mitigation area, including the following information:
 - a. Existing and proposed wetland acreage;
 - b. Existing and proposed vegetative and faunal conditions;
 - c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;

- d. Relationship to lakes, streams and rivers in the watershed;
- e. Soil type and substrate conditions;
- f. Topographic elevations, at one-foot contours;
- g. Required wetland buffers including existing and proposed vegetation;
- h. Identification of the wetland's contributing area; and
- i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.

C. *Performance Standards.*

1. *General Requirements.* Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities and shall meet all of result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas performance standards (Section VMC 20.740.060).

a. *Wetlands.*

i. In Category I wetlands only the following activities may be allowed if the applicant further demonstrates that avoiding all adverse impacts is not in the public interest or will deny all reasonable economic use of the site:

A. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility that cannot feasibly be located outside of the wetland, that minimizes the impact, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or

B. Trails and wildlife viewing structures; provided, that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland.

ii. In Category II wetlands only the following activities may be allowed if the applicant further demonstrates that avoiding all adverse impacts is not in the public interest or will deny all reasonable economic use of the site:

A. Activities allowed in Category I wetlands pursuant to subsection (C)(1)(a)(i) of this section.

B. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

C. Within shoreline jurisdiction ([VMC 20.760.020 SMP Chapter 2](#)), water-dependent, water-related or water-enjoyment activities where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.

D. Where non-water dependent, related or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the city of Vancouver or Vancouver urban growth area.

iii. In Category III wetlands only the following activities may be allowed:

A. Activities allowed in Category II wetlands pursuant to subsection [\(C\)\(1\)\(a\)\(ii\)](#) of this section.

B. Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).

iv. In Category IV wetlands activities and uses that result in impacts may be permitted in accordance with an approved critical areas report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to subsection [\(C\)\(2\)](#) of this section.

b. *Wetland Buffers.*

i. *Standard Buffer Widths.* Standard buffer widths are those determined by Ecology and described in Freshwater Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands, Ecology Publication No. 05-06-008, April 2005 or as revised by Ecology. Buffer widths are based on wetland category, wetland characteristics and land use intensity.

A. Land use intensities [are defined by the Land Use and Development Code VMC 20.400 Zoning Districts and application is uniform to all uses within a given zoning district](#) are as follows:

Table 20.740.140-1. LAND USE INTENSITIES

Land Use Intensity	VMC Title 20 Zoning Districts

Land Use Intensity	VMC Title 20 Zoning Districts
High	All Residential, Commercial, or Industrial Zones
Moderate	Park or General Greenway Open Space Zones Open Space Park or Open Space Greenway: General
Low	Lettuce Fields Greenway, Vancouver Lake Greenway, or Natural Area Open Space Zones Open Space Greenway: Lettuce Fields or Vancouver Lowlands; or Open Space Natural

B. Level of function for habitat based on the Washington State Wetland Rating System is as follows:

Table 20.740.140-2. RATING SYSTEM

Level of Function	Habitat Score in Rating System
High	8 – 9
Moderate	6 – 7
Low	3 – 5

C. Buffer widths are measured horizontally from the edge of the wetland (see VMC 20.170.030(B) and (H)) and are as follows:

~~1. Category I Wetlands.~~

Table 20.740.140 3. CATEGORY I WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
Wetlands of High Conservation Value	High	250'
	Moderate	190'
	Low	125'
Forested Wetlands High Habitat Function	High	300'
	Moderate	225'
	Low	150'
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'
Other Category I Wetlands High Habitat Function	High	300'
	Moderate	225'

Wetland Characteristics	Land Use Intensity	Buffer Width
	Low	150'
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'

2. Category II Wetlands:

Table 20.740.140-4. CATEGORY II WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
High Habitat Function	High	300'
	Moderate	225'
	Low	150'
Moderate Habitat Function	High	150'

Wetland Characteristics	Land Use Intensity	Buffer Width
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'

3. Category III Wetlands:

Table 20.740.140-5. CATEGORY III WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	80'
	Moderate	60'
	Low	40'

4. Category IV Wetlands:

Table 20.740.140-6. CATEGORY IV WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
All Category IV Wetlands	High	50'
	Moderate	40'
	Low	25'

Table 20.740.140-3. Buffers Required to Protect Water Quality Functions

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

Table 20.740.140-4. Buffers Required to Protect Habitat Functions in Category I, II and III Wetlands

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
5 points or less	See Table 40.450.030-2	See Table 40.450.030-2	See Table 40.450.030-2
6 or 7 points	75 ft.	110 ft.	150 ft.
8 or 9 points	150 ft.	225 ft.	300 ft.
Wetlands of High Conservation Value with a Habitat Score of 7 Points or Less	125 ft.	190 ft.	250 ft.

D. All buffers shall be measured from the wetland boundary as surveyed in the field.

E. Areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.

ii. *Wetland Buffer Width Averaging.* The shoreline administrator may allow modification of the standard wetland buffer width in accordance with an approved critical areas report on a case-by-case basis by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction ~~or a minor exception.~~ Averaging of buffer widths (see

VMC [20.170.080\(B\)\(2\)](#)) may only be allowed where a qualified professional wetland scientist demonstrates that:

- A. Such averaging will not reduce wetland functions or functional performance; and
- B. The wetland varies in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; and
- C. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- D. The buffer width is reduced by no more than twenty-five percent of the standard width and at no point to less than twenty-five feet.

iii. *Buffer Width Reduction Based on Reducing the Intensity of Impacts from Land Uses.*

Buffer widths required for high intensity land uses may be reduced to those required for moderate land use intensity under the following conditions:

- A. For wetlands with moderate or high habitat function:
 - 1. A relatively undisturbed vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats and areas associated with priority species (VMC [Section 20.740.110\(A\)\(1\)\(b\)](#)); and
 - 2. Measures [required](#) to minimize the impacts of different land uses on wetlands are applied, as approved by the shoreline administrator. Such measures include, but [are](#) [may not be](#) limited to, [the examples summarized below](#) [the measures listed in Table 20.740.140-5.](#)

Table 20.740.140-5. EXAMPLES OF MEASURES REQUIRED TO MINIMIZE LAND USE IMPACTS

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, residential	Direct lights away from wetland

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Noise	Manufacturing, residential, commercial	Locate activity that generates noise away from wetland
Toxic runoff	Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals	Route only treated runoff to a wetland Establish covenants limiting use of toxic chemicals within 150' of wetland Apply integrated pest management
Change in water regime	Impervious surfaces, lawns, tilling	Infiltrate or treat, detain, and disperse new runoff into buffer
Pets	Residential	Plant dense vegetation around buffer, such as rose or hawthorn
Human disturbance	Residential, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn
Dust	Tilled fields	Utilize best management practices to control dust

B. For wetlands with low habitat function measures to minimize the impacts of different land uses on wetlands (subsection [\(C\)\(1\)\(b\)\(iii\)\(A\)\(2\)](#) of this section) are applied.

C. Buffer width reduction shall not be used in combination with buffer width averaging (subsection [\(C\)\(1\)\(b\)\(ii\)](#) of this section) ~~or a minor exception (VMC 20.740.070).~~

iv. *Buffer Maintenance.* Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained according to the approved critical areas permit.

v. *Buffer Uses.* The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter; provided, they are not prohibited by any other applicable law or regulation and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:

A. Activities allowed under the same terms and conditions as in the associated wetlands pursuant to subsection (C)(1)(a) of this section, provided trails shall be located in the outer twenty-five percent ~~to fifty percent~~ of the buffer when feasible and consistent with the public access provisions of this program.

B. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

C. Passive recreation facilities including trails and wildlife viewing structures; provided, that the trails and structures are constructed with a surface that does not interfere with wetland hydrology.

~~D. Stormwater management facilities, limited to detention facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, may be constructed in accordance with an approved critical areas report within the buffers of Category III or IV wetlands; provided, that:~~

~~1. No other location is feasible; and~~

~~2. The location of such facilities will not degrade the functions of the wetland or buffer.~~

~~D. Stormwater management facilities. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment, or Flow Control BMP if all of the following criteria are met:~~

~~1. The wetland is classified as a Category III or a Category IV wetland with a habitat score of 3-5 points; and~~

~~2. There will be “no net loss” of functions and values of the wetland, and~~

~~3. The wetland does not contain a breeding population of any native amphibian species; and~~

~~4. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach,”; or the wetland is part of a priority restoration~~

plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan; and

5. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and

6. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits; and

7. Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced.

Stormwater LID BMPs required as part of new and redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

c. *Signs and Fencing of Wetlands.*

i. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the shoreline administrator prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

ii. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the shoreline administrator.

iii. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the shoreline administrator determines that the animals would not degrade the functions of the wetland or buffer.

iv. Permanent signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of ~~two~~one hundred feet, or as otherwise determined by the shoreline administrator, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the shoreline administrator: “The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information.”

2. *Compensatory Mitigation.* Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC [20.740.060](#) and shall be consistent with the Department of Ecology Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Version 1, Ecology Publication No. 06-06-

011a March 2006, or as revised by Ecology. Watersheds are defined in VMC [20.740.020\(C\)\(2\)](#) and Chapter [20.150](#) VMC.

- a. *Mitigation for Lost or Affected Functions.* Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland or buffer functions as those lost, except when:
 - i. The lost wetland or buffer provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or
 - ii. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.
- b. *Mitigation Actions.*
 - i. *Creation.* The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.
 - ii. *Reestablishment.* 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. Activities could include removing fill material, plugging ditches or breaking drain tiles. Reestablishment results in a gain in wetland acres and functions.
 - iii. *Rehabilitation.* The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.
 - iv. *Enhancement.* The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions 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. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

c. *Type and Location of Mitigation.* Compensatory mitigation for ecological functions shall be in kind. Compensatory mitigation shall be on site or within the impacted wetland's: (i) contributing area; (ii) stream reach; (iii) sub-watershed; or (iv) watershed. (Sub-watersheds and watersheds are identified on the Clark County Digital Atlas.) The mitigation site shall be where the greatest level of wetland functions can be achieved. Mitigation actions may be conducted in a different watershed when:

- i. Based on a determination of the natural capacity of the potential mitigation sites to mitigate for the impacts, there are no reasonable on-site or in-watershed opportunities, or those opportunities do not have a high likelihood of success. Consideration shall include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, and potential to impact riparian fish and wildlife habitat including connectivity; or
- ii. Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or
- iii. Credits from a certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

d. *Mitigation Ratios.*

i. *Replacement Ratios.*

A. The replacement ratios shall apply to wetland mitigation that: (1) is for the same hydrogeomorphic subclass (e.g., riverine flow-through, depressional outflow or flats), and Cowardin class (e.g., palustrine emergent, palustrine forested or estuarine wetlands); (2) is on site; (3) is in the same category; (4) is implemented prior to or concurrent with alteration; and (5) has a high probability of success.

B. The replacement ratios are based on replacing the affected wetland with a compensation wetland of the same category, and hydrogeomorphic (HGM) subclass and Cowardin class.

C. The replacement ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification.

D. *Mitigation Ratios.* Mitigation ratios are as follows (see subsection [\(C\)\(2\)\(b\)](#) of this section for definitions of mitigation actions):

Table 20.740.140-8. MITIGATION REPLACEMENT RATIOS

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation (R/C) plus Rehabilitation (RH)	Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
Category I Bog	Not Considered Possible	6:1 Rehabilitation of a Bog	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
Category I Natural Heritage Site	Not Considered Possible	6:1 Rehabilitation of a Natural Heritage Site	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
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 II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
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 IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1

ii. *Adjustment of Replacement Ratios.* The shoreline administrator may adjust the replacement ratios to compensate for deviations from the requirements under subsection [\(C\)\(2\)\(d\)\(i\)\(A\)](#) of this section, subject to the following:

A. In most cases, adjustments to the replacement ratios will increase the required amount of mitigation. The required mitigation may be decreased under exceptional circumstances, for example, if programmatic out-of-kind mitigation yields watershed-scale benefits that would not be realized from in-kind mitigation, or if out-of-kind mitigation would protect irreplaceable wetlands.

e. *Mitigation Timing.* The mitigation shall be implemented prior to or concurrent with alterations. If mitigation is implemented after alteration is allowed, the **Shoreline Administrator planning official** may require additional mitigation to compensate for temporal losses of wetland functions.

f. *Buffers for Mitigation Wetlands.* Refer to Wetland Buffer Tables 20.740.140-3 through 20.740.140-6.

g. *Wetland Mitigation Banks.*

i. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

A. The bank is certified under Chapter [173-700](#) WAC;

B. The shoreline administrator determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

C. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions. (Ord. M-4289 § 4, 2019; Ord. M-4191 § 2, 2017; Ord. M-4176 § 3, 2016; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

The Vancouver Municipal Code is current through Ordinance M-4289, passed December 16, 2019.

Disclaimer: The city clerk's office has the official version of the Vancouver Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofvancouver.us](http://www.cityofvancouver.us)

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CHAPTER 6 SPECIFIC SHORELINE USE REGULATIONS

6.1 General Provisions

1. This chapter contains the regulations that apply to specific uses, developments, and activities in the shoreline jurisdiction.
2. These regulations are intended to work in concert with all sections of this Program and in particular the Goals and Policies (Chapter 3) and General Use and Development Regulations (Chapters 5 and 5A).

6.2 Shoreline Use, Modification, and Standards Table

1. Each shoreline designation shall be managed in accordance with its designated purpose as described in this Program (Chapter 4). Table 6-1 identifies those uses that are prohibited, may be permitted or permitted with a conditional use approval in each shoreline designation. In the event conflicts exist between the Table 6-1 and the text in this chapter, the text shall apply.
2. Table 6-1 also summarizes general setbacks and building heights for uses within each shoreline designation. These setbacks apply in conjunction with the critical areas requirements established in Chapter 5A of this Program. In the event a conflict exists between Table 6-1 and the requirements of Chapter 5 or 5A, the most protective of shoreline ecological functions shall apply.
3. In Table 6-1, setbacks are measured landward from the ordinary high water mark (OHWM). For transportation facilities and utilities, the setback from OHWM pertains to the right of way and not just the structure or pipeline. Building heights landward of the OHWM are calculated according to WAC 173-27-030(9). In the Aquatic shoreline designation, the setback is waterward of the OHWM and building heights in the Aquatic shoreline designation are measured from the elevation of the OHWM.
4. All the shoreline designations, even if they are not applied within the City limits or urban growth area are included in Table 6-1 to maintain consistency countywide. (See Sections 4.3 and 4.4.5.) Rural Conservancy – Residential and Rural Conservancy – Resource Lands are not applied within the City limits or urban growth area.
5. Classification of a use or development as permitted does not necessarily mean the use/development is allowed. It means the use/development may be allowed subject to review and approval by the City and/or Ecology. The City may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of a project with the Act and this Program.

Table 6-1. Shoreline Use, Modification and Development Standards

Table 6-1 is to be used and understood together with the related policies and regulations of this Program.

“Uses” refers to uses, structures, and/or developments as applicable.

Setbacks are landward from the OHWM in the NT, UC, MI, HI, RC-RD, & RC-RL shoreline designations and waterward of the OHWM in the AQ Shoreline Designation.

Abbreviations P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ (Both)	NT (Both)	UC (Urban)	MI (Urban)	HI (Urban)	RC-RD (Rural)	RC-RL (Rural)
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Shoreline Uses							
Agriculture							
Agriculture	X	X	C	P	P	P	P
• <i>Setback</i>	N/A	N/A	100'	100'	100'	100'	100'
• <i>Height</i>	N/A	N/A	35'	35'	35'	35'	35'
Aquaculture							
Aquaculture, General	P	X	C	C	C	C	C
• <i>Setback</i>	0'	N/A	50'	50'	50'	50'	50'
Boating Uses							
Motorized Boat Launches	P	X	C	C	P	P	P
• <i>Setback</i>	0'	N/A	0'	0'	0'	0'	0'
Non-motorized Boat Launches	P	C	P	P	P	P	P
• <i>Setback</i>	0'	0'	0'	0'	0'	0'	0'
Marinas	P	X	X	C	P	C	C
• <i>Setback</i>	0'	N/A	N/A	25'	25'	25'	25'
• <i>Height</i>							
• <i>0'-100' from OHWM</i>	20'	N/A	N/A	25'	35'	25'	35'
• <i>>100' from OHWM</i>	20'	N/A	N/A	35'	45'	35'	45'
Docks, Piers, Mooring Buoys	P¹	X	P¹	P¹	P¹	P¹	P¹
• <i>Setback</i>	0'	NA	0'	0'	0'	0'	0'
Commercial Uses							
Water-dependent	C	X	X	P	P	C	C
• <i>Setback</i>	0'	N/A	N/A	0'	0'	0'	0'
• <i>Height</i>							
• <i>0'-100' from OHWM</i>	35' ³	N/A	N/A	35'	35' ^{3,2}	35'	35'
• <i>>100' from OHWM</i>	35' ³	N/A	N/A	45'	60' ^{3,2}	45'	45'
Water-related, Water-enjoyment	X/C³	X	X	P	P	C	C
• <i>Setback</i>	N/A	N/A	N/A	25'	25' ³	25'	25'
• <i>Height</i>							
• <i>0'-100' from OHWM</i>	35' ³	N/A	N/A	25'	35' ^{3,2}	35'	35'
• <i>>100' from OHWM</i>	35' ³	N/A	N/A	35'	45' ^{3,2}	45'	45'

Abbreviations P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ (Both)	NT (Both)	UC (Urban)	MI (Urban)	HI (Urban)	RC-RD (Rural)	RC-RL (Rural)
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Non-water-oriented	X	X	X	C⁴	C⁴	X	X
• <i>Setback</i>	N/A	N/A	N/A	100'	100' ³	N/A	N/A
• <i>Height</i>	N/A	N/A	N/A	2535'	2535' ^{3,2}	N/A	N/A
Forestry							
Log Storage	C	X	X	X	P	X	P
• <i>Setback</i>	0'	N/A	N/A	N/A	50'	N/A	50'
Timber Harvest	X	X	C	P	P	P	P
• <i>Setback</i>	N/A	N/A	100'	100'	50'	100'	50'
Industrial Uses							
Water-dependent	P	X	X	X	P	X	X
• <i>Setback</i>	0'	N/A	N/A	N/A	0'	N/A	N/A
• <i>Height</i>							
- 0'-100' from OHWM	UNL	N/A	N/A	N/A	UNL	N/A	N/A
- >100' from OHWM	UNL	N/A	N/A	N/A	UNL	N/A	N/A
Water-related	X	X	X	X	P	X	X
• <i>Setback</i>	N/A	N/A	N/A	N/A	50'	N/A	N/A
• <i>Height</i>							
- 0'-100' from OHWM	N/A	N/A	N/A	N/A	UNL	N/A	N/A
- >100' from OHWM	N/A	N/A	N/A	N/A	UNL	N/A	N/A
Non-water-oriented	X	X	X	X	P	X	X
• <i>Setback</i>	N/A	N/A	N/A	N/A	100'	N/A	N/A
• <i>Height</i>	N/A	N/A	N/A	N/A	35'	N/A	N/A
Institutional Uses							
Water-dependent	C	X	C	P	P	C	C
• <i>Setback</i>	0'	N/A	0'	0'	0'	0'	0'
• <i>Height</i>							
- 0'-100' from OHWM	35'	N/A	25'	35'	35'	35'	35'
- >100' from OHWM	35'	N/A	35'	45'	35'	45'	45'
Water-related	X	X	X	P	P	C	X
• <i>Setback</i>	N/A	N/A	N/A	25'	25'	50'	NA
• <i>Height</i>							
- 0'-100' from OHWM	N/A	N/A	N/A	35'	45'	35'	N/A
- >100' from OHWM	N/A	N/A	N/A	45'	60'	35'	N/A
Non-water-oriented	X	X	X	PC⁴	PC⁴	X	X
• <i>Setback</i>	N/A	N/A	N/A	100'	100'	N/A	N/A
• <i>Height</i>	N/A	N/A	N/A	35'	35'	N/A	N/A
Mining							
Gravel Mining	C⁵	X	X	X	C⁵	C⁵	C⁵
• <i>Setback</i>	0'	N/A	N/A	N/A	200'	200'	200'
Hard Rock Mining	X	X	X	X	C⁵	C⁵	C⁵
• <i>Setback</i>	N/A	N/A	N/A	N/A	100'	100'	50'
Parking							

Abbreviations P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ (Both)	NT (Both)	UC (Urban)	MI (Urban)	HI (Urban)	RC-RD (Rural)	RC-RL (Rural)
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Primary Use	X	X	X	X	X	X	X
• <i>Setback</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Accessory Use	X	X	P	P	P	P	P
• <i>Setback</i>	N/A	N/A	100'	100'	50'	100'	100'
• <i>Height</i>	N/A	N/A	35'	35'	35'	35'	35'
Recreational Uses							
Water-dependent	P	P⁶	P	P	P	P	P
• <i>Setback</i>	0'	0'	0'	0'	0'	0'	0'
• <i>Height</i>	15'	15'	15'	35'	35'	35'	35'
Water-related/enjoyment (trails generally parallel to the shoreline, accessory bldgs)	C⁶	C⁶	P	P	P	P	P
• <i>Setback</i>	0'	50' ⁷	50' ⁷	50' ⁷	20'	20'	20'
• <i>Height</i>	15'	15'	15'	35'	35'	35'	35'
Public access connections generally perpendicular to the shoreline to water- related/enjoyment features (viewpoints, fishing piers)							
• <i>Setback</i>	0'	0'	0'	0'	0'	0'	0'
Non-water-oriented (golf courses, sports fields)	X	X	C	C	C	C	X
• <i>Setback</i>	N/A	N/A	100'	100'	100'	200'	N/A
• <i>Height</i>	N/A	N/A	25'	25'	25'	15'	N/A
Residential Uses							
Single-family ⁸	X	X	P	P	X	P	P
• <i>Setback</i>	N/A	N/A	100'	50'	N/A	100'	100'
• <i>Height</i>	N/A	N/A	35'	35'	N/A	35'	35'
• <i>Density</i>	N/A	N/A	In accordance with the underlying zoning				
Floating homes (new)	X	N/A	N/A	N/A	N/A	N/A	N/A
• <i>Height</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Floating homes (existing) ⁹	P	N/A	N/A	N/A	N/A	N/A	N/A
• <i>Height</i>	Existing	N/A	N/A	N/A	N/A	N/A	N/A
Multifamily	X	X	X	P	P	X	X
• <i>Setback</i>	N/A	N/A	N/A	35'	35'	N/A	N/A
• <i>Height</i>	N/A	N/A	N/A	35'	35'	N/A	N/A
• <i>Density</i>	N/A	N/A	N/A	In accordance with the underlying zoning		N/A	N/A
Signs¹⁶⁷							
Sign heights are regulated in accordance with VMC 20.960 or VMC 20.450 as applicable. Free-standing informational signs in the Aquatic SD are limited to 15' ¹⁰ .							
Agricultural	X	X	X	X	P	P	P
Fascia or Wall Signs	X	X	X	P	P	P	P

Abbreviations P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ (Both)	NT (Both)	UC (Urban)	MI (Urban)	HI (Urban)	RC-RD (Rural)	RC-RL (Rural)
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Free Standing Informational	P	P	P	P	P	P	P
High School Electronic Message	X	X	X	P	P	P	P
Monument	X	P	P	P	P	P	P
Navigation	P	P	P	P	P	P	P
Transportation Uses							
Highways, Arterials, Railroads (parallel to OHWM)	C ¹¹	X	P	P ¹¹	P ¹¹	P	P
• <i>Right-of-Way Setback</i>	0'	N/A	200'	100' ¹¹	100' ¹¹	200'	200'
Secondary/Public Access Roads (parallel to OHWM)	X	X	P	P	P	P	P
• <i>Right-of-Way Setback</i>	NA	N/A	100'	50'	50'	100'	100'
Secondary/Public Access Roads (perpendicular to OHWM)	X	X	P	P	P	P	P
• <i>Setback</i>	N/A	N/A	Limited to the setback for the use the road is serving ¹²				
Bridges (perpendicular to shoreline)	C	C	C	P	P	C	C
• <i>Setback</i>	0'	0'	0'	0'	0'	0'	0'
Utility Uses							
Above-ground Utilities (parallel to shoreline)	C	C	P	P	P	P	P
• <i>Right-of-Way Setback</i>	0'	200'	100'	50'	50'	100'	100'
• <i>Structure Height</i>	15'	15'	35'	35'	UNL	15'	15'
• <i>Distribution Pole Height</i>	0'	45'	45'	45'	UNL	45'	45'
Electrical Transmission Lines	C	C	C	C	C	C	C
• <i>Tower Height</i>	UNL	UNL	UNL	UNL	UNL	UNL	UNL
Underground Utilities (parallel to shoreline)	C	C	P	P	P	P	P
• <i>Right-of-Way Setback</i>	0'	200'	100'	50'	50'	50'	50'
Underground Utilities (perpendicular to shoreline)	C	C	C	C	C	C	C
• <i>Right-of-Way Setback</i>	0'	0'	0'	0'	0'	0'	0'
Unclassified Uses							
Unclassified Uses	C	C	C	C	C	C	C
• <i>Setback</i>	0'	200'	100'	100'	100'	100'	100'
• <i>Height</i>	15'	15'	35'	35'	35'	35'	35'
Shoreline Modification							
Dredging and Dredge Material Disposal							
Non-maintenance Dredging	C	N/A	N/A	N/A	N/A	N/A	N/A
Maintenance Dredging	P	N/A	N/A	N/A	N/A	N/A	N/A
Dredge Material Disposal	C	X	X	C ¹³	C ¹³	C	C
Dredging & Disposal as part of Ecological Restoration/ Enhancement	P	C	P	P	P	P	P
Fill							

Abbreviations P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ (Both)	NT (Both)	UC (Urban)	MI (Urban)	HI (Urban)	RC-RD (Rural)	RC-RL (Rural)
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Speculative	X	X	X	X	X	X	X
Other	C ¹⁴	P ¹⁵	P	P	P	P	P
Flood Control Works and In-stream Structures							
Dams, Dikes, & Levees	C	X	C	C	P	C	C
Instream structures	C	N/A	N/A	N/A	N/A	N/A	N/A
Shoreline Restoration							
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P	P	P
Shoreline Stabilization							
Bioengineered/Non-Structural	P	P	P	P	P	P	P
Structural	C	X	C	C	PC	C	C
Breakwaters, Jetties, Rock Weirs, and Groins	C	X	C	C	C	C	C

¹ Docks associated with a commercial or industrial water-dependent Use permitted. Private residential docks permitted as community or joint-use only. See Section 6.3.3.4.

² See Section 6.3.4(7).

³ See Section 6.3.4(8). Allowed conditionally only on dock or pier structures located on the Columbia River from the Interstate 5 Bridge, downstream to the BNSF railroad bridge. See related policy Section 4.3.1(4).

⁴ As part of mixed-use development only. See Section 6.3.4(4), 6.3.7(2) and (4).

⁵ In Surface Mining Overlay areas only

⁶ Passive only

⁷ See Section 6.3.10(12, 13, and 14). Water-related/enjoyment features such as viewpoints, gazebos, or fishing piers may have a 0' setback when connected to a public access trail.

⁸ See Section 6.3.11.1(944) for information about existing residential development on land.

⁹ See Section 6.3.11.2(4) for information about existing floating homes.

¹⁰ Above Ordinary High Water Mark (OHWM)

¹¹ See 6.3.13(6).

¹² New roads may connect to existing roads within shoreline jurisdiction as long as the connection is landward of the existing road and the ordinary high water mark.

¹³ Permitted outside of channel migration zones.

¹⁴ See Section 5.6.2(11).

¹⁵ Permitted for restoration only; otherwise prohibited.

¹⁶ Sign requirements adopted with either a formally-approved master plan or through a Special Sign District under VMC 20.960.110 shall prevail over this section.

6.3 Use-specific Development Regulations

6.3.1 Agriculture

1. Agricultural practices shall prevent erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.
2. Stream banks and water bodies shall be protected from damage due to concentration and overgrazing of livestock by providing the following:
 - a. Suitable bridges, culverts or ramps for stock crossing;
 - b. Ample supplies of clean water in tanks on dry land for stock watering; and
 - c. Fencing or other grazing controls to prevent damage to riparian vegetation, bank compaction or bank erosion.
3. New confinement lots, feeding operations, lot wastes, stockpiles of manure solids, manure lagoons, and storage of noxious chemicals are prohibited.
4. The disposal of farm wastes, chemicals, fertilizers and associated containers and equipment within shoreline jurisdiction is prohibited. Composted organic wastes may be used for fertilization or soil improvement.
5. New uses proposed as part of a conversion of agricultural lands shall comply with the provisions of VMC Title 20 and this Program.

6.3.2 Aquaculture

1. No aquatic species shall be introduced into City waters without prior written approval of the appropriate state or federal regulatory agency for the species proposed for introduction. Such approval(s) shall be submitted in writing to the City as part of the shoreline permit application.
2. Aquaculture facilities shall only be permitted where impacts to existing water-dependent uses can be fully mitigated.
3. Fish net-pens shall not occupy more than one (1) surface acre of water, excluding booming and anchoring equipment and shall not be located within one (1) mile of any other aquaculture facility.
4. No processing of any aquaculture product, except for the sorting or culling of the cultured species and the washing or removal of surface materials or species after harvest, shall occur in or over the water. All other processing activities and facilities shall be located on land.

5. If uncertainty exists regarding potential impacts of a proposed aquaculture activity, baseline and periodic operational monitoring by a City-approved consultant (unless otherwise provided for) may be required, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and/or the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.
6. Aquacultural uses and facilities not involving substantial substrate modification shall be located at least six hundred (600) feet from any wildlife refuge lands; those involving substantial substrate modification shall be located at least fifteen hundred (1,500) feet from such areas. Lesser distances may be authorized without a variance if (1) it is demonstrated by the applicant that the fish and wildlife habitat resources will be protected; and (2) if the change is supported by the reviewing resource agencies. Greater distances may be required if recommended by the reviewing resource agencies.
7. Aquacultural structures and activities that are not water-dependent (including but not limited to, warehouses for storage of products, parking and loading facilities) shall be located landward of the OHWM and landward of water dependent portions of the project, and shall minimize detrimental impacts to the shoreline.
8. For aquaculture projects using over-water structures, storage of necessary tools and apparatus waterward of the OHWM shall be limited to containers of not more than three (3) feet in height, as measured from the surface of the raft or dock. Materials, which are not necessary for the immediate and regular operation of the facility, shall not be stored waterward of the OHWM.
9. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation. All wastes shall be disposed of in a manner that will ensure strict compliance with all applicable waste disposal standards.
10. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing, rather than chemical treatment and application.
11. Prior to use of any agents such as antibiotics, vaccines, growth stimulants, or anti-fouling agents, approval must be obtained from all appropriate state and federal agencies, including but not limited to the U.S. Food and Drug Administration, Ecology, WDFW, and the Department of Agriculture, as required, and proof thereof is submitted to the City.
12. Only non-lethal, non-abusive predator control methods shall be used. Double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters are approved methods of predator control. The use of other nonlethal,

non-abusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, as required.

6.3.3 Boating Uses

6.3.3.1 General Requirements

1. All boating uses, development and facilities shall protect the rights of navigation.
2. Boating uses, developments, and facilities shall locate on stable shorelines in areas where:
 - a. There is adequate water mixing and flushing;
 - b. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard;
 - c. Water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities; and
 - d. Water depths are adequate to prevent the structure from grounding out at the lowest low water.
3. Boating uses, developments and facilities shall not be located:
 - a. Along braided or meandering river channels where the channel is subject to change in alignment;
 - b. On point bars or other accretion beaches; or
 - c. Where new or maintenance dredging will be required;
 - d. In areas with important bank margin habitat for all life stages of aquatic species; or
 - e. Where wave action caused by boating use would increase bank erosion rates.
4. Marinas shall be designed to:
 - a. Provide thorough flushing of all enclosed water areas;
 - b. Allow the free movement of aquatic life in shallow water areas; and
 - c. Avoid and minimize any interference with geo-hydraulic processes and disruption of existing shore forms.
 - d. All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the owner or lessee.

5. Boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and shall meet DNR requirements and other state guidance if located in or over state-owned aquatic lands. On the Columbia River, boating facilities shall be sited waterward of -15 feet CRD to protect shallow water habitat ~~unless shallow water habitat will be created as mitigation.~~ unless adverse impacts to shallow water habitat are addressed through mitigation to ensure no net loss. Mitigation can include, enhancement, creation and/or payment of mitigation bank credits, and comply with Section 6.4.4.
6. Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.
7. Boating uses and facilities shall be located far enough from public swimming beaches, fishing, aquaculture harvest areas, and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns and potential use conflicts.
8. Accessory uses at boating facilities shall be:
 - a. Limited to water-oriented uses, including uses that provide physical or visual shoreline access for substantial numbers of the general public; and
 - b. Located as far landward as possible while still serving their intended purposes.
9. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.
10. All marinas and public launch facilities shall provide restrooms/hand-sanitizing facilities for boaters' use that are designed, constructed and maintained to be clean, well lighted, safe and convenient for public use. One restroom and hand sanitizing facility shall be provided for every seventy-five (75) marina moorage slips or twenty (20) boat launch parking spaces.
11. Installation of boat waste discharge and disposal facilities such as pump-outs and portable dump stations shall be required at all marinas and public moorage facilities, and shall be provided at public boat launches to the extent possible. Such facilities shall include oil containment barriers when required by the US Coast Guard under provisions of the Clean Water Act. The locations of such facilities shall be considered on an individual basis in consultation with the Washington Departments of Health, Ecology, Natural Resources, Parks, and Fish and Wildlife, as necessary.
12. All utilities shall be placed at or below the dock surface, or below ground, as appropriate.

13. All signage shall adhere to the standards for signs in this chapter, VMC 20.960, and VMC 20.450, except that a marina or boat launch may have one advertising sign oriented towards the water that does not exceed twenty four (24) square feet in area and fifteen (15) feet in height above the OHWM.
14. Where appropriate, marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.
15. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials used for submerged portions, decking and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited.
16. Boats shall be restricted from extended mooring on waters of the state except as allowed by state regulations and provided that lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
17. No more than one private community or joint-use boating facility (boat launch, float, dock, pier, dock/pier combination, or mooring buoy) is allowed on a parcel or lot when a public facility is unavailable within ½-mile upstream or downstream of any property line and all applicable requirements are met.

6.3.3.2 Boat Launch Facilities

1. Boat launch facilities shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.
2. A private boat launch shall be allowed on a parcel or lot only when public boat launches are unavailable within ½-mile upstream or downstream of any property line.
3. No more than one (1) private boat launch facility or structure shall be permitted on a single residential parcel or lot.
4. Boat launch and haul-out facilities, such as ramps, marine travel lifts and marine railways, and minor accessory buildings shall be designed and constructed in a manner that minimizes adverse impacts on fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation and neighboring uses.

6.3.3.3 Marinas

1. Open pile or floating breakwater designs shall be used unless it can be demonstrated that riprap or other solid construction would not result in any

- greater net impacts to shoreline ecological functions, processes, fish passage, or shore features.
2. Wet-moorage marinas shall locate a safe distance from domestic sewage or industrial waste outfalls.
 3. To the maximum extent possible, marinas and accessory uses shall share parking facilities and those facilities shall be located landward of critical area buffers to the extent practicable.
 4. New marina development shall provide public access amenities such as viewpoints, interpretive displays, and public access to accessory water-enjoyment uses such as restaurants.
 5. If a marina is to include gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Marinas shall have adequate facilities and procedures for fuel handling and storage, and the containment, recovery, and mitigation of spilled petroleum, sewage, and other potentially harmful or hazardous materials, and toxic products.
 6. Live-aboards are restricted to marinas that provide potable water, waste handling, and other sanitary services. Live-aboards may occupy up to twenty (20) percent of the slips at such a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility.
 7. The marina operator shall be responsible for the collection and proper disposal of sewage, solid waste, and petroleum waste.
 8. No commercial or sport fish-processing discharge or discarding of unused bait, scrap fish, or viscera shall be permitted within any marina.
 9. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.
 10. Covered moorage shall be limited to the number of covered moorage slips legally established prior to January 1, 2011 and to the amount of water surface area covered.
 11. The restrictions in 6.3.3.3(10) shall not apply to over-water structures housing water-dependent emergency response equipment for public agency use to protect people, property, and the environment in and adjacent shoreline jurisdiction. However, such new, remodeled, rebuilt, or relocated structures shall be constructed to allow 60% light penetration over 60% of the structure whether enclosed or not.
 12. Commercial covered moorage facilities may be permitted only where boat construction or repair work is to be the primary activity and covered work areas

are demonstrated to be the minimum necessary over water, including a demonstration that adequate landside sites are not feasible. When permitted, commercial covered moorage facilities must be constructed to allow 60% light penetration over 60% of the structure, whether enclosed or not.

13. Marina development must also meet the standards of 6.3.3.4(10)(a-k).

6.3.3.4 Joint Use and Community Moorage Facilities

1. Community and joint use moorage facilities are defined (Chapter 8) and regulated as marinas (Section 6.3.3.3; defined in Chapter 8) if:
 - a. They provide commercial goods or services;
 - b. They have ten (10) or more slips;
 - c. Moorage is proposed to be leased to upland property owners; or
 - d. The proposal includes a boat launching facility other than a ramp.
2. Live-aboards are not allowed at joint-use or community moorages.
3. Covered moorage facilities associated with any residential development shall be prohibited.
4. Existing, legally-established, private recreational docks, piers, and floats for individual single-family developments are considered non-conforming uses and structures. If such dock or float is abandoned, becomes hazardous, or is removed for any reason, it may be replaced with only one joint-use or community facility that complies with the policies and regulations of this Program. All required permits and approvals shall be obtained prior to commencing construction.
5. A new private dock or pier serving an individual lot is prohibited.
6. New joint-use docks and piers serving two or more contiguous residential lots each having direct water frontage are allowed if no **public** marina or public boat launch is located within ½-mile upstream or downstream of any property line and all applicable requirements of this Program are met. Each residential lot proposed to have access to the joint-use dock must show development of the lot is capable of meeting the minimum development standards for zoning and the applicable provisions of Vancouver Shoreline Master Program.
7. New residential land divisions with shoreline frontage shall provide for community docks if there is an appropriate location for future construction of a dock. Proposed docks and piers shall include no more than one mooring space per dwelling unit. Where a new moorage facility is proposed within a residential waterfront development, only one community moorage facility may be allowed, but only after demonstrating that such use is appropriate for the waterbody and

- that no public moorage facility is available to residents within ½-mile of the perimeter of the development. All conditions of approval related to required access easements and dedications shall be identified on the face of the plat. In addition, the community dock easement shall be recorded with the County Auditor.
8. Applicants for community or joint-use residential docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties. The applicant shall file a legally enforceable joint use agreement or other legal instrument prior to the issuance of any building permits. The documents shall at minimum address the following:
 - a. Apportionment of construction and maintenance expenses;
 - b. Easements and liability agreements; and
 - c. Use restrictions.
 9. Only a single, community moorage facility shall be permitted in association with hotels, motels, and multi-family residences. No more than one (1) mooring slip per unit shall be allowed.
 10. The dimensions of a joint use or community moorage facility dock or pier shall be no greater than necessary, and shall meet the development standards listed below.
 - a. Fixed-piers shall not be permitted for residential use on rivers. Floating docks shall be required in rivers and streams unless it can be demonstrated that fixed docks will result in substantially less impact on geo-hydraulic processes and flood hazards can be minimized or mitigated. A fixed pier, landward of a floating dock, which connects to the shore at one end and to the floating dock by a gangway at the other is allowed.
 - b. Piers/anchors and/or ramps shall extend waterward, perpendicular from the ordinary high water mark (OHWM), to a point where the water depth is sufficient to prevent damage to shallow-water habitat (-15 feet CRD on the Columbia River).
 - c. The moorage facility may extend into the waterbody the minimum distance necessary to allow for moorage of the boats anticipated but in no instance more than 300' beyond the OHWM.
 - d. The bottom of either the pier or landward edge of the ramp shall be elevated at least 2 feet above the plane of OHWM.
 - e. Piers and ramps shall be no more than 8 feet in width. Finger piers shall be no more than 8 feet wide and 45 feet long. Piers, ramps and docks shall be

constructed to allow a minimum of 60% light penetration over 60% of each structure.

- f. Skirting shall not be placed on piers, ramps, floating docks, or floats. Protective bumper material will be allowed along the outside edge of the float or floating dock as long as the material does not extend below the bottom edge of the float frame or impede light penetration.
- g. Shoreline concrete anchors must be placed at least 10 feet landward from the OHWM, and shall be sized no larger than 4-feet wide by 4-feet long, unless otherwise approved by National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries), the US Army Corps of Engineers (Corps), and Washington Department of Fish and Wildlife (WDFW).
- h. Overwater structures shall be located in water sufficiently deep to prevent the structure from grounding out at the lowest low water.
- i. Docks used for motor boats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.
- j. All docks and floats shall include stops that serve to keep the floats off the lake bottom or river bed at low water levels. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the OHWM or protective berms. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
- k. Pilings must be structurally sound and cured prior to placement in the water. Pilings employed for docks, piers, or any other structure shall have a minimum vertical clearance of one foot above extreme high water. Pile spacing shall be the maximum feasible to minimize shading and avoid a “wall” effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.

6.3.3.5 Moorage Facilities: Docks, Piers, and Mooring Buoys

- 1. Mooring buoys shall be used instead of docks and piers whenever feasible.
- 2. Mooring buoys shall be placed as specified by WDFW, DNR, and the U.S. Coast Guard to balance the goals of protecting nearshore habitat and minimizing obstruction to navigation. Anchors and other design features shall meet WDFW standards.
- 3. Mooring buoys shall be discernible from a distance of at least one hundred (100) yards. One (1) mooring buoy for each waterfront lot shall be permitted unless greater need is demonstrated by the applicant and documented by the City. In

- cases such as those of a community park with recreational users or a residential development with lot owners both on and away from the shoreline needing moorage, community moorage facilities shall be used instead of mooring buoys.
4. Docks and piers for water-dependent commercial and industrial uses shall be allowed to the outer harbor line or combined U.S. Pierhead/Bulkhead line but no more than that required for the draft of the largest vessel expected to moor at the facility. These provisions are also applicable to multiple-use facilities where the majority use is water-dependent and public access can safely be provided.
 5. Bulk storage (non-portable storage in fixed tanks) for gasoline, oil and other petroleum products for any use or purpose is prohibited on docks and piers.
 6. Recreational floats shall be designed and constructed to meet the following standards:
 - a. They shall be located as close to the shore as possible, and no farther waterward than any existing floats and established swimming areas.
 - b. They shall be constructed so that the deck surface is a minimum of one (1) foot above the water surface and with reflectors for night-time visibility.
 - c. Floats serving the public, a subdivision, a multi-family development, a hotel, motel, or multiple property owners shall not exceed one hundred sixty (160) square feet and shall be constructed to allow a minimum of 60% light penetration over 60% of the structure.

6.3.4 Commercial Uses

1. Water-oriented commercial uses are preferred over nonwater-oriented commercial uses.
2. An applicant for a new commercial use or development shall demonstrate that the use or development will not cause a net loss of ecological function or adversely impact other shoreline resources or uses.
3. Loading, service areas, and other accessory uses shall be located landward of a commercial structure or underground whenever possible, but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.
4. ~~Where allowed, non~~Nonwater-oriented commercial uses may be ~~permitted~~allowed only as part of a mixed-use development that:
 - a. As part of a mixed-use development that includes water-oriented uses and has a formally-approved master plan that complies with this Program, including having demonstrated consistency with the policies of Section 3.2 if its proposed location is on a shoreline of statewide significance, where there is a

substantial public benefit with respect to the goals and policies of this Program such as providing public access and/or ecological restoration; or

Has a formally approved master plan that complies with this Program, including having demonstrated consistency with the policies of Section 3.2 if its proposed location is on a shoreline of statewide significance;

- b. Where navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Act's objectives such as providing public access and ecological restoration; or ~~Includes water-oriented uses; and~~
 - c. ~~If the site is physically separated from the shoreline by another property or public right-of-way. Provides a significant public benefit such as public access and/or ecological restoration.~~
5. Nonwater-oriented commercial uses meeting the conditions of Section 6.3.4(4) and located in a High Intensity shoreline designation on the Columbia River between the eastern boundary of Wintler Park and the railroad bridge (Columbia River Shoreline Enhancement Plan District) may occupy:
- a. Up to 85% of the total frontage length of all parcels in the master-planned development (regardless of ownership); or
 - b. Up to 85% of the project area within shoreline jurisdiction of all parcels in the development (regardless of ownership).
6. Nonwater-oriented commercial uses meeting the conditions of Section 6.3.4(4) and not located in a High Intensity shoreline designation on the Columbia River between the eastern boundary of Wintler Park and the railroad bridge (Columbia River Shoreline Enhancement Plan District) may occupy:
- a. Up to 25% of the total frontage length of all parcels in the master-planned development (regardless of ownership); or
 - b. Up to 25% of the total project area within shoreline jurisdiction of all parcels in the master-planned development (regardless of ownership).
7. When a new, mixed-use commercial development meets all applicable provisions of Section 6.3.4 **(Commercial Uses)**, Section 5.8.1 **(Visual Access)**, and this Program and:
- a. Is located in a High Intensity shoreline designation on the Columbia River between the eastern boundary of Wintler Park and the railroad bridge (Columbia River Shoreline Enhancement Plan District);

- b. Has a formally-approved master plan that complies with this Program including having demonstrated consistency with the policies of Section 3.2 **(Shorelines of Statewide Significance)**;
 - c. Includes water-oriented uses;
 - d. Provides public access to the shoreline;
 - e. Restores degraded shorelines; and
 - f. Building heights for commercial development in the High Intensity shoreline designation in Table 6-1 may be increased in accordance with the underlying zoning.
8. Water oriented commercial use is allowed on a dock or pier as a conditional use only under the follow circumstances:
- a. The commercial dock or pier is located between the I-5 Bridge and the BNSF railroad bridge;
 - b. The commercial use of the dock or pier is included in a formally approved master plan that complies with this Program;
 - c. All uses shall be water-dependent, water-related or water-enjoyment;
 - d. There are design elements that link the site back to historic uses.
 - e. A dock or pier associated with an existing commercial building located on such dock or pier may be maintained, rebuilt, replaced and/or relocated as follows:
 - i. A rebuilt or replaced dock or pier shall not occupy a larger footprint then the dock or pier as it existed on March 15, 2018.
 - ii. A commercial building may be rebuilt, replaced or relocated on top of the dock or pier only when the applicant of a shoreline conditional use permit demonstrates the following:
 - 1. The development shall include design elements that are reflective of the local maritime history and structures on the site, and enhance the public's experience along the city's waterfront.
 - 2. The height of the structure shall not exceed 65 feet measured from ordinary high water mark.
 - 3. The building shall not occupy a footprint that is larger than the footprint of the building existing on March 15, 2018. The building footprint may shift from its current location on the dock or pier as

needed to comply with public access requirements of this program and/or existing or future state highway right-of-ways.

4. The building located on the dock or pier shall be positioned to maintain public access to the dock or pier and to the shoreline consistent with this Program and the policies set forth in the Vancouver City Center Vision (VCCV) Subarea Plan.

6.3.5 Forest Practices

1. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the Forests and Fish Report (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant thereto (WAC 222), as administered by the Department of Natural Resources.
2. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to Conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent conversion proposals for a period of six years from date of Forest Practices application approval per RCW 76.09.060(3)(d), (e) and (f), RCW 76.09.460, and RCW 76.09.470.
3. With respect to timber situated within two hundred (200) feet landward of the OHWM within shorelines of the statewide significance, Ecology or the City shall allow only selective commercial timber cutting, so that no more than thirty percent (30%) of the merchantable trees may be harvested in any ten- (10-) year period of time; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted. Exceptions to this standard shall be allowed by conditional use only.
4. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered forest practices and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, including vegetation conservation.
5. A forest practice that only involves timber harvest is not a development under the Act and is not subject to the Shoreline Master Program. A forest practice that includes activities other than timber harvest are a development under the Act and may require a Substantial Development Permit, as required by WAC 222-50-020

6.3.6 Industrial Uses

6.3.6.1 General Requirements

1. Water-oriented industrial uses and development are preferred over nonwater-oriented industrial uses and development.
2. Water-related uses shall not displace existing water-dependent uses or occupy space designated for water-dependent uses identified in a substantial development permit or other approval.
3. Water-enjoyment uses shall not displace existing water-dependent or water-related uses or occupy space designated for water-dependent or water-related uses identified in a substantial development permit or other approval.
4. Waterward expansion of existing non-water-oriented industry is prohibited.
5. Proposed developments shall maximize the use of legally-established existing industrial facilities and avoid duplication of dock or pier facilities before expanding into undeveloped areas or building new facilities. Proposals for new industrial and port developments shall demonstrate the need for expansion into an undeveloped area.
6. Proposed large-scale industrial developments or major expansions shall be consistent with an officially-adopted comprehensive scheme of harbor improvement and/or long-range port development plan.
7. New facilities for shallow-draft shipping shall not be allowed to preempt deep-draft industrial sites.
8. Ship, boat-building, and repair yards shall employ best management practices (BMPs) with regard to the various services and activities they perform and their impacts on surrounding water quality.
9. Industrial water treatment and water reclamation facilities may be permitted only as conditional uses and only upon demonstrating that they cannot be located outside of shoreline jurisdiction. They shall be designed and located to be compatible with recreational, residential, or other public uses of the water and shorelands.

6.3.6.2 Log Storage

1. Log booming, rafting and storage in the Aquatic shoreline designation shall comply with WAC 332-30-145 or its successor.
2. Log storage shall be permitted in public waters only where:
 - a. water quality standards can be met at all times;

- b. grounding will not occur;
 - c. associated activities will not hinder other beneficial uses of the water, such as small craft navigation; and
 - d. fish and wildlife habitat conservation areas can be avoided.
3. No log raft shall remain in the Aquatic shoreline designation for more than one year, unless specifically authorized in writing by DNR.
4. Log storage facilities shall be sited to avoid and minimize the need for dredging in order to accommodate new barging and shall be located in existing developed areas to the greatest extent feasible. If a new log storage facility is proposed along an undeveloped shoreline, an alternatives analysis shall be required that demonstrates that it is not feasible to locate the facility within an existing developed area.
5. A Debris Management Plan describing the removal and disposal of wood waste must be approved by the City. Debris monitoring reports shall be provided, where stipulated. Positive control, collection, treatment, and disposal methods for keeping leachate, bark, and wood debris (both floating and sinking particles) out of surface water and groundwater shall be employed at log storage areas, log dumps, raft building areas, and mill-side handling zones. In the event that bark or wood debris accidentally enters the water, it shall be immediately removed. Surface runoff from log storage areas shall be collected and discharged at only one point, if possible.
6. Existing in-water log storage and log booming facilities in critical habitats utilized by threatened or endangered species classified under the Endangered Species Act (ESA) shall be re-evaluated if use is discontinued for one (1) year, or if substantial repair or reconstruction is required. The evaluation shall include an alternatives analysis in order to determine if logs can be stored upland and out of the water, or if the site should be used for other purposes that would have lesser impacts on ESA-listed species. The alternatives analysis shall include evaluation of the potential for moving all, or portions of, log storage and booming to uplands.
7. Non-aquatic log storage areas shall meet the following requirements:
- a. The ground surface of any unpaved log storage area underlain by permeable soils shall be separated from the highest seasonal water table by at least four (4) feet in order to reduce waste buildup and impacts on ground water and surface water;
 - b. Stormwater shall be managed consistent with VMC Chapter 14.25; and
 - c. A berm must be located around the outer edge of the upland sort surface using rocks, or other suitable materials to prevent loss of wood debris into the water.

6.3.7 Institutional Uses

1. Water-oriented institutional uses and developments are preferred.
2. Where allowed, nonwater-oriented institutional uses may be permitted as part of a mixed-use development provided that a significant public benefit such as public access and/or ecological restoration are provided.
3. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible, but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.
4. ~~Where a~~ **Non-water-oriented** institutional uses are allowed ~~as a conditional use only if;~~ the following ~~must be is~~ demonstrated:
 - a. A water dependent use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features of the site, or due to the site's separation from the water;
 - b. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and
 - c. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, ecological function, and/or access to the shoreline.
5. Over-water structures housing public safety equipment for public agency use to protect people, property, and the environment may be allowed as a conditional use and may be increased in number or expanded. See Section 6.3.3.3(10) and (11).

6.3.8 Mining

1. An applicant for mining and associated activities within shoreline jurisdiction shall demonstrate that the proposed activities are dependent on a shoreline location consistent with this Program and WAC 173-26-201(2)(a).
2. Mining and associated activities shall be designed and conducted to result in no net loss of shoreline ecological functions and processes, and will only be allowed if they will not cause:
 - a. Damage to or potential weakening of the structural integrity of the shoreline zone that would change existing aquatic habitat or aquatic flow characteristics;
 - b. Changes in the water or exchange of water to or from adjacent water bodies that would damage aquatic or shoreline habitat; and

- c. Changes in groundwater or surface water flow that would be detrimental to aquatic habitat, shoreline habitat, or ground water.
- 3. Mining within the active channel(s) or channel migration zone of a stream shall not be permitted unless:
 - a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect instream habitat or the natural processes of gravel transport for the stream system as a whole.
 - b. The mining and any associated permitted activities, such as flood hazard reduction, will not have significant adverse impacts to habitat for priority species nor cause a net loss of shoreline ecological functions.
- 4. The applicant shall obtain and comply fully with all required local, state, and federal permits and approvals, including but not limited to, Hydraulic Project Approvals (HPA) from WDFW.
- 5. A reclamation plan that complies with the format and detailed minimum standards of RCW 78.44 and WAC 332-18 and that meets the provisions of this Program shall be included with any shoreline permit application for mining. The proposed subsequent use of mined property must be consistent with the provisions of the shoreline designation in which the property is located and the applicant shall obtain and fully comply with all required permits and approvals. Reclamation of disturbed shoreline areas shall provide appropriate ecological functions consistent with the setting.
- 6. Aggregate washing and ponding of waste water are prohibited in floodways.
- 7. Disposal of overburden or other mining spoil or non-organic solid wastes shall comply with fill policies and regulations of this Program and other applicable regulations.
- 8. In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the City shall require compliance with this Program.
- 9. Where a lawfully-established mining operation has resulted in the creation of a lake(s) greater than 20-acres and such lake(s) is subject to the provisions of the Shoreline Management Program and the Act, such lake(s) shall be given a shoreline designation of Rural Conservancy – Resource Lands or as otherwise adopted. Notwithstanding any other applicable regulations, such mining operations shall be permitted to continue and may be expanded subject to approval of a shoreline conditional use permit.
- 10. The provisions of this section do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231.

6.3.9 Parking

1. Parking as a primary use is prohibited in all shoreline areas.
2. Temporary storage of vehicles for import or export in port areas shall not be considered parking.
3. Temporary storage of vehicles for import or export in port areas is prohibited over water.
4. Where parking is allowed as accessory to a permitted use, **whenever feasible** it **should** ~~shall~~ be located landward of the primary structure as far as possible or within the primary structure.

6.3.10 Recreational Uses

1. Recreational developments shall provide facilities for non-motorized access to the shoreline such as pedestrian and bicycle paths.
2. The minimum width of public access easements for trails shall be twenty (20) feet when a trail is not located within a public right-of-way, unless the Shoreline Administrator determines that undue hardship would result, or that it is impractical or environmentally unsound. In such cases, easement width may be reduced only by the minimum extent necessary to meet public access standards.
3. Recreation areas or facilities on the shoreline shall provide physical or visual public access to the shoreline. Trails or other facilities may traverse the setback to provide public access to the shoreline.
4. Parking areas shall be located upland away from the immediate shoreline, with pedestrian trails or walkways providing access to the water.
5. All permanent, substantial, recreational structures and facilities shall be located outside officially mapped floodways. The Shoreline Administrator may grant administrative exceptions for non-intensive minor accessory uses (including but not limited to, picnic tables, playground equipment).
6. Recreational sites with active uses shall be provided with restrooms and hand sanitizing facilities in accordance with public health standards and without adversely altering the natural features attractive for recreational uses.
7. Recreational facilities shall include features such as buffer strips, screening, fences, and signs to protect the value and enjoyment of adjacent or nearby private properties and natural areas from trespass, overflow and other possible adverse impacts.

8. Where fertilizers and pesticides are used in recreational developments, waters in and adjacent to such developments shall be protected from drainage and surface runoff.
9. Golf course structures (clubhouses and maintenance buildings) that are non water-oriented shall be located no closer than one hundred (100) feet from the OHWM of any shorelines of the state.
10. Tees, greens, fairways, golf cart routes, and other site development features shall be located no closer than one hundred (100) feet from the OHWM of any shorelines of the state to the extent practicable. Where unavoidable, such development shall be designed to minimize impacts to shoreline and critical areas and their buffers and mitigate impacts by including ecological restoration and enhancement.
11. Golf course water hazards and stormwater drainage basins shall be managed for wildlife through appropriate plantings and measures to maintain or enhance water quality.
12. The setback for water-related and water-enjoyment recreational development in Natural, Urban Conservancy, and Medium Intensity shoreline designations is 50 feet, except for trails which may meander between 20 and 50 feet landward of the OHWM to:
 - a. Respond to site characteristics such as natural topography and existing vegetation; or
 - b. Take advantage of opportunities for visual or physical access to the shoreline; or
 - c. Connect existing trail easements; or
 - d. Create an interesting experience for trail users.
13. A trail project, any portion of which encroaches closer than 50 feet, shall maintain no net loss, and include shoreline restoration where feasible.
14. The following trail types as described in the Vancouver-Clark Parks & Recreation Regional Trails and Bikeway Systems Plan (2006) and the Paths & Trails Element of the Vancouver Walking and Bicycling Master Plan (2004) are preferred in the Natural shoreline designation:
 - a. Type A3: Primitive Trails or Paths
 - b. Type C2: Walking Trails or Paths
 - c. Type D1: Equestrian Trails or Paths

15. When regional or local shared-use or other impervious surface trails are proposed in the Natural or Urban Conservancy shoreline designations, to respond to Americans with Disabilities Act (ADA) requirements or other circumstances or conditions, the project shall maintain no net loss, and include shoreline restoration where feasible.

6.3.11 Residential Development

6.3.11.1 Residential Development

1. Residential developments shall include provisions to ensure preservation of native vegetation and control erosion during construction.
2. New residential construction shall be located so as not to require shoreline stabilization measures.
3. New residential development shall be located and designed to a density that minimizes view obstructions to and from the shoreline.
4. Clustering of residential units shall be allowed where appropriate and in compliance with VMC Title 20 to minimize physical and visual impacts on shorelines.
5. In those areas where only onsite sewage systems are available, density shall be limited to that which can demonstrably accommodate protection of surface and groundwater quality.
6. New residential development, including sewage disposal systems, shall be prohibited in floodways and channel migration zones.
7. Appurtenances, accessory uses, and facilities serving a residential structure shall be located outside setbacks, critical areas, and buffers unless otherwise allowed under this Program to promote community access and recreational opportunities.
8. New residential lots created through land division in shoreline jurisdiction and lot line adjustments shall only be permitted when configured such that the following standards are met:
 - a. Structural flood hazard reduction measures are not required and will not be necessary during the life of the development or use.
 - b. Shoreline stabilization measures will not be required for new development to occur.
 - c. There will be no net loss of shoreline ecological function.
9. Legally-established residential development located landward of the OHWM, including normal appurtenances, existing on the effective date of this Program

that do not meet the standards of this Program are considered to be conforming and may be maintained, repaired, replaced, or expanded provided that any future development:

- a. Does not exceed height limitations;
 - b. Does not encroach farther waterward than the existing primary structure;
 - c. Does not encroach farther into critical areas or buffers; and.
 - d. Will result in no net loss of shoreline ecological functions.
10. New residential development shall be prohibited in, over, or floating on the water, except as provided in 6.3.11.2 (1-5).

6.3.11.2 Floating Home Development

1. A floating on-water residence legally established prior to July 1, 2014, is considered a conforming use and may be maintained, repaired and remodeled provided there is no increase in the surface water area covered.
2. The floating homes legally established prior to January 1, 2011, are conforming preferred uses under this Program.
3. Floating homes legally established prior to January 1, 2011 may be remodeled, rebuilt (home torn down to the float and rebuilt in place), or replaced (existing home and float removed and a new home and float towed in) in situ, PROVIDED:
 - a. There is no increase in the number of floating homes beyond the number existing on January 1, 2011;
 - b. There is no increase in the surface water area covered by the floating homes existing on January 1, 2011 and accessory structures including cantilevered portions that extend beyond the float;
 - c. There is no net loss of shoreline ecological function.
4. Any proposal to replace, remodel, or rebuild a floating home shall be accompanied by an accurate, fully-dimensioned site plan along with details about the proposed changes, similar to that required for other land use approvals under VMC Title 20.
5. When remodeling, rebuilding, or replacing a floating home legally established prior to January 1, 2011 the following standards apply in addition to those of Section 6.3.11(1-4):
 - a. The total height of the float and the structure from the water surface shall not exceed its existing height;

- b. The minimum distance between existing adjacent floating home walls shall not be reduced, and if the floating home is being replaced shall not be less than 6 feet;
- c. Floating homes shall not block views from the waterward end of any pier, more than any existing view blockage;
- d. No new living or storage spaces shall be located below water level. Existing living or storage spaces below water level may be remodeled or replaced, but not expanded;
- e. Unenclosed Styrofoam or similar material that has the potential to break apart is prohibited in floats;
- f. Floats shall be maintained and repaired using the minimum amount of structure below the waterline necessary to maintain floatation. At the time of replacement of a float and/or floating home, any structure below waterline and outside the primary float structure that provides minimal or no floatation shall be removed;
- g. All utilities shall be repaired or replaced to current standards to ensure proper functioning and no net loss of shoreline ecological functions.

6.3.12 Signs

- 1. Free-standing signs shall be for only informational purposes such as directional, navigational, educational/interpretive, and safety purposes, unless otherwise allowed under this Program and as specified in Table 6-1.
- 2. Signs for commercial purposes shall be limited to fascia or wall signs and as regulated by VMC Chapter 20.960, unless otherwise provided for in this chapter for specific uses.
- 3. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access corridors to the shoreline.
- 4. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use.
- 5. Illuminated signs shall be limited to informational, directional, navigational or safety purposes and shielded so as to eliminate glare when viewed from surrounding properties or watercourses.
- 6. Sign requirements adopted with either a formally-approved master plan or through a Special Sign District under VMC 20.960.110 shall prevail over the provisions of this section.

6.3.13 Transportation Uses

1. All transportation facilities in shoreline areas shall be constructed and maintained to cause the least possible adverse impacts on the land and water environments, shall respect the natural character of the shoreline, and make every effort to preserve wildlife, aquatic life and their habitats.
2. New or expanded surface transportation facilities not related to and necessary for the support of shoreline activities shall be located outside the shoreline jurisdiction wherever possible, or set back from the ordinary high water mark far enough to make shoreline stabilization, such as rip rap, bulkheads or jetties, unnecessary.
3. Transportation facilities shall not adversely impact existing or planned water-dependent uses by impairing access to the shoreline.
4. All roads shall be set back from water bodies and shall provide buffer areas of compatible, self-sustaining native vegetation. Shoreline scenic drives and viewpoints may provide breaks in the vegetative buffer to allow open views of the water.
5. Transportation facilities that are allowed to cross over water bodies and associated wetlands shall utilize elevated, open pile or pier structures whenever feasible to reduce shade impacts. All bridges shall be built high enough to allow the passage of debris and anticipated high water flows.
6. Transportation facility development shall not be permitted in the Aquatic shoreline designation including associated wetlands or in the setbacks of adjacent Medium Intensity or High Intensity shoreline designations except as a conditional use when:
 - a. All structural or upland alternatives have proven infeasible; and
 - b. The transportation facility is necessary to support water-dependent uses or essential public facilities consistent with this program.
7. Transportation and utility facilities shall be required to make joint use of rights-of-way and to consolidate crossing of water bodies.

6.3.14 Utilities Uses

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

1. Whenever feasible, all utility facilities shall be located outside shoreline jurisdiction. Where distribution and transmission lines (except electrical transmission lines) must be located in the shoreline jurisdiction they shall be located underground.
2. Where overhead electrical transmission lines must parallel the shoreline, they shall be outside of the two hundred (200) foot shoreline environment unless topography or safety factors would make it unfeasible.
3. Utilities, including limited utility extensions shall be designed, located and installed in such a way as to preserve the natural landscape, minimize impacts to scenic views, and minimize conflicts with present and planned land and shoreline uses.
4. Transmission, distribution, and conveyance facilities shall be located in existing rights of way and corridors or shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
5. Utility production and processing facilities, such as power plants and wastewater treatment facilities, or parts of those facilities that are nonwater-oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated that no other feasible option is available.
6. Stormwater control facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the stormwater facility is designed to mimic and resemble natural wetlands, ponds, or closed depressions, and meets the requirements of VMC 14.25, Stormwater Control.
7. New outfalls and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. Outfalls may require bank hardening to prevent failure of the outfall structure or erosion of the shoreline. Diffusers or discharge points must be located offshore at a distance beyond the nearshore area to avoid impacts to nearshore habitats.
8. Water reclamation discharge facilities such as injection wells or activities such as land application are prohibited in the shoreline jurisdiction, unless the discharge water meets State Department of Ecology Class A reclaimed water standards. An applicant for discharge of Class A reclaimed water in the shoreline jurisdiction shall demonstrate habitat benefits of such discharge.
9. Where allowed under this program, construction of underwater utilities or those within the wetland perimeter shall be scheduled to avoid major fish migratory runs or use construction methods that do not cause disturbance to the habitat or migration.

10. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall be equipped with automatic shut off valves.
11. Upon completion of utility installation/maintenance projects on shorelines, banks shall, at a minimum, be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is fully established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.

6.4 Shoreline Modification Regulations

6.4.1 General Requirements

1. Structural shoreline modifications shall only be allowed where it can be demonstrated that the proposed activities are necessary to support or protect legally existing shoreline use or primary structure that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline or bedlands for an allowed water-dependent use or for shoreline mitigation or enhancement purposes.
2. Modifications shall only be allowed when impacts are avoided, minimized, and mitigated to assure no net loss of shoreline ecological functions.
3. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
4. Public access shall be provided in accordance with public access policies and regulations of this Program (See Section 5.4(1-2)).

6.4.2 Dredging and Dredge Material Disposal

6.4.2.1 General

1. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the National Register of Historic Places, the Washington Heritage Register, and/or the Clark County Historic Register until such time that they have been reviewed and approved by the appropriate agency.
2. Dredging and dredge disposal shall be scheduled to protect biological productivity (including but not limited to, fish runs, spawning, and benthic productivity) and to minimize interference with fishing activities. Dredging activities shall not occur in areas used for commercial fishing (including but not limited to, drift netting and crabbing) during a fishing season unless specifically addressed and mitigated for in the permit.

6.4.2.2 Dredging

1. Dredging shall be avoided where possible. Dredging shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines unless one or more of these impacts cannot be avoided. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.
2. Maintenance dredging of established navigation channels and basins shall be restricted to managing previously dredged and/or existing authorized location, depth and width.
3. Dredging shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless **adverse impacts to shallow water habitat is addressed through mitigation to no net loss. Mitigation can include, enhancement, creation and/or payment of mitigation bank credits, and comply with Section 6.44. shallow water habitat will be created to mitigate for the dredging project.**
4. Dredging activity is prohibited in the following locations:
 - a. Along net positive drift sectors and where geohydraulic-hydraulic processes are active and accretion shore forms would be damaged, altered, or irretrievably lost;
 - b. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity which result in the need for continual maintenance dredging;
 - c. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.
5. Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.
6. Dredging shall be permitted only:
 - a. For navigation or navigational access;
 - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
 - c. As part of an approved habitat improvement project;

- d. To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water;
 - e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist; or
 - f. To acquire sand and gravel for commercial purposes from within the Columbia River.
7. Dredging for fill is prohibited except where the material is necessary for restoration of shoreline ecological functions.

6.4.2.3 Dredge Material Disposal

1. ~~Dredge material disposal shall be avoided where possible.~~ Dredge disposal shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions. Environmentally sound beneficial uses of suitable dredge material are encouraged as an alternative to conventional placement practices, when feasible.
2. Near shore or landside disposal of dredge materials shall not be located upon, adversely affect, or diminish:
 - a. Stream mouths, wetlands, or significant plant communities (approved mitigation plans may justify exceptions);
 - b. Prime agricultural land except as enhancement;
 - c. Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and waters except for enhancement purposes;
 - d. Designated or officially recognized wildlife habitat and concentration areas;
 - e. Water quality, quantity, and drainage characteristics; and
 - f. Public access to shorelines and water bodies.
3. Dredged material shall be disposed of on land only at sites reviewed and approved by the USACOE and the Shoreline Administrator. Applicants shall demonstrate that the proposed site will ultimately be suitable for a use permitted by this Program. Disposal shall be undertaken such that:

- a. The smallest possible land area is affected, unless dispersed disposal is authorized as a condition of permit approval for soil enhancement or other purposes;
 - b. Shoreline ecological functions and processes will be preserved, including protection of surface and ground water;
 - c. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property; and
 - d. Sites will be adequately screened from view of local residents or passersby on public right-of-ways to the maximum extent practicable.
4. The following conditions shall apply to land disposal sites:
 - a. Springs and aquifers shall be identified and protected.
 - b. Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage proper settling.
 - c. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainage ways.
 - d. There shall be a single point of ingress and egress for removal of the de-watered material.
 - e. Runoff shall be directed through grassy swales or other treatment features that assures protection of water quality and a location that maximizes circulation and fishing.
 - f. Sites shall be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions;
 - g. Vegetation shall be maintained by the property owner;
 - h. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute fill, and when deposited within shoreline jurisdiction, shall comply with the fill regulations; and
 - i. The applicable requirements of VMC 14.24, 14.25, and 14.26 shall be met.
5. Dredged material shall be disposed of in water only at sites approved by the USACOE and the Shoreline Administrator. Disposal techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only if:

- ~~a. Land disposal is infeasible, less consistent with this Program, or prohibited by law;~~
 - a. ~~b.~~ Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible;
 - b. ~~c.~~ Offshore habitat will be protected, restored, or enhanced;
 - c. ~~d.~~ Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
 - d. ~~e.~~ Shifting and dispersal of spoil will be minimal; and
 - e. ~~f.~~ Water quality will not be adversely affected.
6. The deposition of dredged materials in water or wetlands shall be permitted only in approved, open water disposal sites and:
- a. To improve wildlife habitat;
 - b. To correct material distribution problems adversely affecting fish habitat;
 - c. To create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit; or
 - d. When land deposition is demonstrated to be more detrimental to shoreline resources than water deposition.

6.4.3 Flood Control Works and In-stream Structures

6.4.3.1 Flood Control Works

- 1. Dikes and levees shall only be authorized by conditional use permit only when it can be demonstrated by a scientific and engineering analysis that:
 - a. They are necessary to protect existing development;
 - b. Nonstructural measures are not feasible;
 - c. Impacts on ecological functions and critical areas can be successfully mitigated so as to assure no net loss; and
 - d. Appropriate vegetation conservation actions are undertaken.
- 2. Dikes and levees shall protect the natural processes and resource values associated with streamways and deltas including but not limited to wildlife habitat.
- 3. Springs and aquifers shall be identified and protected.

4. Public access shall be provided in accordance with public access policies and regulations of this Program (See Section 5.4(1-2)).
5. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the protected flood stage as identified in the applicable comprehensive flood control management plan or as required by FEMA for dike recertification.
6. Dikes and levees shall not be constructed with material dredged from the adjacent wetland or stream area unless part of a comprehensive flood and habitat enhancement plan, and the only by conditional use.
7. Removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and with this Program, and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of shoreline ecological functions, and is part of a comprehensive flood management solution.

6.4.3.2 Flood Control Works – Design

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Hydraulic Project Approval, and in consideration of resource agency requirements and recommendations.
2. Dikes and levees shall be set back at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion. Where bank dikes have already cut off point bars from the edge of the floodway, consideration should be given to their relocation in order to lower flood stages and current velocities.
3. Where dikes are necessary in intermediate gradient floodways to protect fringe areas, tangent diking is preferred over bank levees. Dikes and levees shall be located near the tangent to outside meander bends so that the stream can maintain normal meander progression and utilize most of its natural flood water storage capacity.
4. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.
5. The outside face of dikes shall be sloped at 1.5:1 (horizontal to vertical) or flatter, and seeded with native grasses.
6. Structural flood hazard reduction measures shall be placed landward of associated wetlands and vegetation conservation areas unless there is no other feasible alternative to reduce flood hazard to existing development.

6.4.3.3 In-stream Structures

1. In-stream structures shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The City may condition the permit to achieve this objective by requiring that the development include features such as setbacks, buffers, or storage basins.
2. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline ecological function or are a threat to public safety.
3. In-stream structures shall provide for adequate upstream or downstream migration of anadromous fish, where applicable.
4. In-stream structures shall preserve valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.

6.4.3.4 In-stream Structures – Design & Placement

1. In-stream structures and their support facilities shall be located and designed to avoid the necessity for shoreline defense structures. Shoreline defense structures shall be minimized and any impacts mitigated. All diversion structures shall be designed to permit natural transport of bedload materials.
2. Materials adequate to immediately correct emergency erosion situations shall be maintained on-site.
3. All debris, overburden and other waste materials from construction shall be disposed of in such a manner so as to prevent their entry into a water body, including a wetland, by erosion, from drainage, high water, or other vectoring mechanisms.
4. All heavy construction equipment, and fuel storage, repair, and construction material staging areas shall be located as far landward as necessary to avoid and minimize impacts to shoreline ecological functions. Powerhouses, but not raceways, shall be located farther than one hundred (100) feet from the OHWM unless there is no feasible alternative and any unavoidable impacts are minimized and mitigated. Penstocks shall be located, designed, and constructed so as to present as low a profile as possible. Powerhouses and penstocks shall be located and designed to return flow to the stream in as short a distance as possible.
5. A mitigation plan that details the objectives of the mitigation activities shall be prepared by the applicant, and be subject to approval by the appropriate authority.

6.4.4 Shoreline Restoration and Enhancement

1. Shoreline restoration and enhancement activities designed to restore shoreline ecological functions and processes and/or shoreline features should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish, and wildlife species and shall be given priority. Implementation of restoration projects

- on shorelines of statewide significance take precedence over implementation of restoration projects on other shorelines of the state.
2. Shoreline restoration, enhancement, and mitigation activities designed to create dynamic and sustainable ecosystems to assist the city in achieving no net loss of shoreline ecological functions are preferred.
 3. Restoration activities shall be carried out in accordance with an approved shoreline restoration plan, and in accordance with the provisions of this Program.
 4. To the extent possible, restoration, enhancement, and mitigation activities shall be integrated and coordinated with other parallel natural resource management efforts. Implementation of restoration projects identified in the Shoreline Restoration Plan that are focused on restoring degraded habitat in shoreline jurisdiction take precedence over other restoration projects.
 5. Habitat and beach creation, expansion, restoration, and enhancement projects may be permitted subject to required state or federal permits when the applicant has demonstrated that:
 - a. The project will not adversely impact spawning, nesting, or breeding fish and wildlife habitat conservation areas;
 - b. Upstream or downstream properties or fish and wildlife habitat conservation areas will not be adversely affected.
 - c. Water quality will not be degraded;
 - d. Flood storage capacity will not be degraded;
 - e. Streamflow will not be reduced;
 - f. Impacts to critical areas and buffers will be avoided and where unavoidable, minimized and mitigated; and
 - g. The project will not interfere with the normal public use of the navigable waters of the state.

6.4.5 Shoreline Stabilization – General

1. New shoreline stabilization to protect new residential development is prohibited. For other types of new development new shoreline stabilization is prohibited unless it can be demonstrated through a geotechnical analysis by a qualified professional that:
 - a. The proposed use cannot be developed without shore protection; or
 - b. Shore protection is necessary to restore ecological functions; or

- c. Shore protection is necessary for a hazardous substance remediation project.
2. New or expanded shore stabilization shall:
- a. Be designed using best available science and in accordance with applicable Ecology and WDFW guidelines;
 - b. Not result in a net loss of shoreline ecological functions;
 - c. Not cause significant erosion or beach starvation;
 - d. Not be located where valuable geohydraulic, hydraulic, or biological processes are sensitive to interference and critical to shoreline conservation;
 - e. Document that alternative solutions (including relocation or reconstruction of existing structures) are not feasible or do not provide sufficient protection;
 - f. Demonstrate that future stabilization measures would not be required on the project site or adjacent properties; and
 - g. Be certified by a qualified professional.
3. New or expanded structural shoreline stabilization for existing primary structures, including roads, railroads, and public facilities is prohibited unless there is conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion caused by stream processor waves, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.
4. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.
5. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities including roads, bridges, railways, and utility systems from erosion caused by stream undercutting or wave action; provided that, the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the structure is a residence that was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. New or expanded shore stabilization shall be designed in accordance with applicable Ecology and WDFW guidelines and certified by a qualified professional.

~~6. Shoreline stabilization projects that meet the criteria of Section 2.3.2(18) require a statement of exemption (Section 2.3.3) and if exempt will be regulated under RCW 77.55.181. Stabilization projects that do not meet these criteria will be regulated by this Program. Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 are shall be consistent with the provisions set forth in 2.1.1 and 2.3.2, exempt and will be regulated under the state process set forth in RCW 77.55.181. Stabilization projects that are not part of such a fish enhancement project will be regulated by this Program.~~

7. Small-scale or uncomplicated shoreline stabilization projects (for example, tree planting projects) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.
8. Large-scale or more complex shoreline stabilization projects (for example, projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science. The applicant may be required to have a qualified professional oversee construction or construct the project.
9. Standards for new stabilization structures when found to be necessary include limiting the size to the minimum necessary to achieve the stabilization objective, using measures to assure no net loss of shoreline ecological functions, using soft approaches, and mitigating for impacts.

6.4.6 Bioengineered Stabilization

1. Naturally regenerating systems for the prevention and control of shoreline erosion shall be used instead of structural solutions where:
 - a. The length and configuration of shoreline will accommodate such systems;
 - b. Such protection is a reasonable solution to the needs of the specific site; and
 - c. The project will:
 - i. Recreate or enhance natural shoreline conditions;
 - ii. Create or enhance natural habitat;
 - iii. Reverse erosional conditions; or
 - iv. Enhance access to the shoreline, especially to public shorelines.
2. All bioengineered projects shall be designed in accordance with best available science and use a diverse variety of native plant materials including but not limited to trees, shrubs, forbs, and grasses, unless demonstrated infeasible for the particular site.

3. All cleared areas shall be replanted following construction and irrigated (if necessary) to ensure that within three years time all vegetation is fully re-established. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.
4. Bank protection in the form of a buffer zone shall be provided for a minimum of three (3) years. The buffer zone shall exclude livestock, vehicles, and/or other activities that could disturb the site.
5. All bioengineered projects shall be monitored and maintained as necessary. Areas damaged by pests and/or the elements shall be promptly repaired.
6. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

6.4.7 Structural Stabilization

1. Structural stabilization may be allowed when:
 - a. The requirements of Section 6.4.5 are met;
 - b. Alternative measures are demonstrated to be infeasible or insufficient through a geotechnical analysis by a qualified professional;
 - c. The structural stabilization is designed and installation overseen by a qualified professional;
 - d. The structural stabilization is designed so that future stabilization measures will not be necessary on the subject property or other properties;
 - e. The size of the shoreline stabilization structure is limited to the minimum necessary; and
 - f. Impacts are mitigated to result in no net loss of shoreline ecological functions.

6.4.8 Bulkheads

6.4.8.1 Bulkheads - General

1. All bulkheads must be in support of an allowable shoreline use that is in conformance with the provisions of this master program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
2. Bulkheads shall be allowed only when evidence is presented that conclusively demonstrates that one of the following conditions exists:

- a. Serious wave erosion threatens an established primary use or existing primary building(s) on upland property;
 - b. Bulkheads are necessary to the operation and location of water-dependent and water-related activities consistent with this master program, provided that all alternatives have proven infeasible (i.e., use relocation, use design, nonstructural shore stabilization options), and that such bulkheads meet other policies and regulations of this chapter; or
 - c. Proposals for bulkheads have first demonstrated that use of natural materials and processes and nonstructural solutions to bank stabilization are unworkable in protecting existing development.
3. Use of a bulkhead to protect a platted lot where no structure presently exists is prohibited.
 4. Natural materials and processes such as protective berms, drift logs, brush, beach feeding, or vegetative stabilization shall be utilized to the maximum extent possible.
 5. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit shall be prohibited.
 6. Bulkheads are prohibited for any purpose if they will cause significant erosion or beach starvation.

6.4.8.2 Bulkhead Location

1. Bulkheads shall not be located on shores where valuable geohydraulic-hydraulic or biological processes are sensitive to interference and critical to shoreline conservation, such as feeder bluffs, marches, wetlands, or accretion shoreforms such as spits, hooks, bars, or barrier beaches.
2. Bulkheads are to be permitted only where local physical conditions such as foundation bearing material, surface, and subsurface drainage are suitable.
3. On all shorelines, bulkheads shall be located landward of the OHWM, landward of protective berms (artificial or natural), and generally parallel to the natural shoreline. In addition:
 - a. On bluff or bank shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall be as close to the bank as possible, and in no case shall it be more than three (3) feet waterward from the toe of the natural bank; and
 - b. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that (1) the adjoining bulkheads were built at or near the OHWM,

and (2) the new bulkhead does not extend more than three feet waterward of OHWM at any point. If there is an existing bulkhead on only one of the adjacent properties, the proposed bulkhead may tie in flush with the adjacent bulkhead at or landward of the OHWM, and shall be contoured to minimize the land area waterward of the required setback, that shall be met on the side not abutting an existing bulkhead.

4. Replacement bulkheads may be located immediately in front of and abutting (sharing a common surface) an existing bulkhead, provided that replacement bulkheads shall not be authorized abutting an abandoned or neglected bulkhead, or a bulkhead in serious disrepair that is located more than three feet waterward of OHWM. Replacement of such bulkheads shall be located at OHWM.

6.4.8.3 Bulkhead Design

1. Bulkhead design and development shall conform to all other applicable state agency policies and regulations, including the WDFW criteria governing the design of bulkheads.
2. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.
3. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.
4. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or saturation of retained soil/materials.
5. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.
6. Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of it.
7. Materials used in bulkhead construction shall meet the following standards:
 - a. Bulkheads shall utilize stable, non-erosional, homogeneous materials such as concrete, wood, rock riprap, or other suitable materials that will accomplish the desired end with the maximum preservation of natural shoreline characteristics.
 - b. Beach materials shall not be used for fill behind bulkheads unless it is specifically authorized by the permit, and then only when it is demonstrated that leaving the material on the beach would be detrimental to shoreline resources.
8. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this Program are feasible,

because of their limited durability and the potential hazard to shore users and the shoreline environment.

9. Fill behind bulkheads shall meet the requirements of Section 5.6.2.

6.4.9 Revetments

6.4.9.1 Revetments - General

1. Revetments must be in support of an allowable shoreline use that is in conformance with the provisions of this Program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
2. Design of revetments shall include and provide improved access to public shorelines whenever possible and appropriate. All forms of revetments shall be constructed and maintained in a manner that does not reduce water quality and/or fisheries habitat.
3. Design of the proposed revetment shall incorporate proper consideration of:
 - a. Data on local geophysical conditions;
 - b. Data on stream flow, velocity, and/or flood capacity; and
 - c. Effects on adjacent properties.
4. Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline. Construction below ordinary high water mark is not considered fill when needed to construct the revetment. Revetments, where permitted, shall minimize encroachment waterward of the ordinary high water mark. In the Columbia River, adverse impacts to shallow water habitat between the OHWM and minus fifteen (-15) feet CRD shall be mitigated to ensure no net loss of ecological function. Mitigation can include enhancement, creation and/or payment of mitigation bank credits. Placement of revetments waterward of the OHWM are not considered fill.
5. Revetments shall only be used when habitat-friendly alternatives are not feasible.

6.4.9.2 Revetment - Design

1. When permitted, the siting and design of revetments shall be performed using appropriate engineering principles, including guidelines of the Natural Resources Conservation Service and the U. S. Army Corps of Engineers.
2. Revetment shall be constructed using techniques and materials that will enhance natural shoreline values and functions, including fish and wildlife habitat, water

quality, vegetation, and aesthetics. The following techniques and materials shall be used:

- a. Riprap material shall consist of clean quarried rock, free of loose dirt and any pollutants, and shall be of sufficient size and weight to prevent movement by wave or current action. Tires, automobile bodies, scrap metal paper products, and other inappropriate solid waste materials shall not be used for riprap.
 - b. Use of downed logs, snags, or rock-work to enhance habitat and to provide a more natural appearance to the shoreline shall be incorporated into the design where appropriate.
 - c. Where on-site environmental conditions allow, vegetation shall be integrated into the riprap design to reduce erosion, provide cover, shade and habitat, and improve the natural appearance of the shoreline, consistent with the applicable vegetation management provisions of this Program.
3. If an armored revetment is employed, the following design criteria shall be met.
 - a. The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the hydraulic system;
 - b. Filter cloth must be used to aid drainage and help prevent settling; and
 - c. The toe reinforcement or protection must be adequate to prevent a collapse of the system from river scouring or wave action for the anticipated life of the project.
 4. The area shall be restored as nearly as possible to pre-project condition, including replanting with native species and maintenance care until the newly planted vegetation is established.

6.4.10 Breakwaters, Jetties, Rock Weirs, and Groins

6.4.10.1 Breakwaters, Jetties, Rock Weirs, and Groins - General

1. All breakwaters, jetties, rock weirs, and groins are allowed only by conditional use and where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
2. Applicants proposing groins, jetties, and solid breakwaters shall notify all shoreline landowners within the same drift sector. If it is not possible to make a reasonable determination of the drift sector, all shoreline land owners within one mile of the project proposal shall be notified.
3. The effect of proposed breakwaters, jetties, rock weirs, and groins on sand movement shall be evaluated during permit review. The beneficiaries and/or owners of large-scale defense works that substantially alter, reduce, or block

littoral drift, and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long term beach feeding program either by artificially transporting sand to the downdrift side of an inlet with jetties or by artificial beach feeding in the case of groins, breakwaters, and rock weirs.

4. The effect of proposed breakwaters, jetties, rock weirs, and groins on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

6.4.10.2 Breakwaters, Jetties, Rock Weirs, and Groins - Location

1. Breakwaters shall be prohibited in lakes.
2. Jetty, rock weir, or groin development that would result in a net adverse impact on adjacent and nearby properties and shorelines is prohibited.

6.4.10.3 Breakwaters, Jetties, Rock Weirs, and Groins – Design

1. Proposed designs for new or expanded breakwaters, jetties, rock weirs, and groins shall be designed and certified by a registered civil engineer.
2. The design of breakwaters, jetties, rock weirs, and groins shall conform to all applicable requirements established by the Washington Departments of Fish and Wildlife, and the U.S. Army Corps of Engineers. Breakwaters, jetties, rock weirs, and groins shall be designed and constructed in a manner that will prevent detrimental impacts on water circulation, sand movement, and aquatic life. The design shall also minimize impediments to navigation and to visual access from the shoreline.
3. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access such as sightseeing and public fishing if it is determined such access is feasible and desirable. Open-pile or floating breakwaters shall be the only type allowed unless it can be shown that solid breakwaters will have no significant adverse effect on the aquatic biology and shore processes, or that such adverse effects can be adequately mitigated.
4. Materials used for the construction of breakwaters, jetties, rock weirs, and groins shall exhibit the qualities of long-term durability, ease of maintenance, and compatibility with local shore features, processes, and aesthetics. The use of solid waste, junk, or abandoned automobiles, asphalt, or any building demolition debris is prohibited.
5. Floating breakwaters shall be used in place of solid, rubble mound types wherever they can withstand anticipated wave action in order to maintain sand movement and protect fish and aquatic habitat.

CHAPTER 7 ADMINISTRATION AND ENFORCEMENT

7.1 General Provisions

1. Except as specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to RCW 90.58, the Act and this Program.
2. Uses and developments that are not considered substantial developments pursuant to RCW 90.58.030(3)(e), WAC 173-27-040, and Section 2.3.2 of this Program shall not require a Shoreline Substantial Development Permit (SDP) but shall conform to the policies and regulations of this Program and the Act and shall obtain a Statement of Exemption (SOE) (Sections 2.3.3 and 7.42.7).
3. Classification of a use or development as permitted does not necessarily mean the use/development is allowed. It means the use/development may be allowed subject to review and approval by the City and/or Ecology. The City may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of a project with the Act and this Program.
4. To be authorized under this Program, all uses and developments shall be planned and carried out in a manner that is consistent with the City codes and this Program regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.
5. Applicants requesting review for permits or statement of exemption under this Program have the burden to prove that the proposed development or activity is consistent with the criteria that must be met before a permit or statement of exemption is granted.
6. Applicants shall submit all information and documentation determined by the Shoreline Administrator as necessary to process an application
7. The City shall not issue any permit for development within the shoreline jurisdiction until approval has been granted pursuant to this Program.
8. A development or use that does not comply with the bulk, dimensional, and/or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.
9. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a Shoreline Conditional Use Permit (SCUP) even if the development or use does not require a substantial development permit.
10. Issuance of a Shoreline Substantial Development Permit, Shoreline Variance (SV) or Shoreline Conditional Use Permit does not constitute approval pursuant to any other federal, state or City laws or regulations.

11. All shoreline permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Shoreline Administrator, documenting compliance with bulk and dimensional policies and regulations of this Program. The Shoreline Administrator may attach conditions to the approval as necessary to assure consistency with **the RCW 90.58** and this Program. Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.
12. Proposed actions that would alter designated critical areas or their buffers, as established by this Program (Chapters 5.3 and 5A) shall be reviewed for compliance with this Program. If required, the applicable critical area report and/or mitigation plan and/or habitat management plan shall be submitted as part of the development application or request for statement of exemption. The critical area review shall be conducted and processed in conjunction with the highest threshold of review that is applicable to the primary development proposed:
 - a. Statement of Exemption;
 - b. Land Use Permit or Building Permit;
 - c. Excavation, Grading, Clearing and Erosion Control Permit;
 - d. SEPA Threshold Determination;
 - e. Shoreline Substantial Development Permit;
 - f. Shoreline Conditional Use Permit;
 - g. Shoreline Variance; or
 - h. Revisions to Shoreline Permits.
13. Habitats of Local Importance may be proposed by the property owner or the City (Chapter 5A, **VMC Section 20.740.100**) and shall be designated according to a Type IV legislative procedure (**VMC Chapter 5A, Section 20.210.070**).
14. **The final decision on a shoreline permit (Type II application) Shoreline Conditional Use or Shoreline Variance (Type III application) shall be made within 120 calendar days after the date of a fully complete determination is made per VMC 20.210. However, per RCW 47.01.485(1) to the greatest extent practicable, a final determination on all permits required for a project on a state highway as defined in RCW 46.04.560 shall be made no later than 90 days after a fully complete determination is made per VMC 20.210.**

7.2 Administrative Authority and Responsibility

7.2.1 Shoreline Administrator

1. The responsible official or his/her designee is the Shoreline Administrator for the City.
2. The Shoreline Administrator shall have the authority to act upon the following matters:
 - a. Administrative Interpretations
 - b. Requests for Statements of Exemption
 - c. Applications for Shoreline Substantial Development Permits;
 - d. Modifications or revisions to Statements of Exemption or Shoreline Substantial Development Permits;
 - e. Other duties and responsibilities as assigned in this Program.
3. The Shoreline Administrator shall document all project review actions in shoreline areas in order to periodically evaluate the cumulative effects of authorized development on shoreline conditions per WAC 173-26-191.

7.2.2 City Hearing Examiner

1. The City Hearing Examiner shall be responsible for making final determinations on appeals of:
 - a. Statements of Exemption;
 - b. Shoreline Substantial Development Permits; and
 - c. Revisions to Statements of Exemption and Shoreline Substantial Development Permits.
2. The City Hearing Examiner shall be responsible for making recommendations to Ecology on:
 - a. Applications for Shoreline Conditional Use Permits;
 - b. Applications for Shoreline Variances; and
 - c. Applications for Shoreline Substantial Development Permits in conjunction with a required Shoreline Conditional Use Permit or Shoreline Variance. The Hearings Examiner shall make a decision on a Shoreline Substantial Development Permit or Shoreline Permit Exemption when submitted with a Shoreline Condition Use or Variance. Both the decision on the Substantial

Development Permit and recommendation to Ecology on the Conditional Use or Variance shall be sent to Ecology per the requirements of this SMP.

3. The City Hearing Examiner shall be responsible for rescinding approved Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances (Section 7.8).
4. **On Type IV quasi-judicial applications such as planned developments processed per VMC Title 20, the Hearing Examiner shall make recommendation to City Council on shoreline permits, when review is consolidated with the Type IV application.**

7.2.3 City Planning Commission

The City Planning Commission shall be responsible for hearing and making recommendations for action to the City Council on the following types of matters:

1. Amendments to the Shoreline Master Program. Any of the provisions of this Program may be amended as provided for in WAC 173-26-100 **and 173-26-104.**
2. Review and adjustments. Periodic review of this Program shall be conducted as required by state law and regulations RCW 90.58.080(4). Adjustments shall be made as necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26-090 and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.
3. **Type IV quasi-judicial applications such as planned developments processed per VMC Title 20.**

7.2.4 City Council

1. The City Council shall consider appeals of the Hearing Examiner decision on proposals that include Shoreline Conditional Use Permits, Shoreline Variances, and SSDPs processed in conjunction with SCUPs and/or SVs.
2. The City Council shall be responsible for making final determinations on amendments to the Shoreline Master Program at the local level. The local plan shall be adopted by ordinance. The Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision. The Program adopted by the City Council shall be submitted to Ecology for review and adoption. Ecology must approve all master programs before they become effective.
3. **When submitted with a Type IV quasi-judicial applications such as planned developments processed per VMC Title 20, the City Council shall make a decision on a Shoreline Substantial Development Permit or Shoreline Permit Exemption and shall make a recommendation to Ecology on a Shoreline Condition Use or**

Variance. Both the decision on the Substantial Development Permit and the recommendation to Ecology on the Conditional Use or Variance shall be sent to Ecology per the requirements of this SMP.

7.2.5 State Department of Ecology and Attorney General

1. The duties and responsibilities of Ecology shall include, but are not limited to the following:
 - a. Reviewing and approving Program amendments prepared by the City pursuant to WAC 173-26-120 (State Process for Approving/Amending Shoreline Master Programs).
 - b. Reviewing and petitioning for review of the City's Statement of Exemption and Shoreline Substantial Development Permit decisions.
 - c. Final approval and authority to condition or deny Shoreline Conditional Use Permits and Shoreline Variance Permits filed by the City.

7.3 Master Program Amendments

1. This Program shall be periodically reviewed no later than eight (8) years following its approval by Ecology and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26 requirements in RCW 90.58.080 and WAC 173-26-090 and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public. The Program shall be consistent with the City comprehensive plan and development regulations adopted under RCW 36.70A and other local requirements.
2. Any of the provisions of this Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revision to this Program, as provided by law, do not become effective until approved by Ecology.
3. Proposals for shoreline re-designation (i.e., amendments to the shoreline maps and descriptions) must demonstrate consistency with the criteria set forth in WAC 173-22-040.

7.4 Permitting Procedures

7.4.1 Administrative Interpretations

1. Interpretation, enforcement, and administration of this Program shall be in conformance with the provisions of WAC 173-26-140. The City establishes the following procedures for processing Administrative Interpretations:

- a. Application. Any person may request in writing the Shoreline Administrator's interpretation of a code provision of this Program when it pertains to a specific property or project by means of a Type I application pursuant to Section 20.210.040 VMC.
- b. The Shoreline Administrator may independently initiate an interpretation of any conflicting or unclear provisions of this Program.
- c. Consultation with the Ecology. Prior to issuing an interpretation, the Shoreline Administrator shall formally consult with the Ecology to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.
- d. Catalog. To ensure that the Shoreline Administrator's interpretations are applied consistently over time, the Shoreline Administrator shall catalog these interpretations. The Shoreline Administrator shall retain and maintain the catalog of interpretations.

7.4.2 Statement of Exemption

1. Any person requesting an exemption from the substantial development permit review procedures shall submit a completed application for Shoreline Exemption to the Shoreline Administrator.
2. Proposals for Statements of Exemption shall comply with the provisions of Section 2.3.3.
3. Applications for Statements of Exemption under section 2.3.3 are to be processed using the Type I review procedures as set forth in VMC 20.210.040. The Shoreline Administrator shall forward documentation of decisions on Statements of Exemption to Ecology as required by Section 7.92.3.3 and WAC 173-27-050130 or its successor.

7.4.3 Shoreline Substantial Development Permits

1. Applications for Shoreline Substantial Development Permits are to be processed using the Type II review procedures as set forth in VMC 20.210.050, **WITH THE EXCEPTION THAT THE PUBLIC COMMENT PERIOD SHALL BE AT LEAST 30 DAYS (WAC 173-27-110(2)(e)).**
2. Applications shall be reviewed, and shall only be approved if the application conforms with the criteria for approval found in WAC 173-27-150 and this Program, including the provisions of Section 2.2.
3. In addition, upon completion of the local appeal period, the Shoreline Administrator shall forward the application and decision to Ecology in compliance with the provisions of 7.4.9, Ecology and WAC 173-27-130 or its successor.

7.4.4 Shoreline Conditional Use Permits

1. Shoreline Conditional Use Permits are required for any proposed use or development which is listed as a conditional use in this program and for any use not specifically addressed in this program. A Shoreline Conditional Use Permit cannot be used to allow any use or structure specifically prohibited by this program.
2. Shoreline Conditional Use Permit Review Procedures
 - a. Applications for Shoreline Conditional Use Permits are to be processed using the Type III review procedures as set forth in VMC 20.210.060 and VMC 20.210.120 **except that the Hearing Examiner shall make a recommendation to Ecology.**
 - b. Applications shall be reviewed, and shall only be approved if the application conforms with the criteria for approval found in WAC 173-27-160 and this Program, including the provisions of Section 2.7.
 - c. Upon completion of the local appeal period, the Shoreline Administrator shall forward the application and **decision recommendation** to Ecology in compliance with the provisions of 7.4.9, **Ecology** and WAC 173-27-130 or its successor.

7.4.5 Shoreline Variance Permits

1. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
2. Shoreline Variance Permit Review Procedures
 - a. Applications for Shoreline Variance Permits are to be processed using the Type III review procedures as set forth in VMC 20.210.060 and VMC 20.210.120 **except that the Hearing Examiner shall make a recommendation to Ecology.**
 - b. Applications shall be reviewed, and shall only be approved if the application conforms to the criteria for approval found in WAC 173-27-170 and this Program, including the provisions of Section 2.6.
 - c. In addition, upon completion of the local appeal period, the Shoreline Administrator shall forward the application and **decision recommendation** to Ecology in compliance with the provisions of 7.4.9, **Ecology** and WAC 173-27-130 or its successor.

7.4.6 Revisions to Shoreline Permits

1. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision. All revisions shall be processed in accordance with WAC 173-27-100.

When an applicant seeks to revise a permit, the applicant shall complete an application for Shoreline Permit Revision. The applicant shall provide detailed plans and text describing the proposed changes.

- a. If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.
- b. "Within the scope and intent of the original permit" means all of the following:
 - i. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
 - ii. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;
 - iii. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;
 - iv. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;
 - v. The use authorized pursuant to the original permit is not changed; and
 - vi. No adverse environmental impact will be caused by the project revision.
- c. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time

requirements or to authorize substantial development beyond the time limits of the original permit.

- d. If the sum of the revision and any previously approved revisions under WAC 173-27-100 or this section violate the provisions in subsection (b) of this section, local government shall require that the applicant apply for a new permit.
- e. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with Ecology. In addition, the Shoreline Administrator shall notify parties of record of the action.
- f. If the revision to the original permit involves a conditional use or variance, the Shoreline Administrator shall submit the revision to Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27.

Upon receipt of Ecology's final decision, the Shoreline Administrator shall within 14 days notify parties of record of Ecology's final decision.

- g. The revised permit is effective immediately upon final decision by Shoreline Administrator, when appropriate under subsection (f) of this section, upon final action by Ecology.
- h. Appeals shall be in accordance with RCW 90.58. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (b) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

7.4.7 Hearings

- 1. Applications which require an open-record hearing shall be considered by the Hearing Examiner. When an open-record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently, including any accompanying environmental appeal, under VMC 20.210. Therefore, in this situation, applications for which the Shoreline Administrator has authority shall be transferred to the jurisdiction of the Hearing Examiner to allow consideration of all land use actions concurrently.
- 2. Any decision or ruling of the Hearing Examiner on a shoreline substantial development permit not processed in conjunction with an SCUP or SV may be appealed to the State Shorelines Hearing Board may be appealed per Section 7.4.8.

3. The Planning Commission may hold an open-record hearing on amendments to the SMP including map amendments and Type IV quasi-judicial applications including planned developments, forward a recommendation to the City Council. The City Council shall conduct an open-record hearing on same, make a decision on a Shoreline Development Permit or Statement of Exemption and make a recommendation on a Shoreline Conditional Use or Variance, and forward a final recommendation/decision to Ecology. Ecology's decision on an SMP amendment may be appealed to the Growth Management Hearings Board (GMHB) (See Section 7.8.4.5).

7.4.8 Appeals

7.4.8.1 Standing to Appeal

1. Shoreline Revisions (Type I decision). Only the applicant and property owner have standing to appeal a Shoreline Administrator's decision on a Shoreline Revision.
2. Shoreline Substantial Development Permits (Type II decision). The following parties have standing to appeal a Shoreline Administrator's decision on a Shoreline Substantial Development Permit to the Hearing Examiner:
 - a. The applicant or owner of the subject property;
 - b. Any party eligible for written notice of a pending Type II administrative decision.
 - c. Any other party who demonstrates that they participated in the decision process through the submission of written testimony.
3. Shoreline Conditional Use Permits, Shoreline Variances, and Shoreline Substantial Development Permits processed in conjunction with Shoreline Conditional Use Permits and/or Shoreline Variances (Type III decision). The following parties have standing to appeal the Hearing Examiner's recommendation to Ecology regarding Shoreline Conditional Use Permits and Shoreline Variances and/or the Hearing Examiner's decision on a Shoreline Substantial Development Permit processed in conjunction with a Shoreline Conditional Use Permit or Shoreline Variance to the City Council:
 - a. The applicant or owner of the subject property;
 - b. Any party who testified verbally or in writing at the public hearing;
 - c. Any other party who demonstrates that they participated in the decision process through the submission of written testimony;
 - d. Any party who provides a written request for a copy of the notice of decision; and

- e. City staff.

7.4.8.2 Filing Appeals

1. Statement of Exemption

- a. **Scope.** Any decision or ruling of the Shoreline Administrator on a Statement of Exemption may be reconsidered upon a request for reconsideration within seven (7) days of the date of issuance of the decision. Applicants may appeal the initial notice of decision or subsequent reconsideration to the City Hearing Examiner.
- b. **Time Limit for Appealing.** Appeals from decisions or rulings of the Shoreline Administrator shall be made within fourteen (14) calendar days of the date of the written order or within seven (7) calendar days of the date of issuance of the decision on a request for reconsideration.
- c. **Form of Appeal.** An appeal of the Shoreline Administrator's decision on a Statement of Exemption shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal. Failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal. The following information, accompanied by an appeal fee as specified in VMC Chapter 20.210.130 shall be submitted:
 - i. An indication of facts that establish the appellant's right to appeal.
 - ii. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion.
 - iii. The requested relief from the decision being appealed.
 - iv. Any other information reasonably necessary to make a decision on the appeal.

2. Shoreline Substantial Development Permits

- a. **Scope.** A decision of the Shoreline Administrator relating to a Shoreline Substantial Development Permit may be appealed to the Hearing Examiner to be processed as an open record hearing in conformance with the provisions of 7.4.8.3(3)(b-d).
- b. **Time limit for Appealing.** The appeal must be received no later than 14 calendar days after written notice of the decision is mailed. Receipt of a complete appeal submittal shall stay the original decision until the city reaches a final decision on the appeal.

- c. Form of Appeal. An appeal of the Shoreline Administrator's decision on a Substantial Development Permit shall take the form of a written statement containing the following information:
 - i. The case number designated by the city and the name of the applicant;
 - ii. The name and signature of each petitioner or their authorized representative and a statement showing that each petitioner has standing to file the appeal. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the Shoreline Administrator. All contact with the Shoreline Administrator regarding the appeal, including notice, shall be with the contact representative; and
 - iii. The specific aspect(s) of the decision or determination being appealed, and the specific reasons why each aspect is in error as a matter of fact or law.
- 3. Shoreline Variances, Shoreline Conditional Use Permits and Substantial Development Permits Processed in Conjunction with Such Permits
 - a. Scope. The recommendation of the Hearing Examiner to Ecology on a Shoreline Conditional Use or Shoreline Variance, or a final decision on a Shoreline Substantial Development processed in conjunction with a Shoreline Conditional Use or Shoreline Variance may be appealed to the City Council to be processed as a closed record public hearing in conformance with the provisions of 7.4.8.3(4)(b-d).
 - b. Time limit for Appealing. The appeal must be received no later than 14 calendar days after written notice of the decision is mailed. Receipt of a complete appeal submittal shall stay the original decision until the city reaches a final decision on the appeal.
 - c. Form of Appeal. An appeal of the Hearing Examiner's decision on an SCUP, SV, or SSDP processed in conjunction with an SCUP or SV shall take the form of a written statement containing the following information:
 - i. The case number designated by the city and the name of the applicant;
 - ii. The name and signature of each petitioner or their authorized representative and a statement showing that each petitioner has standing to file the appeal under this chapter. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the Shoreline Administrator. All contact with the Shoreline Administrator regarding the appeal, including notice, shall be with the contact representative; and
 - iii. The specific aspect(s) of the decision or determination being appealed, and the specific reasons why each aspect is in error as a matter of fact or law.

7.4.8.3 Appeal Review Process

1. General. All complete appeals submitted shall be scheduled for review at a public hearing such that a final decision can be rendered within 60 calendar days for closed-record appeals, and within 90 calendar days for open-record appeals. Further extensions are permitted upon mutual agreement of the appellant, the applicant, and the Shoreline Administrator. If a final decision is not reached within this time, the Shoreline Administrator shall so notify the appellant and shall provide a reason for the delay and an estimated date of final decision issuance.
2. Statement of Exemption
 - a. Venue. Appeals of the Shoreline Administrator's decision on a Statement of Exemption are conducted before the Hearing Examiner in an open record proceeding.
 - b. Notice. At least 10 calendar days prior to the hearing date, notice shall be sent by mail to the appellant.
 - c. Decision Timeline. The Hearing Examiner shall issue a decision within 14 calendar days of the close of the record
 - d. Further Local Review. The decision of the Hearing Examiner is the final and may not be appealed local appeal.
3. Shoreline Substantial Development Permit
 - a. Venue. Appeals of the Shoreline Administrator's decision on a Shoreline Substantial Development Permit are conducted before the Hearing Examiner in an open record proceeding.
 - b. Notice. At least 10 calendar days prior to the hearing date, notice shall be sent by mail to:
 - i. The applicant and all owners of the site that is the subject of the application;
 - ii. All parties of record;
 - iii. Any neighborhood or community organization recognized by the City Council and whose boundaries include the site;
 - iv. Any person who has submitted a written request to be notified; and
 - v. The appellant and all parties to the appeal.
 - c. Decision Timeline. The Hearing Examiner shall issue a decision within 14 calendar days of the close of the record

- d. Further Local Review. No additional local review is provided. However, within 21 days of the issuance of the Hearing Examiner's decision, further appeal may be filed with Superior Court and/or the State Shorelines Hearings Board.
4. Shoreline Variances, Shoreline Conditional Use Permits, and Substantial Development Permits Processed in Conjunction with Such Permits
- a. Venue. Appeals of the Hearing Examiner's decision on Shoreline Variances, Shoreline Conditional Use Permits and Substantial Development Permits Processed in Conjunction with such permits are conducted before the City Council in a closed record proceeding.
 - b. Notice. At least 10 calendar days prior to the hearing date, notice shall be sent by mail to:
 - i. The applicant and/or appellant and all owners of the site that is the subject of the application;
 - ii. All parties of record;
 - iii. Any neighborhood or community organization recognized by the City Council and whose boundaries include the site;
 - iv. Any person who provided oral or written testimony entered into the record at the public hearing.
 - v. Anyone who requested in writing a notification of the decision on a particular matter; and
 - vi. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city that includes provision for such notice or which is otherwise entitled to such notice.
 - c. Decision Timeline. The City Council shall issue a decision within 14 calendar days of the close of the record.
 - d. Further Local Review. No additional local review is provided. in the case of Shoreline Conditional Use Permits and Shoreline Variances. The city is making a recommendation to Ecology. Ecology's final decision may be appealed by filing an appeal with Superior Court and/or the State Shorelines Hearings Board.

The City Council decision on any Substantial Development Permit processed in conjunction with a Shoreline Conditional Use Permit or Shoreline Variance may be appealed separately to the State Shoreline Hearings Board.

7.4.8.4 State Shoreline Hearings Board

- 1. Appeals of any final permit decision may be made to the Shorelines Hearing Board as governed by the procedures established in RCW 90.58.180 (Appeals from

Granting, Denying, or Rescinding Permits) and WAC 461-08 (Practice and Procedure, Review of the Granting, Denying or Rescinding of Substantial Development Permits, Hearings).

2. Such appeals must be filed within twenty-one (21) days from the date of filing of the permit decision was filed.
3. The provisions of this section shall apply to any final order, requirement, permit, decision, or determination on land use proposals made by the Shoreline Administrator, Hearing Examiner or City Council on appeal. These may include, but are not limited to, Shoreline Substantial Development Permits, Statements of Exemption, Shoreline Conditional Use Permits, Shoreline Variances, and Shoreline Revisions.

7.4.8.5 State Growth Management Hearings Board

1. Ecology's decision on an SMP amendment including a map amendment may be appealed to the Growth Management Hearings Board (GMHB) in accordance with RCW 90.58.190.

7.4.9 Notification to Ecology and the Attorney General

1. 2. The Shoreline Administrator shall notify Ecology and the Attorney General of any Statement of Exemption, Substantial Development Permit decision and/or recommendation on a, Conditional Use or Variance Permit decisions made by the Shoreline Administrator (or Hearing Examiner or City Council when required), whether it is an approval or denial. The notification shall occur after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed. When a Substantial Development Permit and either Conditional Use or Variance Permit are required for a development, the submittal of the permits shall be made concurrently. The Shoreline Administrator shall file the following with Ecology and the Attorney General by return receipt requested by mail:
 - a. A copy of the complete application per WAC 173-27-180;
 - b. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable Program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);
 - c. The final decision or recommendation of the City;
 - d. The permit data sheet per WAC 173-27-990;
 - e. Affidavit of public notice; and

- f. Where applicable, the documents required by the State Environmental Policy Act (RCW 43.21C).
2. ~~4.~~ When the project has been modified in the course of the local review process, plans or text shall be provided to Ecology that clearly indicates the final approved plan.
3. ~~5.~~ Ecology shall review the documentation provided by the Shoreline Administrator for completeness. If Ecology determines that the submittal does not contain all of the documents and information required by this section, Ecology shall identify the deficiencies and notify the City and the applicant in writing. Ecology will not act on Conditional Use or Variance Permit submittals until the material requested in writing is received.

7.4.10 Ecology Review

1. Ecology may petition for review of the City's decision on a ~~Statement of Exemption or a~~ Shoreline Substantial Development Permit ~~to the Shorelines Hearings Board~~. Such petition must be commenced within twenty one (21) days from the date ~~of filing of the City's the~~ final decision ~~was filed~~.
2. Ecology shall make a final decision approving, approving with conditions, or disapproving a Shoreline Conditional Use Permit or Shoreline Variance Permit and convey its decision to the City and the applicant within thirty (30) days of the date ~~of submittal by the City of filing by the City~~. The Shoreline Administrator will notify those interested persons having requested notification of such decision.
3. Ecology shall base its determination to approve, approve with conditions or deny a Conditional Use Permit or Variance Permit on consistency with the policy and provisions of the SMA, the criteria listed in this Program and the provisions of WAC 173-27-160 for conditional use permits, WAC 173 27-170 for variances and WAC 173-27-210 relating to minimum standards for conditional use and variance permits.
4. Appeals of Ecology decisions on Shoreline Conditional Use Permits and Shoreline Variance Permits shall be made to the Shorelines Hearing Board as specified in Section 7.4.8.4.

7.4.11 Commencement of Development Activity and Permit Validity

1. No construction pursuant to a substantial development permit, shoreline variance or shoreline conditional use authorized by this program shall begin or be authorized and no building, grading or other construction permits shall be issued by the City until twenty-one (21) days from the date the permit decision was filed or until all review proceedings are terminated.

2. Construction may be commenced no sooner than thirty (30) days after the date the appeal of the Shorelines Hearings Board's decision is filed if a permit is granted by the local government, and
 - a. The granting of the permit is appealed to the Shorelines Hearings Board within twenty-one (21) days of the date of filing;
 - b. The hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit; and
 - c. An appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW.
3. Construction activities shall be commenced, or where no construction activities are involved, the use or activity shall be commenced within two (2) years of the effective date of a substantial development permit. The Shoreline Administrator may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of proposed extension is given to parties of record on the substantial development permit and to Ecology
4. Authorization to conduct construction activities shall terminate five (5) years after the effective date of a substantial development permit. However, upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and WAC 173-27-090 the city may adopt different time limits as a part of action on a substantial development permit. The Shoreline Administrator may authorize a single extension if it has been filed before the expiration date and notice of the proposed extension is given to parties of record and Ecology.

7.5 Enforcement

7.5.1 General Enforcement

1. It shall be unlawful to violate the provisions of this program.
2. These shoreline regulations shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
3. The Shoreline Management Act calls for a cooperative enforcement program between local and state government. It provides for both civil and criminal penalties, orders to cease and desist, orders to take corrective action and permit rescission. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the

enforcement action, the benefits that accrue to the violator and the cost of obtaining compliance may also be considered.

4. Enforcement action by the City of Vancouver or Ecology may be taken whenever a person has violated any provision of the act or this program. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.
5. The Shoreline Administrator, and/or authorized representative, shall have the authority to enforce the shoreline regulations of the City of Vancouver.
6. The Shoreline Administrator or duly authorized representative of the Shoreline Administrator may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this Program.
7. No provision of, or term used in, this code is intended to impose upon the City of Vancouver, or any of its officers or employee, any duty which would subject them to damages in a civil action.
8. The City of Vancouver and/or Ecology shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of this program or chapter 90.58 RCW.
 - a. Content of order. The order shall set forth and contain:
 - i. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
 - ii. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.
 - b. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
 - c. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

7.5.2 Requirement for Restoration Plan

1. In the event the City initiates enforcement action under this Program or files a complaint in court, the City may require a restoration plan consistent with the requirements of this Program. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the

minimum requirements described in Chapter 5A, VMC 20.740.090(C). The Shoreline Administrator shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

2. Minimum Performance Standards for Restoration

- a. For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
 - i) The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
 - ii) The soil types and configuration prior to violation shall be replicated;
 - iii) The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Shoreline Administrator). ~~If the critical area or buffer is on a site that meets the criteria of Chapter 5A, VMC 20.740.030(B)(1)(f)(1), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Shoreline Administrator;~~ and
 - iv) Information demonstrating compliance with the requirements in Chapter 5A, VMC 20.740.050(F) Mitigation Plan Requirements shall be submitted to the Shoreline Administrator.
- b. For alterations to frequently flooded and geologic hazard areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
 - i) The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;
 - ii) The risk of personal injury resulting from the alteration shall be eliminated or minimized;
 - iii) Drainage patterns shall be restored to those existing before the alteration; and
 - iv) The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. ~~If the critical area or buffer is on a site that meets the criteria of Chapter 5A, VMC 20.740.030(B)(1)(f)(1), the vegetation for replanting must be not~~

~~only native but also fire-resistant. A list of native, fire-resistant species is available from the Shoreline Administrator.~~

3. As a condition of the restoration plan, the applicant shall grant reasonable access to the property.

7.5.3 Investigation and Notice of Violation

1. An investigation shall be made of any structure or use which the City reasonably believes does not comply with the standards and requirements of this Program.
2. If, after an investigation, it is determined that the standards or requirements of this title have been violated, a notice of violation shall be served, by first class mail, upon the owner, tenant or other person responsible for the condition.
3. The compliance period shall not be less than two weeks, except where substantial life safety issues exist.

7.5.4 Penalties

- 1 Any person found to have willfully engaged in activities on the City's shorelines in violation of the Shoreline Management Act of 1971 or in violation of this Program or who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty by the City of Vancouver. Ecology may impose a penalty jointly with the City, or alone only upon an additional finding that a person:
 - a. Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or
 - b. Has been given previous notice of the same or similar type of violation of the same statute or rule; or
 - c. The violation has a probability of placing a person in danger of death or bodily harm; or
 - d. Has a probability of causing more than minor environmental harm; or
 - e. Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
- 2 In the alternative, a penalty may be issued to a person by the City alone, or jointly with Ecology for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:

- a. A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
 - b. A statement of what is required to achieve compliance;
 - c. The date by which the City requires compliance to be achieved;
 - d. Notice of the means to contact any technical assistance services provided by the City or other agencies; and
 - e. Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the City of Vancouver.
3. Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.
4. Aiding or abetting. Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
5. Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the City of Vancouver or Ecology, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.
6. Right of appeal. Persons incurring a penalty imposed by Ecology or imposed jointly by the City of Vancouver and Ecology may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.
7. Timing of appeal. Appeals shall be filed within thirty days of the date of receipt of the penalty. The term "date of receipt" has the same meaning as provided in RCW 43.21B.001.
8. Penalties due.
 - a. Penalties imposed shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of the City of Vancouver's and/or Ecology's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

- b. If the amount of a penalty owed the City of Vancouver is not paid within thirty days after it becomes due and payable, the City will take actions necessary to recover such penalty, including any applicable actions listed in VMC Title 22. If the amount of a penalty owed Ecology is not paid within thirty days after it becomes due and payable, the attorney general, upon request of Ecology, shall bring an action in the name of the state of Washington to recover such penalty.
9. Penalty recovered. Penalties recovered by the City of Vancouver shall be paid to the City Critical Areas Restoration Fund and shall be used to protect and restore critical areas within the City of Vancouver. Penalties recovered by Ecology shall be paid to the state treasurer. Penalties recovered jointly by the City and Ecology shall be divided equally between the City and Ecology unless otherwise stipulated in the order.

7.5.5 Violations – Subsequent Development and Building Permits

No building permit or other development permit shall be issued for any parcel of land developed or divided in violation of this Program. All purchasers or transferees of property shall comply with provisions of the Act and this Program and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Act or this Program. Damages may include any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or this Program as well as costs of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor, as an alternative to conforming their property to these requirements, may rescind the sale, transfer, or lease and recover costs of investigation, litigation and reasonable attorney's fees occasioned thereby from the violator.

7.6 Public and Private Redress

1. Any person subject to the regulatory program of this Program who violates any provision of this Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.
2. The City Attorney may bring suit for damages under this section on behalf of the City. Nothing in this section precludes private persons from bringing suit for damages on their own behalf. If liability has been established for the cost of restoring an area affected by violation, the court shall make provisions to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court, in its discretion, may award attorneys' fees and costs of the suit to the prevailing party.

7.7 Fees for Permits Obtained after Development

1. Permits obtained following, rather than prior to, the commencement of a development or use shall be three (3) times the normal amount. This provision is in addition to the enforcement measures contained in this Program.
2. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

7.8 Rescission of Permits

1. This section applies to requests or decisions to rescind Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances.
2. The Hearing Examiner shall have the power to rescind or modify approved Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances in accordance with the Type III procedures of VMC 20.210.060 and VMC 20.210.120.
3. City staff or any other persons who are aggrieved by activities undertaken under a shoreline permit may request in writing that the Hearing Examiner rescind or modify the permit.
4. Upon receipt of a request for rescission, the Shoreline Administrator shall schedule a public hearing for the next Hearing Examiner meeting where the review can be accommodated and the required notice given.
5. Notice of Public Hearing.
 - a. The Shoreline Administrator shall publish a notice of the rescission hearing at least fourteen days before the hearing date.
 - b. The Shoreline Administrator shall mail notice of the hearing to the party to which the permit was issued, the owner of the property for which the permit was issued, the person or persons who requested the Hearing Examiner rescind the permit and any persons who requested notice of the hearing in writing at least ten days before the hearing date.
 - c. The notice shall include the following information:
 - i. The name of the permit holder and, if applicable, the project name.
 - ii. The street address of the subject property and a description of the property in non-legal terms sufficient to identify the location.
 - iii. A brief description of the issues.

- iv. The date, time and place of the public hearing.
 - v. A statement of the right of any person to participate in the public hearing by providing written statements before or at the hearing and orally at the hearing.
6. The Hearing Examiner shall hold a public hearing before deciding whether to rescind or add conditions to the permit. Any person can submit written statements or speak. At the hearing, the Hearing Examiner may request such additional information as is reasonably necessary to evaluate whether the permit or variance should be rescinded.
7. After the public hearing has concluded, the Hearing Examiner shall decide whether to rescind, modify, or add conditions to the permit.
- a. The decision may be made at the same public meeting as the public hearing or at another public meeting. The Hearing Examiner shall issue a decision within fourteen days of closure of the public record.
 - b. The decision shall be based on the decision criteria in Section 7.8(13).
 - c. If the Hearing Examiner decides to rescind the permit, the Hearing Examiner may require restoration or reclamation of the property and may set time limits for the completion of these activities.
 - d. The Hearing Examiner shall adopt findings of fact and conclusions which support the decision and any required conditions.
8. Unless appealed to City Council, the decision of the Hearing Examiner and the findings of fact and conclusions shall be reduced to writing and mailed by the Shoreline Administrator to the permit holder, the property owner, Ecology and the Washington State Attorney General within fourteen days of the date of the decision.
9. Effect of Decision.
- a. Unless appealed to the City Council, the decision of the Hearing Examiner is the final decision of the City.
 - b. If the Hearing Examiner rescinds the permit, all activity authorized by the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit shall immediately cease, unless the decision maker grants a period of time to complete the activity or reclaim the site or a court authorizes continued operation during an appeal.
10. Appeal of decision to City Council. The City Council shall hold a public hearing before deciding whether to uphold or overturn a Hearing Examiner's decision to rescind or add conditions to the permit. Any person can submit written statements or speak. At the hearing, members of the City Council may request such additional

information as is reasonably necessary to evaluate whether the permit should be rescinded.

- a. After the public hearing has concluded, the City Council shall decide whether to uphold or overturn the Hearings Examiner's decision to rescind, modify, or add conditions to the permit. The City Council shall also have the authority to modify the decision of Hearings Examiner.
 - b. The decision may be made at the same public meeting as the public hearing or at another public meeting. The City Council shall issue its decision within 90 days of the filing of an appeal of a rescission,
 - c. The decision shall be based on the decision criteria in Section 7.8(13).
 - d. If the City Council upholds or modifies the Hearing Examiner decision to rescind the permit, the City Council may require restoration or reclamation of the property and may set time limits for the completion of these activities.
 - e. In its decision on the appeal of the Hearing Examiner decision, the City Council shall adopt findings of fact and conclusions which support the decision and any required conditions.
11. The decision of the City Council on the appeal of the Hearing Examiner decision shall include the findings of fact and conclusions shall be reduced to writing and mailed by the Shoreline Administrator to the permit holder, the property owner, Ecology and the Washington State Attorney General within twelve days of the date of the decision.
12. Effects of Decision.
 - a. The decision of the City Council on the appeal of a Hearing Examiner decision on the rescission may be appealed to the Washington State Shorelines Hearings Board as provided in RCW 90.58.180 and Chapter 461-08 WAC.
 - b. If, on appeal, the City Council rescinds the permit, all activity authorized by the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Or Shoreline Variance Permit shall immediately cease, unless the City Council grants a period of time to complete the activity or reclaim the site or a court authorizes continued operation during an appeal.
13. Criteria for ~~Reeission~~ Rescission.
 - a. The Hearing Examiner or City Council, on appeal, may rescind or modify a permit upon finding that one or more of the following criteria are met.
 - i. The permit approval was obtained by fraud or through the provision of misleading application material.

- ii. The permit is being exercised contrary to the terms or conditions of approval or in violation of law.
 - iii. The use or activity for which approval was granted is being exercised so as to be detrimental to the public health, safety, or welfare.
14. Ecology may initiate permit rescission. Under the provisions of RCW 90.58.140(8), if Ecology is of the opinion that noncompliance exists, Ecology shall provide written notice to the City and the permittee. If Ecology is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the City has taken no action to rescind the permit, Ecology may petition the Shoreline Hearings Board for a rescission of the permit upon written notice of the petition to the City and the permittee if the request by Ecology is made to the Hearings Board within fifteen days of the termination of the thirty-day notice to the City.

CHAPTER 8 DEFINITIONS

A

1. **Accessory Structure** – a subordinate building or use incidental to the use of the main building or use.
2. **Accessory Use** – any use or activity incidental and subordinate to a primary use or development.
3. **Accretion** – the growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, hooks, and tombolos.
4. **Act** - Washington State Shoreline Management Act of 1971, as amended, RCW 90.58.
5. **Adjacent** - having a common end point or border.
6. **Adjacent Lands** – lands adjacent to the shorelines of the state (outside of shoreline jurisdiction) (*RCW 90.58.340*).
7. **Agricultural Activities** - agricultural uses and practices including, but not limited to: producing, breeding or increasing agricultural products; rotating and changing agricultural crops; agricultural crops; allowing land used for agricultural activities to lie fallow in that it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation (*WAC 173-26-020(3)(a)*).
8. **Agricultural Equipment and Agricultural Facilities** – includes, but is not limited to:
 - a. The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
 - b. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands
 - c. Farm residences and associated equipment, lands, and facilities; and
 - d. Roadside stands and on-farm markets for marketing fruit or vegetables.
9. **Agricultural Land** – those specific land areas on which agricultural activities are conducted as of the date of adoption of this Program, as evidenced by aerial

photography or other documentation. After the effective date of this Program, land converted to agricultural use shall comply with the requirements of this Program.

10. **Agricultural Products** – includes, but is not limited to, horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including, but not limited to, meat, upland finfish, poultry and poultry products, and dairy products.
11. **Aggrieved Person** – a person who is suffering from an infringement or denial of legal rights or claims.
12. **Amendment** - means a revision, update, addition, deletion, and/or reenactment to an existing shoreline master program.
13. **Anadromous fish** -Fish that migrate downstream in their juvenile lifestages; live their adult lives in the ocean; then migrate upstream from the ocean to breed in fresh water.
14. **Appurtenance** - A structure or development necessarily connected to a single-family residence. Normal appurtenances include a garage, a shop, a deck, a pool, a driveway, utilities, fences, grading which does not exceed 250 cubic yards and does not involve placement of fill in any wetland or waterward of the OHWM, and when allowed, installation of a septic tank and drainfield.
15. **Aquaculture** - The culture or farming of food fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery. (*WAC 173-26-241(3)(b)*).
16. **Area of Special Flood Hazard** - Land in the flood plain subject to a 1% or greater chance of flooding in any given year. Designations on Flood Insurance Rate Maps always include the letter A. Also referred to as “Frequently Flooded Areas.”
17. **Associated Wetlands** - Those wetlands that are in proximity to and either influence or are influenced by tidal waters or a lake, river or stream subject to the Shoreline Management Act.
18. **Average Grade Level** - the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property that will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure (*WAC 173-27-030(3)*).

B

19. **Beach Enhancement/Restoration** – process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation drift sills, and other non-intrusive means as applicable.

20. **Bedlands** – means those submerged lands, including tidelands where appropriate, underlying navigable waters.
21. **Berm** – a linear mound or series of mounds of earth, sand and/or gravel generally paralleling the water at or landward of the line of ordinary high water. Also a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.
22. **Best Available Science** – use of the most reliable and available scientific information, most often used in the context of local government compliance with the State Growth Management Act (RCW 36.70A.900) for developing policies and development regulations regarding critical areas (WAC 365-195).
23. **Best Available Technology (BAT)** – the most effective method, technique, or product available that is generally accepted in the field, and which is demonstrated to be reliable, effective, and preferably low maintenance.
24. **Best Management Practices (BMP)** - For the purposes of this Program, BMP means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology and/or the City of Vancouver that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.
25. **Bioengineering** - means project designs or construction methods that use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank that is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation (*WAC 220-110-020(12)*).
26. **Boat** - means any floating vessel or watercraft, including ships and barges, which is designed and used for navigation and which does not interfere with the normal public use of the water (*WAC 173-27-030(18)*).
27. **Boating Facility** – means any structure or group of structures including but not limited to ramps, marinas, docks, piers, floats, or mooring buoys providing access to or service for boats. Boating facilities may serve hotels, motels, multi-family residences, individual lots or subdivisions, or public recreation uses.
28. **Boathouse** – An over-water structure designed for storage of boats.
29. **Boat Launch Facility** - a facility or structure providing access in and out of the water for boats, such as ramps, rails, or lift stations.
30. **Bog** – A type of wetland where (1) organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or (2) there is more than 70% cover of mosses at ground level and more than 30% of the total shrub and herbaceous cover consists of species listed in Table 3 – Characteristic Bog Species in Washington State found in Hruby, 2004, Washington State Wetlands Rating System for Western Washington, Ecology publication #04-06-025, or as revised by

Ecology. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater.

- 31. **Breakwater** - a structure aligned parallel to shore, sometimes shore-connected, that provides protection from waves.
- 32. **Buffer Area** – An area that is contiguous to and protects a critical area and which is required for the continued maintenance, functioning, and/or structural stability of a critical area.
- 33. **Bulkhead** - a solid, open-pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ordinary high water mark to provide a protective vertical wall resistant to water and wave action.

C

- 34. **Channel** – an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stockwatering channels (*WAC 173-27-030(8b)*).
- 35. **Channel Migration Zone (CMZ)** - the area along a river within that the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.
- 36. **City** - means the City of Vancouver.
- 37. **Clean Water Act** – the primary federal law providing water pollution prevention and control, previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.
- 38. **Clearing** - the destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, which does not impair the health or survival of the trees or native vegetation.
- 39. **Commercial** - a business use or activity at a scale greater than a home business or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include restaurants, offices, and retail shops.
- 40. **Commercial Fishing** - is the activity of capturing fish and other seafood under a commercial license.
- 41. **Conditional Use** – a use, development, or substantial development that is classified as a conditional use, or is not classified within the Master Program, and requires a conditional use permit (*WAC 173-27-030(4)*).
- 42. **Covered Moorage** – Boat moorage, with or without walls, that has a roof to protect a boat.
- 43. **Critical Aquifer Recharge Area** - Areas with a critical recharging effect on aquifers used for potable water as designated at VMC 14.26.

- 44. **Critical Areas** - include fish and wildlife habitat conservation areas, frequently flooded areas, geologic hazard areas, and wetlands as designated in Chapter 5A, and critical aquifer recharge areas as designated at VMC 14.26.
- 45. **Critical Habitat**- Specific geographical areas that possess physical or biological features that are essential to the conservation of federally listed species. These designated areas may require special management considerations or protection.

D

- 46. **Date of Filing** – means the date of actual receipt by Ecology of the City’s decision on a substantial development permit. For a variance or conditional use permit, the date of filing is the date Ecology’s decision is transmitted to the City. For a variance or conditional use permit decision in conjunction with a shoreline substantial development permit decision, the date of filing is the date Ecology’s decision is transmitted to the City.
- 47. **Development** - a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any state of water level. “Development” does not include dismantling or removing structures if there is no other associated development or re-development.
- 48. **Development Regulations** - the controls placed on development or land uses, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under RCW 90.58, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto (*WAC 173-26-020(8)*).
- 49. **Dike** - is an artificial embankment normally set back from the bank or channel in the floodplain for the purpose of keeping floodwaters from inundating adjacent land.
- 50. **Dock** - a landing or moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.
- 51. **Dock, Community** – a dock serving a subdivision, hotel, motel, or multi-family residential development.
- 52. **Dock, Joint-Use** – a dock serving two or more lots, providing a moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents on adjacent lots each with water frontage.
- 53. **Dolphin** – A cluster of piles bound together.
- 54. **Dredge Material** – the material removed by dredging.
- 55. **Dredging** - is the removal or displacement of earth or sediments such as gravel, sand, mud, silt, or debris from below the OHWM of any stream, river, lake, water body, or wetland.

- 56. **Dredging, Maintenance** - dredging for the purpose of maintaining a prescribed minimum depth previously authorized by a federal, state, and/or local permit as part of any specific waterway project. Maintenance dredging also includes dredging that maintains the previously authorized width of a channel, boat basin or berthing area.
- 57. **Drift Sector** - the extent of the littoral drift area downstream from and caused by a breakwater, jetty, rock weir or groin.

E

- 58. **Ecology** – the Washington State Department of Ecology.
- 59. **Ecosystem-wide Processes** - the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions (*WAC 173-26-020(14)*).
- 60. **Effective Date of Permit** – For Shoreline Substantial Development, Conditional Use and Variance Permits, the date of filing as provided in RCW 90.58.140(6). including completion of all appeals or legal actions.
- 61. **Emergency**- is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this Program.
- 62. **Emergency Construction** - Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter, flooding or other seasonal events that can be anticipated and may occur, but are not imminent, are not an emergency (*RCW 90.58.030(3)(e)(iii)* and *WAC 173-14-040(1)(d), (2), and (3)*).
- 63. **Enhancement** - Alterations performed to improve the condition of an existing degraded area so that the functions provided are of a higher quality. Enhancements are to be distinguished from resource creation or restoration projects.
- 64. **Erosion** – The general process or the group of processes whereby the material of the earth's crust are loosened, dissolved, or worn away, and simultaneously moved from one place to another, by natural forces, that include weathering, solution, corrosion, and transportation, but usually exclude mass wasting (American Geological Institute, 1998).
- 65. **Exempt/Exemption** - developments that are set forth in Section 2.3 (Exemptions from Substantial Development Permit) of this Program that are not required to obtain a Shoreline Substantial Development Permit, but which must otherwise comply with applicable provisions of the act and this Program (*WAC 173-27-040; RCW 90.58.030(3)(e), 90.58.147, 90.58.355, and 90.58.515*).

F

- 66. **Fair Market Value** - the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials

necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials (*WAC 173-27-030(8)*).

- 67. Feasible** - an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
- e. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - f. The action provides a reasonable likelihood of achieving its intended purpose; and
 - g. The action does not physically preclude achieving the project's primary intended legal use.

In cases where this Program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the city may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames. (*WAC 1713-26-020(15)*)

- 68. Feeder Bluff** - any bluff (or cliff) experiencing periodic erosion from waves, sliding, slumping, whose eroded earth, sand, or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. Feeder bluff exceptional segments lack a backshore, old or rotten logs, and coniferous bluff vegetation.
- 69. Fill** - means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land (*WAC 173-26-020(16)*).
- 70. Fill, Speculative** - The placement of fill material not associated with an approved project.
- 71. Fish and Wildlife Habitat Conservation Areas** - Fish and Wildlife Habitat Conservation Areas as designated at VMC 20.740.110.
- 72. Float** - a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water dependent recreation or moorage for vessels or watercraft.
- 73. Floating Home** – a single-family dwelling unit constructed on a float, that is moored, anchored, or otherwise secured in waters, and is not a boat, even though it may be capable of being towed.
- 74. Floating on-water residence** – any floating structure other than a floating home, as defined below;

- a. That is designed or used primarily as a residence on the water and has detachable utilities; and
 - b. Whose owner or primary occupant has held an ownership interest in space in a marina, or has held a lease or sublease to use space in a marina, since a date prior to July 1, 2014.
- 75. Flood Hazard Reduction** - measures taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures, such as dikes, levees, and floodwalls intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.
- 76. Floodplain** - synonymous with the one hundred-year floodplain and area of special flood hazard (frequently flooded areas) and refers to the land subject to a 1% or greater chance of flooding in any given year.
- 77. Floodway** - means the area, as identified in this Program, that has been established in Federal Emergency Management Agency flood insurance rate maps or floodway maps. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state (RCW 90.58.030(2)(b)).
- 78. Forb** - an herbaceous, non-woody plant other than grass.
- 79. Forest Practices** – any activity conducted on or directly related to forest land and relating to growing, harvesting, or processing timber. These activities include but are not limited to: road and trail construction, final and intermediate harvesting, pre-commercial thinning, reforestation, fertilization, prevention and suppression of disease and insects, salvage of trees, and brush control (*WAC 222-16-010(21)*).
- 80. Frequently Flooded Areas** - the areas of special flood hazard as designated at VMC 20.740.120.
- 81. Frontage or Water Frontage** – the portion of a parcel adjacent to the OHWM between property lines.

G

- 82. Gabions** – structures composed of masses of rocks, rubble, or masonry held tightly together usually by wire mesh so as to form blocks or walls.
- 83. Geologic Hazard Areas** - include areas of landslide, liquefaction and dynamic settlement, ground shaking amplification, fault rupture, soil erosion, and bank erosion hazard areas as designated at VMC 20.740.130.
- 84. Grading** - means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land (*WAC 173-26-020(20)*).

- 85. **Grassy Swale** – a vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.
- 86. **Groin** - a barrier-type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water and/or deposition of material.
- 87. **Groundwater** - means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

H

- 88. **Harbor Area** - the area of navigable waters between the inner and outer harbor lines identified by the Board of Natural Resources acting as the State Harbor Lines Commission and as established by Section 1 of Article XV of the Washington State Constitution.
- 89. **Harbor Line, Inner** - the line established by the State of Washington in navigable tidal waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area. This line determines the seaward extent of private ownership in tidal or shoreland areas (often corresponds to the “bulkhead line”).
- 90. **Harbor Line, Outer** - the line located and established by the Washington State Department of Natural Resources in navigable waters that delineates the extent of water area that may be leased to private interests.
- 91. **Hazard Tree** - any tree with a combination of structural defect and/or disease and a proximity to persons or property which makes it subject to a high probability of failure, as recommended by a qualified arborist.
- 92. **Height** - the distance measured from the average grade level to the highest point of a structure: Provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines (or the master program provides otherwise): Provided further that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)).
- 93. **Hook** – a spit or narrow cape of sand or gravel that turns landward at its outer end.

I

- 94. **Institutional Use** – A use and related structure(s) for the provision of educational, medical, cultural, social, public safety, and/or recreational services to the community, including but not limited to schools, colleges, museums, community centers, and the relevant essential public facilities identified in WAC 365-196-550
- 95. **In-stream Structure** - a structure placed by humans within a stream or river waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation,

irrigation, water supply, flood control, transportation, utility service transmission, fish habitat enhancement, or other purpose. Outfalls are not in-stream structures.

96. Interested Party – means all persons who have notified local government of their desire to receive a copy of the final order on a permit under WAC 173-27-030 (*WAC 173-27-030(12)*).

97. Invasive – means a nonnative plant or animal species that:

- a. causes or may cause significant displacement in range, a reduction in abundance of native species;
- b. Threatens or may threaten natural resources or their use in the state;
- c. Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or
- d. Threatens or harms human health (RCW 77.08.010(28)).

J

98. Jetty- a structure usually projecting out into the water for the purpose of protecting a navigation channel, a harbor, or to influence water currents.

L

99. Lakes – all the surface water areas of the state, including reservoirs; except: (a) Lakes less than twenty acres in size; (b) Streams or rivers (as described in WAC 173-18-030); and (c) Shorelines of statewide significance (*WAC 173-20-030(1)*).

100. Lakes of Statewide Significance - those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high-water mark (*WAC 173-20-030(2)*).

101. Large Woody Debris - Shrubs, trees, or their branches that have fallen and are on the ground or in, across, or dangling above streams, rivers, lakes, or ponds.

102. Levee – a large dike or embankment, often having an access road along the top, that is designed as part of a system to protect land from floods.

103. Limited Utility Extension – the extension of a utility service that is categorically exempt under RCW 43.21C for natural gas, electricity, telephone, water or sewer to service an existing use and will not extend more than twenty-five hundred (2500) linear feet within the shorelines of the state.

104. Littoral – The area of the shore from the OHWM waterward to a depth of two meters below ordinary low water or to the maximum extent of non-persistent emergent plants.

105. Littoral Drift –The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and current.

106. Live-aboard boat – A licensed boat designed as a conventional recreational vessel with habitable cabin or quarters that is occupied in a single location for a period exceeding two months in any one calendar year. The live-aboard boat shall have self-propulsion and steering that is sufficient to move the vessel entirely under its own power and shall have detachable utilities or facilities and anchoring.

The live-aboard boat must be of a design that is capable of safely navigating the waterway where it is located including being equipped to handle winds, waves, tides and currents. Typical terms for live-aboard boats are sailboat, cabin cruiser, trawler yacht, tug, motor yacht cruiser, motorsailer, multi-hulled power boat, sport fishing boat or similar vessel.

- 107. Local Government** – any county, incorporated city, or town that contains within its boundaries shorelines of the state subject to chapter 90.58 RCW.
- 108. Log Booming** – includes the placement or removal of logs and log bundles into and from the water, and the assembly and disassembly of rafts for waterborne transportation.

M

- 109. Marina** - a water-dependent commercial use that consists of a system of piers, buoys, or floats which provides moorage for at least ten (10) boats. For the purposes of this Program, large community moorage facilities, yacht club facilities, and camp or resort moorage areas are also considered marinas. Boat launch facilities and supplies and services for small commercial or pleasure craft are often associated with marinas. Uses accessory to marinas may include fuel docks and storage, boating equipment sales and rental, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.
- “Foreshore marinas” are marinas located waterward of the ordinary high water mark.
- “Backshore marinas” are marinas located landward of the ordinary high water mark. There are two common types of backshore marinas: (1) a wet-moorage marina that is dredged out of the land artificially creating a basin; and (2) a dry-moorage marina that has upland storage with a hoist, marine travel lift, or ramp for water access.
- 110. Marine Railway** – a set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.
- 111. Marine Travel Lift** – a mechanical device that can hoist vessels off trailers and transport them into the water. Often associated with dry land moorage.
- 112. May** - means the action is acceptable, provided it conforms to the provisions of this Program.
- 113. Merchantable Trees** - live trees, 6 inches in diameter at breast height (DBH) and larger, unless documentation of current, local market conditions are submitted and accepted by the local jurisdiction indicating non-marketability. "Merchantable trees" shall not include trees smaller than 4 inches DBH.
- 114. Mining** - the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses (*WAC 173-26-241*).
- 115. Mitigation** – to avoid, then minimize and compensate for unavoidable adverse impacts to shoreline ecological functions and processes.

- 116. Mitigation, Compensatory** – an action to reduce the severity of effects from an action that may cause potential impacts to functions and values of critical areas and their buffers.
- 117. Mixed-use Project** - developments that include a combination of components, such as residential uses, hotels, marinas, habitat improvement actions, public access provisions, and other uses.
- 118. Moorage** - a pier, dock, buoy or float, either fixed or floating, to which boats may be secured.
- 119. Moorage Facility, Community** - a moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents of a certain subdivision, hotel, motel, or multi-family residential development within shoreline jurisdiction; or for use by patrons of a public park or quasi-public recreation area, including rental of non-powered craft. A community moorage facility is a marina (Definition #106) if:
- a. it provides commercial goods or services;
 - b. it is of a large scale (more than ten slips);
 - c. moorage is proposed to be leased to upland property owners; or
 - d. the proposal includes a boat launching facility other than a ramp.
- 120. Moorage Facility, Joint Use** - a moorage for pleasure craft and/or landing for water sports for use in common by shoreline residents on adjacent or neighboring lots each with water frontage. A joint-use moorage facility is a marina (Definition #106) if:
- a. it provides commercial goods or services;
 - b. it is of a large scale (more than ten slips);
 - c. moorage is proposed to be leased to upland property owners; or
 - d. the proposal includes a boat launching facility other than a ramp.
- 121. Mooring Buoy** - a floating object anchored to the bottom of a water body that provides tie-up capabilities for boats or watercraft.
- 122. Multi-Family Residence** - a building containing two or more dwelling units including but not limited to duplexes, apartments, and condominiums.
- 123. Must** - means a mandate; the action is required.

N

- 124. Natural/Existing Topography** – the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading including excavation and filling.
- 125. Navigational Channels** - are those routes on the waters of state beyond the outer harbor line, commonly used by ships for useful commerce.
- 126. Navigable Waters** - a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington

considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court (*WAC 332-30-106*).

126a. Non-conforming Lot - A nonconforming lot may be developed if permitted by other land use regulations of the city and so long as such development conforms to all other requirements of this Program and the Act.

- 127. Non-conforming Structure** – a structure that was lawfully constructed or established prior to the effective date of the applicable Act or Program provision, and which no longer conforms to the applicable shoreline provisions (*WAC 173-27-080(1)*).
- 128. Non-conforming Use** - use or activity that was lawfully established prior to the effective date of the applicable Act or Program provision, and which no longer conforms to the applicable shoreline provisions. (*WAC 173-27-080(1)*)
- 129. Non-Water-Oriented Use or Activity** - a use or activity that is not water-dependent, water-related, or water-enjoyment.
- 130. Normal Maintenance** - includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (*WAC 173-27-040(2)(b)*). See also “normal repair”.
- 131. Normal Repair** - to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment (*WAC 173-27-040(2)(b)*). See also “normal maintenance”.
- 132. Noxious Weeds** - Non-native plants that are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

O

- 133. Ordinary High Water Mark (OHWM)** - that mark found by examining the bed and banks of a body of water and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or Ecology: Provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the OHWM adjoining fresh water shall be the line of mean high water (*RCW 90.58.030(2)(b)* and *WAC 173-22-030(6)*).

- 134. Over-water Structure** - a structure or other construction located waterward of the Ordinary High Water Mark (OHWM) or a structure or other construction erected on piling above the surface of the water, or upon a float.

P

- 135. Parking** - the temporary storage of automobiles or other motorized vehicles. Temporary storage of vehicles for import or export in port areas shall not be considered parking.
- 136. Parking, Accessory** - is that which directly serves an approved shoreline use.
- 137. Parking, Primary** - parking that is the principal use on the property, not accessory to another use.
- 138. Party of Record** - includes all persons, agencies or organizations who have submitted written comments in response to a public notice; presented testimony in a formal public hearing; or notified the city of their desire to receive a copy of the final decision; and who have provided a complete, accurate, and current address for delivery of such decision by mail.
- 139. Permitted Use** – a use that is allowed under the rules and regulations of this Program.
- 140. Permit** - any substantial development, variance, conditional use permit, or revision authorized under this Program (*WAC 173-27-030(13)*).
- 141. Pier** - a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for boats or watercraft or to provide access to a floating dock.
- 142. Pierhead Line** - the waterward limit to which open pile work may be constructed as designated by the Federal government.
- 143. Point** – a low profile shoreline promontory of more or less triangular shape, the top of which extends seaward. A point may be the wavecut shelf remnant of a headland bluff or a purely accretional deposit that began as a hooked spit and becomes a point by subsequently closing the lagoon gap between the headland and the tip of the hook. Points are characterized by converging berms that normally enclose a lagoon, marsh, or meadow, depending on the point's stage of development.
- 144. Port** – a municipal corporation that is a special purpose district of local government authorized by the Washington State Constitution and regulated by RCW Chapter 53.
- 145. Potentially Harmful Materials** - means hazardous materials as defined at VMC Section 14.26.110 as well as other materials including, but not limited to, the following which, if discharged or improperly disposed, may present a risk to water resources:

Petroleum products including but not limited to petroleum fuel and petroleum-based coating and preserving materials; oils containing PCBs; antifreeze and other liquid automotive products; metals, either in particulate or dissolved form, in

concentrations above established regulatory standards; flammable or explosive materials; radioactive material; used batteries; corrosives, acids, alkalis or bases; paints, stains, resins, lacquers or varnishes; degreasers; solvents; construction materials; drain cleaners and other toxic liquid household products; pesticides, herbicides, fungicides or fertilizers unless applied in accordance with local, state and federal standards; steam cleaning and carpet cleaning wastes; pressure cleaning wastes; car wash water; laundry wastewater; soaps, detergents, ammonia; swimming pool backwash; chlorine, bromine, and other disinfectants; heated water; domestic animal wastes; sewage; recreational vehicle waste; animal carcasses, excluding salmonids; food wastes; pharmaceuticals and personal care products; collected lawn clippings, leaves or branches; trash or debris; silt, sediment or gravel; dyes; and untreated or unapproved wastewater from industrial processes.

- 146. Program** - the Shoreline Master Program developed pursuant to the Shoreline Management Act (RCW 90.58), adopted by the city and approved by Ecology.
- 147. Project Area** – the area which will be directly physically affected by a proposed development.
- 148. Provisions** - policies, regulations, standards, guideline criteria or environment designations.
- 149. Public Access** - is the physical ability of the general public to reach, touch and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations (*WAC 173-26-221*).
- 150. Public Interest** - the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development (*WAC 173-27-030(14)*).

Q

- 151. Qualified Professional** - a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4).

R

- 152. Recreational Use** – a use and related structures for the provision of recreational activities, as follows:
 - a. Active recreational uses/facilities or uses** – involve indoor or outdoor activities with a large number of participants or viewers; require a moderate to high level of infrastructure and maintenance; generate high noise levels. Sports fields, golf courses, skate parks, and motorized boating are examples of active recreational uses or facilities.

- b. Passive recreational uses/facilities** - involve a small number of participants or viewers; require a low to moderate level of infrastructure development and maintenance; generate little noise; and are compatible with open space and natural resource protection. Wildlife viewing, non-vehicular trails, fishing, canoeing and picnicking are examples of passive recreational uses and facilities.
- 153. Recreational Vehicle** – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 154. Residential Development** - is the development on shorelands of single-family and multi-family residences and their normal appurtenances, and the creation of new residential lots through land division.
- 155. Restoration**– means to reestablish or upgrade impaired ecological processes or functions. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions (*WAC 173-26-020(31)*).
- 156. Revetment** - a sloped wall constructed of riprap or other material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes waterward and has rough or jagged facing. The slope differentiates it from a bulkhead that is a vertical structure.
- 157. Right-of-Way (ROW)** - The property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term right-of-way for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.
- 158. Rip-Rap** - is a foundation or retaining wall of stones or rock placed along the water's edge or on an embankment to prevent erosion.
- 159. Rock Weir** – See “Groyne.”

S

- 160. Setback** –the distance an activity, building, or structure must be located from the Ordinary High Water Mark.
- 161. Shall** - a mandate; the action must be done.

- 162. Shorelands** - those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred feet from such floodways (minimum extent) or to the outer extent of the floodplain (maximum extent); and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58. (See Section 2.1.)
- 163. Shoreline Administrator** - is the city's Planning Official or his/her designee responsible for administering this Program.
- 164. Shoreline Designations** - the categories of shorelines established by this Program in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas.
- 165. Shoreline Ecological Functions** - the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments which constitute the shoreline's natural ecosystem (*WAC 173-26-200 (2)(c)*).
- 166. Shoreline Jurisdiction** - all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.
- 167. Shoreline Master Program or Program** - means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. See Section 1.8 for complete details.
- 168. Shoreline Modifications** - those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, dredging or application of chemicals.
- 169. Shoreline Restoration Project** – a project designed to restore impaired ecological function of a shoreline.
- 170. Shoreline Stabilization** – includes actions taken to address erosion impacts to property and structures caused by processes such as current, flood, wind, or waves. These actions include structural and non-structural methods. Structural measures include but are not limited to bulkheads, revetments, and riprap. Non-structural measures include building setbacks, relocation of structures, and bioengineered methods that use vegetation or wood.
- 171. Shoreline Substantial Development Permit** - is the permit required by this Program for uses which meet the definition of substantial developments.
- 172. Shorelines** - means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them, except: (a) shorelines of statewide significance; (b) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per

- second or less, and the wetlands associated with such upstream segments; and (c) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes. See RCW 90.58.030(2)(d) and WAC 173-18, 173-26 and 173-22.
- 173. Shorelines Hearing Board (SHB)** – a quasi-judicial body established by the Shoreline Management Act of 1971 to hear appeals by any aggrieved party on the issuance of a substantial development permits, conditional uses, variance or, enforcement penalties.
- 174. Shorelines of Statewide Significance** –a select category of shorelines of the state, defined in RCW 90.58.030(2)(f), where special policies and regulations apply, and described below:
- a. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high water mark;
 - b. Those natural rivers or segments thereof, downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second, or more, and
 - c. Their associated shorelands.
- 175. Shorelines of the State** – are the total of all “shorelines” and “shorelines of statewide significance” within the state.
- 176. Should** - the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and WAC 173-26, against taking the action.
- 177. Sign** - A sign is any structure, device, advertisement, advertising device, or visual representation intended to advertise, identify, or communicate information to attract the attention of the public for any reason. Informational signs are non-commercial and intended to communicate safety, directional, navigation, educational, or interpretive information.
- 178. Significant Vegetation Removal** – the removal or alteration of trees, shrubs, and /or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, where it does not affect ecological functions does not constitute significant vegetation removal (*WAC 173-26-020(33)*).
- 179. Single-Family Residence** - a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.
- 180. Solid Waste Facility** - refers to any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and

- reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.
181. **Stormwater** - runoff during and following precipitation and snowmelt events, including surface runoff and drainage.
 182. **Stream** - Water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 222-16-031. Streams also include natural watercourses modified by humans. Streams do not include drainage ditches which are not modifications of natural watercourses.
 183. **Structure**- a permanent or temporary edifice or building or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (*WAC 173-27-030(15)*).
 184. **Subdivision** – the division or re-division of land, including short subdivision, for the purpose of sale, lease, or conveyance.
 185. **Substantial Development** - "Substantial development" shall mean any development of that the total cost or fair market value ~~exceeds five thousand seven hundred and eighteen dollars (\$5,718)~~ **seven thousand forty-seven dollars (\$7,047)**, or as adjusted by the State Office of Financial Management, or any development that materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3)(e).
 186. **Substantially Degrade** - to cause significant ecological impact (*WAC 173-26-020(35)*).
 187. **Surface Water** - water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

T

188. **Terrestrial** – of or relating to land as distinct from air and water.
189. **Transfer Facility** – See “Solid Waste Facility.”
190. **Transmit** - to send from one person or place to another by mail or hand delivery. The date of transmittal for mailed items is the date that the document is certified for mailing or, for hand-delivered items, is the date of receipt at the destination (*WAC 173-27-030(16)*).
191. **Transportation Facility** - a road, railway, bridge and related structures such as culverts, fills, embankments, causeways, and the relevant essential public facilities identified in WAC 365-196-550 for the purpose of moving people or freight using motorized or non-motorized means of transport.

U

- 192. Upland** – generally described as the dry land area above and landward of the OHWM.
- 193. Utilities** - services and facilities that produce, convey, store, or process power, water, wastewater, stormwater, gas, communications, oil, and the like, including the relevant essential public facilities identified in WAC 365-196-550.
- 194. Utilities, Accessory** - are on-site utility features serving a primary use, such as a water, sewer, or gas line to a residence, and shall be considered a part of the primary use.

V

- 195. Variance** - is a means to grant relief from the specific bulk, dimensional or performance standards set forth in the applicable master program and not a means to vary a use of a shoreline. See RCW 90.58.160. (*WAC 173-27-030(17)*).
- 196. Vegetation Conservation** - includes activities to protect and restore vegetation along or near marine and freshwater shorelines that contribute to the ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative species (*WAC 173-26-221*).
- 197. Vessel** - See “Boat.”
- 198. View Corridor** - portion of a viewshed, often between structures or along thoroughfares. View corridors may or may not be specifically identified and reserved through development regulations for the purpose of retaining the ability of the public to see a particular object (such as a mountain or body of water) or a landscape within a context that fosters appreciation of its aesthetic value.

W

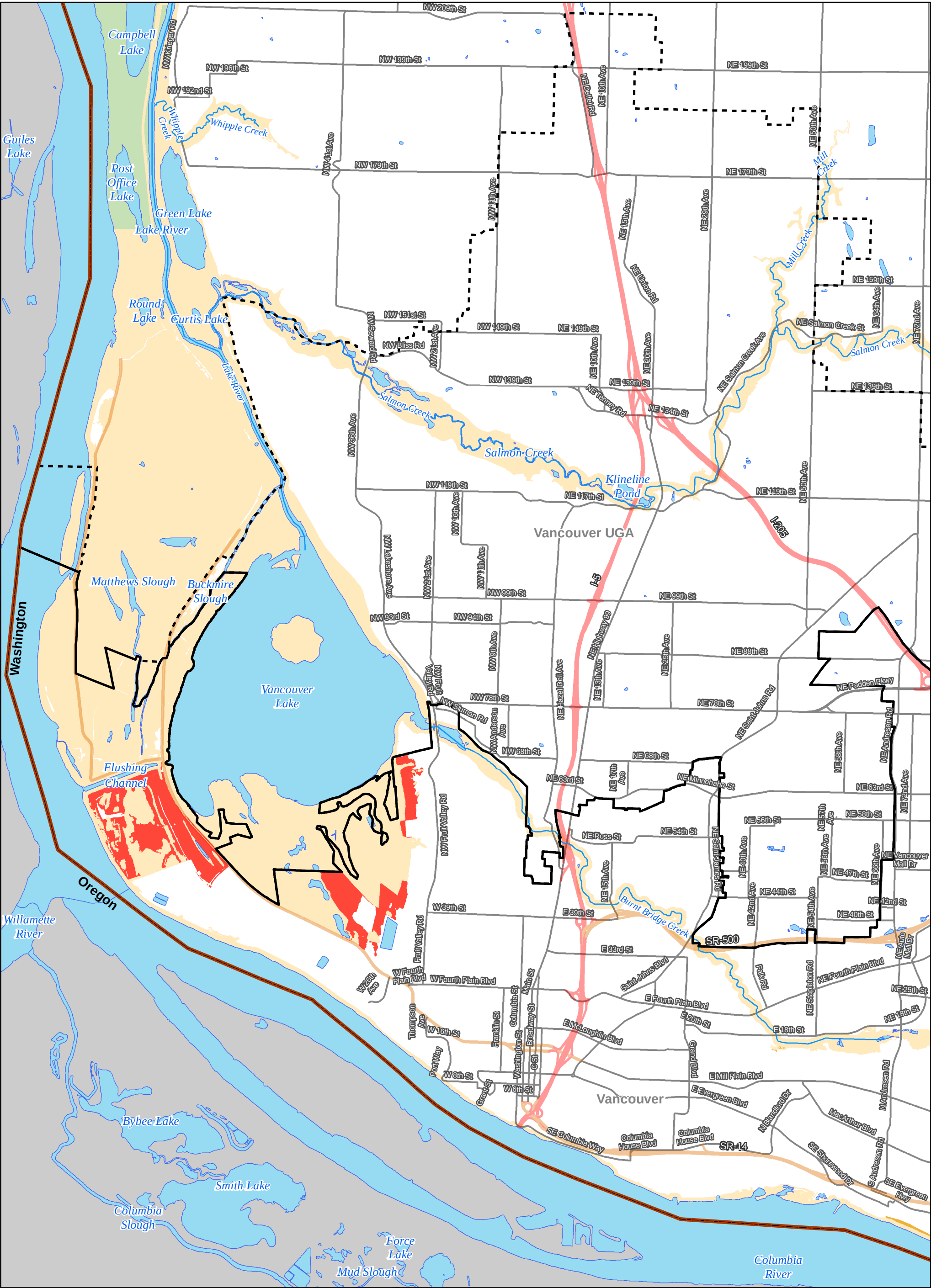
- 199. Water-dependent Use or Activity** - a use or a portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations.
- 200. Water-enjoyment Use or Activity** - a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and that through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.
- 201. Water-oriented Use or Activity** - a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

- 202. Water Quality** - the characteristics of water within shoreline jurisdiction, including water quantity, hydrological, chemical, aesthetic, recreation-related, and biological characteristics.
- 203. Water Quantity** - For the purposes of this program, refers only to development and uses affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this Program, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340 (WAC 173-26-020(42)).
- 204. Water-related Use or Activity** – a use or portion of use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:
- of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,
 - the use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers make its services less expensive and/or more convenient.
- 205. Water Resources** – Means surface water, stormwater, and groundwater.
- 206. Watershed Restoration Plan** - a plan, developed or sponsored by WDFW, Ecology, DNR, the Washington Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, a special purpose agency such as the Lower Columbia Fish Recovery Board, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act.
- 207. Watershed Restoration Project** - a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of a the plan and consists of one or more of the following activities (RCW 89.08.460):
- A project that involves less than ten miles of stream reach, in which less than twenty-five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
 - A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure

associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

208. Weir - a structure in a stream or river for measuring or regulating stream flow.

209. Wetlands - areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. Wetlands are designated at VMC 20.740.140.

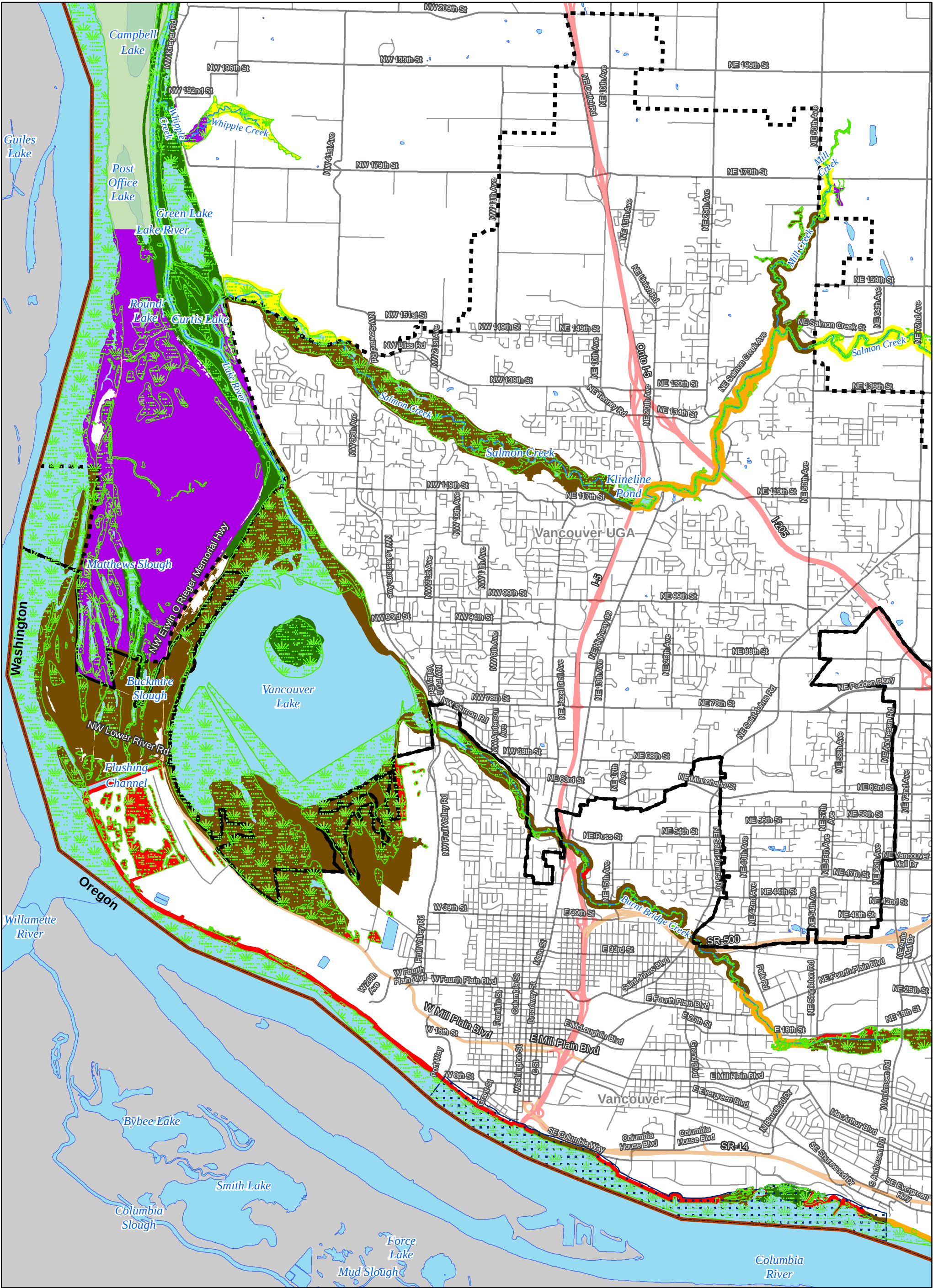


Legend

-  County Boundary
-  City Limits
-  Urban Growth Areas
-  High Intensity Areas Removed
-  Medium Intensity Areas Removed
-  Areas with no Change
-  USFWS National Wildlife Refuges**


0 0.25 0.5 1 Miles

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Shoreline Designations

- Aquatic
- Natural
- Urban Conservancy
- Medium Intensity
- High Intensity
- Rural Conservancy Residential
- Rural Conservancy Resource Land
- USFWS National Wildlife Refuges*

 Associated Wetlands**

 City Limits

 Urban Growth Areas

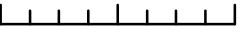
 Columbia River Shoreline Enhancement Plan District

 County Boundary

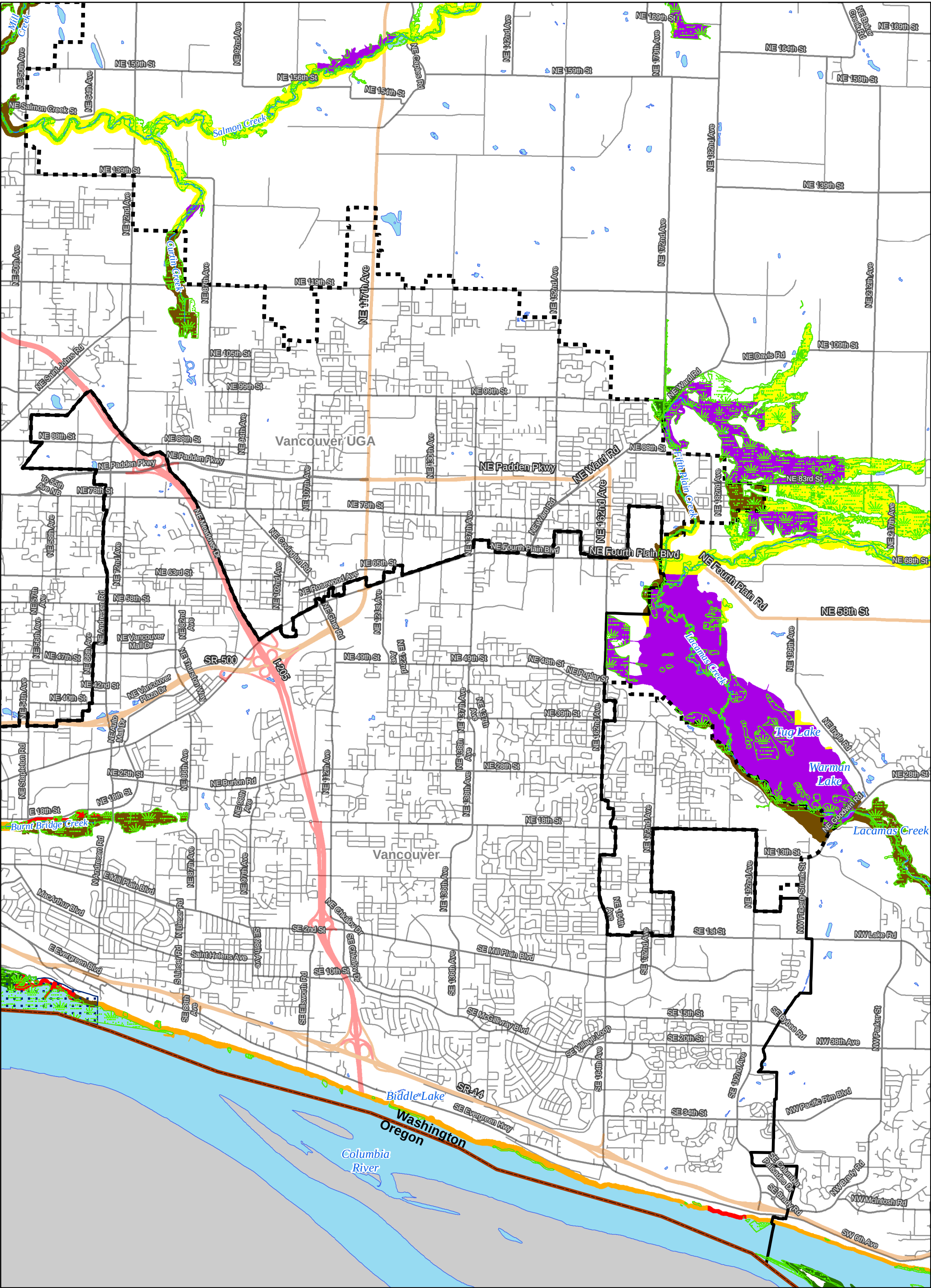
* Private development in RNWR is regulated under the Rural Conservancy Residential provisions of this SMP

** Definitive presence will be determined on a project basis.

0 0.25 0.5 1 Miles



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Shoreline Designations

- Aquatic
- Natural
- Urban Conservancy
- Medium Intensity
- High Intensity
- Rural Conservancy Residential
- Rural Conservancy Resource Land
- USFWS National Wildlife Refuges*

 Associated Wetlands**

 City Limits

 Urban Growth Areas

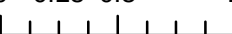
 Columbia River Shoreline Enhancement Plan District

 County Boundary

* Private development in RNWR is regulated under the Rural Conservancy Residential provisions of this SMP

** Definitive presence will be determined on a project basis.

0 0.25 0.5 1 Miles



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Shoreline Master Program Periodic Review

Summary of Proposed Amendments

City of Vancouver, WA
March 2021

Table of Contents

1. Introduction
2. State Legislative Amendments
3. Additional Amendments

List of Tables

Table 1. Summary of proposed amendments for consistency with state law and rule changes

Table 2. Summary of proposed amendments for consistency with city plans and development regulations, and other locally-initiated amendments

1. Introduction

Vancouver has initiated a periodic review of our Shoreline Master Program (SMP) as mandated by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4), and in coordination with the state Department of Ecology (Ecology). The Act requires each local SMP to be reviewed and revised, if needed, every eight years to ensure consistency with changes to state laws and rules, other city plans and regulations, and responsiveness to changed circumstances, new information, and improved data. The SMP is a planning and regulatory document that establishes goals, policies, and regulations for activities on or near Vancouver's shorelines of the state, or special waterbodies that meet certain size or flow criteria as identified by the SMA. The City's shorelines of the state include the Columbia River, Vancouver Lake, Burnt Bridge Creek, Fifth Plain Creek, Lacamas Creek, Salmon Creek, Mill Creek, Curtin (Glenwood) Creek, Lake River, and other waterbodies.

Vancouver underwent a comprehensive update to the SMP that was approved by the Washington State Department of Ecology (Ecology) and became effective September 24, 2012. The 2012 comprehensive update was a lengthy and intensive planning process that resulted in a complete overhaul of the SMP, while the scope of the current periodic review is narrower and designed to ensure the SMP stays current and adaptable. Additional amendments to the SMP were completed in 2017 and 2019 to incorporate adopted amendments to the Critical Areas Protection Ordinance (VMC 20.740) and accommodate the redevelopment of the Port of Vancouver's Terminal 1 site consistent with the City of Vancouver's City Center Vision (VCCV) Plan, respectively.

This report provides a summary of the proposed amendments to the SMP in the format of the Periodic Review Checklist (a resource provided by Ecology that establishes a framework for identifying actions to be taken by the City) and is organized into the following sections:

2. State Legislative Amendments

This section identifies proposed amendments to ensure consistency with state law and rule changes. This analysis is based on a list of amendments between 2007 and 2019, as summarized by Ecology and provided to the City in the Periodic Review Checklist and [Checklist guidance](#).

3. Additional Amendments

In addition to amendments required to maintain compliance with state law and rules and other city plans and regulations, jurisdictions can also bring forward locally-initiated amendments from staff, stakeholders, and the public for consideration. This section identifies proposed amendments to ensure consistency with the city plans and development regulations, as well as other locally-initiated amendments proposed by staff to improve the overall usability, adaptability, and effectiveness of the SMP or initiated by stakeholders.

2. State Legislative Amendments

To evaluate consistency of the SMP with state law and rule changes adopted between 2007 and 2019, staff utilized the Periodic Review Checklist provided by Ecology. Table 1 summarizes the state law and rule changes over this time period, and indicates whether amendments were needed to ensure consistency. Proposed amendments highlighted in green are included in the current draft of the amended SMP.

Table 1. Summary of proposed amendments for consistency with state law and rule changes

Row	Summary of Change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	SMP identifies exemption cost thresholds for building freshwater docks of \$10,000, and \$2,500 for subsequent construction occurring within five years of the completion of prior construction. Relevant Section(s): 2.3.2(8)	Revise cost threshold above which construction of a freshwater dock will require a Substantial Development Permit (SDP) to refer to the updated dollar thresholds and/or WAC definition, as adjusted by OFM every five years.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	Not applicable. The City of Vancouver and Clark County do not have open water disposal sites managed by the Dredged Material Management Program (DMMP).	No action required.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	SMP accurately references RCW 77.55.181 and does not include a full list of fish habitat enhancement project types. Relevant Section(s): 2.3.2(18)	No action required.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	SMP identifies a cost threshold for substantial development of \$5,718. Relevant Section(s): 2.3.2(1), Chapter 8 “Substantial Development” definition	Revise cost threshold above which a development will require a SDP to refer to the updated dollar threshold and/or WAC definition, as adjusted by OFM every five years.
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	SMP does not incorporate the clarification made by Ecology permit rules to the definition of “development.”	Add clarification into the definition of “development” using Ecology’s recommended language.

Row	Summary of Change	Review	Action
		Relevant Section(s): Chapter 8 “Development” definition	
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	The SMP does not address exceptions under WAC 173-27-044 or -045. These activities are not required to obtain shoreline permits or local reviews under the Act. The SMP as written currently includes some of these exceptions within the list of exemptions. Relevant Section(s): 2.3.2 (17) and (19)	Revise section 2.1.1 to consolidate all SMA exceptions and incorporate Ecology’s recently revised rules with all applicable statutes, per the checklist guidance (also include fish habitat enhancement project exception into this section). Remove those currently listed in section 2.3.2 List of Exemptions. Relocate existing 2.1.1(1) to 2.1(7).
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	The SMP outlines specific permit filing procedures that are consistent with the 2011 statutory amendments, and includes reference to WAC 173-27-130. Relevant Section(s): 7.4 Permitting Procedures	No action required.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	The SMP addresses forest practices and allows timber harvest as a conditional use in the Urban Conservancy designation, and as a permitted use in Medium Intensity, Urban, Rural Residential, and Rural Resource Lands designations. The SMP does not reference WAC 222-50-020 and does not specify requirements for timber cutting alone. Relevant Section(s): 6.3.5 Forest Practices, Chapter 6 Table 6-1	Add provision 5 to section 6.3.5 to clarify that forest practices only involving timber cutting do not require Shoreline Development Permits.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	SMP specifies that federal agencies’ actions on federal lands are not required to comply with the provisions of the SMP and the Act, but that compliance is encouraged. There are no federal lands under exclusive federal jurisdiction in Clark County.	No action required.

Row	Summary of Change	Review	Action
		Relevant Section(s): 2.1.1 Developments Not Subject to the Shoreline Management Act	
g.	Ecology clarified “default” provisions for nonconforming uses and development .	SMP establishes tailored provisions for nonconforming uses and development and does not reference WAC 173-27-080. It also provides definitions for “Non-conforming Structure” and “Non-conforming Use” which both reference WAC 173-27-080, but does not specify a definition for Nonconforming Lots. Relevant Section(s): 2.5 Nonconforming Use and Development, Chapter 8 Definitions	Add definition for Nonconforming Lots into Chapter 8 using Ecology’s recommended language.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	The SMP specifically addresses periodic review procedures with accurate reference to WAC 173.26.090 in 7.2.3(2). This item is not required by the state. Relevant Section(s): 7.2.3(2) City Planning Commission	No action required.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	SMP does not reference the optional SMP amendment process in WAC 173-26-100 and WAC 173-26-104. Relevant Section(s): 7.2.3(1) City Planning Commission	Clarify references to WAC 173-26-100 and WAC 173-26-104.
j.	Submittal to Ecology of proposed SMP amendments.	SMP does not include a procedure on the submittal process of proposed SMP amendments to the Department of Ecology. This item is not required by the state.	No action required.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	SMP does not include a shoreline permit exemption for projects undertaken to comply with the Americans with Disabilities Act or otherwise provide physical access to a	Revise to include exemption using Ecology’s recommended language.

Row	Summary of Change	Review	Action
		structure by individuals with disabilities. Relevant Section(s): 2.3.2 List of Exemptions	
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Wetland provisions in the SMP do not adequately address Ecology's most recent guidance, as identified by Ecology's evaluation. Relevant Section(s): Chapter 5A Section 20.740.140 Wetlands	Update provisions in Chapter 5A section 20.740.140 to align with Ecology's most recent guidance (also reflected in Table 2).
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	SMP does not include specific procedures for local review shoreline permits, and instead references appropriate VMC code for Types II and III review procedures. This item is not required by the state.	No action required.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	SMP addresses this new definition and policy. Relevant Sections(s): Chapter 8 Definition "Floating on-water residence," Section 6.3.11.2(1).	No action required.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The SMP addresses appeals for SMP amendments (including a map amendment) to be appealed to the Growth Management Hearings Board in accordance with RCW 90.58.190, which is accurately stated as a jurisdiction "fully planning" under the GMA. Relevant Section(s): Section 7.4.8.5 State Growth Management Hearings Board in Chapter 7 Administration and Enforcement	No action required.

Row	Summary of Change	Review	Action
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	SMP states that designation of wetlands will be in accordance with the approved federal wetland delineation manual and applicable regional supplements. Relevant Section(s): Section 20.740.140(A)(1) in Chapter 5A VMC 20.740 Critical Areas Protection	No action required.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable in the City of Vancouver.	No action required.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	SMP includes language consistent with the state statute in various sections: Nonconforming uses and development, general shoreline use and development regulations, in the residential use section of Table 6-1, in use-specific development regulations, and in the definitions. Relevant Section(s): 2.5.2(7), 5.1(8), Table 6-1 Shoreline Use, Modification and Development Standards in Residential Uses, 6.3.11.2, Chapter 8 definition of "Floating Homes"	No action required.
d.	The Legislature authorizing a new option to classify existing structures as conforming .	SMP includes a provision indicating use of the option provided in RCW 90.58.620. Relevant Section(s): 2.5.3(4)	No action required.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	SMP addresses clarifications to the relationship between the SMA and GMA and the correct effective date. Relevant Section(s): 5.3 Critical Areas, 1.9 Effective Date	No action required.

Row	Summary of Change	Review	Action
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	SMP includes “relief” procedures within an Urban Growth Area (UGA) related to shoreline restoration projects causing a shift in the OHWM as part of 5.1 General Shoreline Use and Development Regulations, and states that a substantial development permit is not required for land within a UGA under these circumstances in the list of exemptions. This allowance only occurs if relief has been sought under these circumstances and approved by both the city and Ecology, and including the existing language in this section divorces this action from the remainder of the provision in RCW 90.58.580. Relevant Section(s): 5.1.2(15), 2.3.2(15)	Remove 2.3.2(15) from the list of exemptions (recommended by Ecology), and relocate with the remainder of the provision in new section 5.1.2(15).
b.	Ecology adopted a rule for certifying wetland mitigation banks .	SMP authorizes use of wetland mitigation banks for use as mitigation for unavoidable impacts in Chapter 5A VMC 20.740 Critical Areas Protection. Relevant Section(s): 20.740.140.C(d)(2)(d)(1) Wetland Mitigation Banks	No action required.
c.	The Legislature added moratoria authority and procedures to the SMA.	Not included in the SMP, and not required by the state.	No action required.
2007			
a.	The Legislature clarified options for defining “floodway” as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	SMP uses FEMA maps to define the floodway, but does not include the word “effective” for the FEMA maps. Relevant Section(s): Chapter 8 definition of “Floodway”	No action required.
b.	Ecology amended rules to clarify that comprehensively updated	SMP provides a list of streams and lakes in section 2.1	No action required.

Row	Summary of Change	Review	Action
	SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	Applicability, and references the Shoreline Map for the City and its UGA. Relevant Section(s): 2.1(f), 2.1(g), 2.1(h)	
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	SMP includes an exemption for fish habitat enhancement projects that conform to provision of RCW 77.55.181, but it does not reference WAC-173-27-040. Relevant Section(s): 2.3.2(18)	No action required.

3. Additional Amendments

Project staff reviewed updates made to the Comprehensive Plan and development regulations since the comprehensive update of the SMP in 2012 to determine any inconsistencies and necessary amendments to address these. Staff also reviewed the SMP for general usability and effectiveness, and identified recommendations for amendments that would improve clarity, consistency, and relevancy of regulations.

These proposed amendments resulted from staff implementation of the SMP, issues brought forward by stakeholders, and coordination with Ecology to address outdated provisions that may be noncompliant with most recent guidance and require immediate action. Table 2 summarizes proposed amendments included in the current draft of the amended SMP.

Table 2. Summary of proposed amendments for consistency with city plans and development regulations, and other locally-initiated amendments

<i>Item #</i>	<i>SMP section</i>	<i>Summary of Change</i>	<i>Review</i>	<i>Action</i>	<i>SMP Guidelines Consistency</i>
1	5.1.15, 5.6.2.12, 6.3.3.1(5), 6.4.2.2(3), 6.4.9.1(4)	Expand sections of the SMP related to mitigation for adverse impacts to shallow-water habitat to include creation, enhancement, and/or payment of mitigation bank credits.	SMP as currently written limits options for mitigation of impacts to shallow-water habitat to creation of new shallow-water habitat, which is not always possible on a site.	Amend section 5.1.15 (new section 5.1.2(6)), 5.6.2(12), 6.3.3.1(5), 6.4.2.2(3), and 6.4.9.1(4) to include creation, enhancement, and/or payment of mitigation bank credits as mitigation for loss of shallow-water habitat.	-
2	6.4.9.1(4)	Replace existing terms of “extreme edge or bank” with specific and defined terms to clarify under what circumstances revetments can be located partially below the OHWM, that they are not considered fill, and when and how adverse impacts to shallow-water habitat require mitigation.	This SMP criteria as currently written does not provide adequate specificity to determine whether the intent of the mitigation action is met. Provisions in this section of the SMP are also unclear and lead to subjectivity in determining under what circumstances revetments can be located partially below the OHWM. This required an Administrative Interpretation to be drafted by the City and approved by	Amend section 6.4.9.1(4) to include additional revetment siting standards and expand mitigation options for adverse impacts to shallow-water habitat (see item #1)	Proposed amendment is consistent with WAC 173-26-231(3)(c) and replaces an Administrative Interpretation approved by Ecology.

Item #	SMP section	Summary of Change	Review	Action	SMP Guidelines Consistency
			Ecology in August 2019. Proposed SMP revisions will replace this Administrative Interpretation.		
3	Ch. 5A, Ch. 5A 20.740.140, Ch 5A 20.740.120, 5.3	In Chapter 5A, make substantive updates to wetlands regulations in 20.740.140 as identified in Ecology's evaluation, remove provisions from the Frequently Flooded Areas section and include a soft reference to the VMC 20.740.120, and update Chapter 5A to be consistent with Title 20 Critical Areas Protection code updates since 2012. In section 5.3, clarify the relationship between critical areas regulations and their applicability in shoreline jurisdiction for ease of use by both applicants and planning officials.	Chapter 5A of the SMP contains the nested VMC 20.740 Critical Areas Protection regulations as modified for application in shoreline jurisdiction which was last updated in 2012. Since then, the Title 20 Critical Areas regulations have undergone substantive updates to comply with state requirements, non-substantive updates for clarity, and reformatting. Chapter 5A of the SMP also includes the entirety of the VMC 20.740 Critical Areas Protection code. Ecology has recommended the city not fully integrate the Frequently Flooded Areas section within the SMP to avoid issues with implementation under the NFIP, and identified regulations within the Wetlands section that are outdated with Ecology's most recent guidance and require revision. Section 5.3 of the SMP includes provisions that were specific to critical areas permitting and create confusion about applicability in shoreline jurisdiction. It also includes	Amend Chapter 5A as follows: Replace existing Chapter 5A with VMC 20.740 Critical Areas Protection and modify for applicability in shoreline jurisdiction to make consistent with the most recent Title 20 CAO updates since 2012, update provisions in section 20.740.140 to align with Ecology's most recent guidance, and remove the full incorporation of the city's flood ordinance in section 20.740.120 and add a soft reference to VMC 20.740.. Revise section 5.3 to clarify how critical areas regulations apply in shoreline jurisdiction and relocate mitigation sequencing provisions to new section 5.1.2 and Chapter 5A.	The proposed amendments to wetlands regulations in 20.740.140 would update identified provisions to align with Ecology guidelines and are consistent with WAC 173-26-221(2)(c)(i).

Item #	SMP section	Summary of Change	Review	Action	SMP Guidelines Consistency
			reference to mitigation sequencing which are more appropriately located within other sections of the SMP.		
4	2.1.1	For all other shorelines within city limits not included in the area along the Columbia River from Wintler Park to the Vancouver Flushing Channel, maintain the full extent of the 100-year floodplain in shoreline jurisdiction for conservancy designations, and apply minimum jurisdiction in high intensity and medium intensity designations to allow for reasonable use of land and development where intended.	The existing SMP includes the full extent of the floodplain in shoreline jurisdiction with the exception of properties along the Columbia River from Wintler Park to the eastern boundary of Port of Vancouver Parcel 3 where minimum jurisdiction is applied. This application of shoreline jurisdiction to include the full extent of the floodplain is voluntary and not required by state law. Any change to shoreline jurisdiction will require associated Shoreline Designation Map changes.	Amend the extent of shoreline jurisdiction in section 2.1.1 as follows: Apply minimum shoreline jurisdiction, as allowed by the law, to the High Intensity and Medium Intensity designations. Retain the full extent of the 100-year floodplain in the Urban Conservancy and Natural designations in shoreline jurisdiction. Map revisions reflecting these changes as described in Item 4.	Proposed amendment consistent with RCW 90.58.030(2)(d).
5	Appendix A	Update Shoreline Designation Maps to reflect the change to shoreline jurisdiction proposed in item 4.	Existing Shoreline Designation Maps in Appendix A of the SMP will require updates to reflect change to shoreline jurisdiction described in item 4. This change will primarily apply on Port Parcel 3 to the Vancouver Flushing Channel and south/southeast of Vancouver Lake, as well as in some areas along Burnt Bridge Creek and east of Wintler Park along the Columbia River.	Revise Shoreline Designation Maps to reflect change in shoreline jurisdiction on impacted properties.	Proposed amendments to shoreline jurisdiction would be reflected in updated unofficial Shoreline Designations Maps consistent with WAC 173-26-211(2)(b) and WAC 173-26-110(3).

Item #	SMP section	Summary of Change	Review	Action	SMP Guidelines Consistency
6	Table 6-1	Change structural shoreline stabilization to a permitted use in high intensity designations to eliminate undue process on properties that already have developed shorelines.	Structural shoreline stabilization in high intensity designations is currently a shoreline conditional use in the SMP requiring a public hearing and a decision by Ecology. Changing to a permitted use will allow approval administratively while still ensuring consistency with the standards in the SMP.	Amend Table 6-1 to make structural shoreline stabilization a permitted use in high intensity designations.	-
7	6.3.12	Allow a signage master plan or sign program to be developed through a Special Sign District Process under VMC 20.960.110 in order to supersede SMP requirements, where appropriate.	The SMP contains restrictions for signs that are additional to the City Sign Code (VMC 20.960). The SMP places limitations on signs for commercial purposes and illuminated signs, as well as prohibits overwater and rooftop signs. The City Sign Code allows for establishment of a Special Sign District that allows sign regulations to be tailored to a specific area.	Add provision 6 to section 6.3.12 Signs that allows a City-approved master plan or sign program to supersede the SMP sign provisions.	-
8	Table 6-1, 6.3.7	Change non-water oriented institutional uses in high and medium intensity designations to a permitted use to reduce undue process while maintaining provisions that encourage water-oriented uses, where feasible.	Non-water oriented institutional uses are currently conditional uses with a footnote directing to provisions in section 6.3.7 that provide limitations on the flexibility to allow these over water-oriented uses. The proposed change removes the additional process of a conditional use permit while maintaining these provisions to restrict this flexibility and ensure that non-water-oriented	Amend Table 6-1 to make non-water-oriented institutional uses permitted in high and medium intensity designations, and revise 6.3.7 to make consistent.	Proposed amendment would provide flexibility to allow non-water-oriented institutional uses where water-dependent, water-related, or water-enjoyment uses are not feasible, but maintains the priority for water-oriented uses consistent with

Item #	SMP section	Summary of Change	Review	Action	SMP Guidelines Consistency
			institutional uses are only allowed where appropriate or water-related uses are not feasible.		WAC 173-26-211(5)(d)(ii)(A).
9	Table 6-1	Make height limitation 35' for non-water-oriented commercial uses in medium and high intensity designations to be consistent with the allowance for other uses.	Table 6-1 currently specifies a maximum height of 25' for non-water-oriented commercial uses which is inconsistent with the allowance for other uses.	Amend Table 6-1 to allow the height limitation of non-water-oriented commercial uses in medium and high intensity designations to be 35'.	Proposed amendment is consistent with RCW 90.58.320.
10	6.4.2.3	Defer to the review and approval under federal requirements for disposal of dredging material and encourage environmentally sound beneficial uses, when feasible.	SMP includes a provision that gives preference to land disposal for dredging material over in water disposal. Use of either method requires review and approval by multiple federal agencies and must adhere to federal requirements and requirements within the SMP.	Remove provision 6.4.2.3(5)(a) giving preference to land disposal and add language to 6.4.2.3(1) encouraging environmentally sound beneficial uses, when feasible, consistent with WAC 173-26-231.	Proposed amendment is consistent with WAC 173-26-231(3)(f).
11	2.3.3, 7.4.2, 7.4.9	Only require mailings for exemptions that require a federal permit.	SMP requires the city to mail all statements of exemption while state law requires that statements of exemption are mailed to Ecology only if the project involved a federal permit.	Amend section 7.4.9 so statement of exemption is consistent with what is required by state law.	Proposed amendment consistent with WAC 173-27-050.
12	Ch. 2, Ch. 3, Ch. 5, Ch. 5A, Ch. 6, Ch. 7	Make amendments to address non-substantive items that will improve readability and usability for both applicants and planning officials.	Existing SMP contains section references that may be outdated, errors, duplications, unclear or inaccurate language and/or process, and formatting issues.	Revise with accurate section references, address unclear or inaccurate language and/or process, eliminate duplications, and fix formatting and errors where applicable.	-

Item #	SMP section	Summary of Change	Review	Action	SMP Guidelines Consistency
13	4.3.4, 6.3.4,	Include allowances for non-water-oriented commercial uses per WAC 173-26-241 to provide flexibility where appropriate or where water-oriented uses are not feasible.	The existing SMP currently provides flexibility to allow non-water-oriented commercial uses if the development as part of a mixed-use project, but does not currently incorporate provisions in WAC 173-26-241 providing flexibility if navigability is severely limited at the proposed site or if the site is physically separated from the shoreline.	Revise 4.3.4.4(6) and 6.3.4(4) to include expanded allowances consistent with WAC 173-26-241.	Proposed amendment consistent with WAC 173-26-241(3)(d).

Planning Commission

TO: Planning Commission **HEARING DATE:** 2/9/2021

FROM: Cayla Cothron, Associate Planner; and Keith Jones, Senior Planner, Community and Economic Development Department

SUBJECT: Periodic review and update to the Vancouver Shoreline Master Program, as required by the Washington State Shoreline Management Act under RCW 90.58.080(4).

Report Date: 1/26/2021

Proposal: Proposed amendments to Vancouver's Shoreline Master Program, including text and map changes, for the periodic review and update.

Location: City of Vancouver

City Staff: Cayla Cothron, Associate Planner, cayla.cothron@cityofvancouver.us, (360) 487-7899

Recommendation: Forward to City Council a recommendation to approve proposed amendments to the Shoreline Master Program.

I. PRIOR COMMISSION REVIEW:

Since the periodic review of the Vancouver Shoreline Master Program (SMP) was initiated in late 2019, Planning Commission has reviewed progress through an April 1, 2020 memo in lieu of a workshop, and at workshops on July 14, 2020 and December 8, 2020. This project has also been reviewed by City Council through a January 30, 2020 memo in lieu of a workshop, and at workshops on August 30, 2020 and January 4, 2021.

Upcoming City Council review of the proposed amendments to the SMP includes a first reading on March 22 and public hearing on April 5.

II. BACKGROUND AND REVIEW PROCESS:

Vancouver is conducting a periodic review of its Shoreline Master Program (SMP) as mandated by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4), and in coordination with the Washington State Department of Ecology. The Act requires each local SMP to be reviewed and revised, if needed, every eight years to ensure consistency with changes to state laws and rules and other city plans and regulations, and responsiveness to changed circumstances, new information, and improved data.

The Shoreline Management Act (SMA) of 1971 provides a statewide framework for managing, accessing, and protecting shorelines with an overarching goal "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

Under the Act, cities and counties are required to prepare and adopt a Shoreline Master Program (SMP) which is used to jointly administer the SMA with the State Department of Ecology (Ecology). The SMP consists of a long-range plan that defines goals and policies for shoreline development consistent with the Comprehensive Plan, a set of regulations that applies to any change in land use or permitted activity that occurs within shoreline jurisdiction, and a framework for permit review and approval and enforcing regulations.

In alignment with Ecology guidance on the periodic review process, project staff reviewed the existing SMP and identified proposed amendments, which were presented at a July 14 Planning Commission workshop, August 3 City Council workshop, and September 16 public open house held virtually due to COVID-19 limitations (materials for these can be viewed on the [project website](#)). Feedback from the Commission consisted of clarifying questions about implementation, and details and potential implications of the proposed amendments. Council feedback focused on high intensity designations, implications of specific proposed amendments, and the format of the public open house.

Community input received at the September 16 public open house included concerns about enforcement of violations in shoreline jurisdiction, specifically related to impacts of unauthorized camping along Burnt Bridge Creek to shorelines and water quality. The project team reviewed these issues in coordination with Ecology and determined that they are not within the purview of the periodic review planning process. While enforcement provisions exist in the SMP, jurisdictions are constrained in their ability to address these activities in the same way as other code enforcement issues per court rulings and city policy surrounding homelessness and the COVID-19 pandemic. Related to water quality concerns, the City addresses water quality protection and improvement across a variety of programs, both citywide and specific to Burnt Bridge Creek. More information about these city efforts can be viewed [here](#).

Project staff drafted language for the proposed amendments to the SMP which was reviewed by the Planning Commission and City Council at workshops on December and January 4, respectively. The draft amended SMP includes proposed text changes in strikethrough/underline format, associated proposed map changes, and the updated Summary of Proposed Amendments in the format of the Periodic Review Checklist provided by Ecology. These deliverables can be found in attachments to this staff report and on the [project website](#).

Commission deliberation at the December 8 workshop primarily consisted of questions about the SMA's role in addressing unauthorized camping along shorelines, inclusion of the full extent of the 100-year floodplain in shoreline jurisdiction as part of the 2012 comprehensive update and the circumstances surrounding the proposed changes to shoreline jurisdiction, technical details of several proposed amendments, and clarifications on how SMP regulations are implemented and their relationship to other development codes, such as floodplain or critical areas regulations. More information about Commissioner questions and responses by project staff, as well as an audio recording of the full December 8 Planning Commission workshops discussion can be found in the January 4 City Council workshop memorandum [here](#). Council feedback at the January 4 workshop focused on the applicability of the City's SMP to shorelines in the Urban Growth Area (UGA), and

clarification on whether or not the SMP addresses the impacts of unauthorized camping along shorelines.

III. SUMMARY OF ISSUE:

The periodic review proposal includes [text changes](#) in strikethrough/underline format and associated [map changes](#) to ensure the SMP stays current with changes in laws and rules, remains consistent with other city plans and development regulations, and is responsive to changed circumstances, new information, and improved data. The proposed amendments are summarized below, and the full detailed list can be found in the Summary of Proposed Amendments provided as an attachment to this staff report:

State Legislative Amendments

- Revise cost thresholds for shoreline permit exemptions.
- Add new shoreline permit exemption to comply with the Americans with Disabilities Act and state law.
- Clarify process, definitions, and/or references to comply with state law.
- Update wetlands regulations to align with Ecology's most recent critical areas guidance.

Additional Amendments

- Fix errors and address issues of clarity, consistency, redundant or inaccurate language and/or process and relevancy of regulations.
- Expand sections of the SMP related to mitigation for adverse impacts to shallow-water habitat to include creation, enhancement, and/or payment of mitigation bank credits.
- Replace existing terms of "extreme edge or bank" with specific and defined terms to clarify under what circumstances revetments can be located partially below the Ordinary High Water Mark (OHWM), that they are not considered fill, and when and how adverse impacts to shallow-water habitat require mitigation.
- Remove provisions from the frequently flooded areas section not required to be included in the SMP, and include a soft reference to the Title 20 critical areas regulations.
- Update SMP Chapter 5A to be consistent with VMC Title 20 Critical Areas Protection code updates since 2012, and amend for applicability and permitting in shoreline jurisdiction.
- For all other shorelines within city limits not included in the area along the Columbia River from Wintler Park to the Vancouver Flushing Channel, maintain the full extent of the 100-year floodplain in shoreline jurisdiction for conservancy designations, and apply minimum jurisdiction (200 feet from ordinary high water mark) in High Intensity and Medium Intensity designations to allow for reasonable use of land and development where intended. Update Shoreline Designation Maps to reflect this proposed change to shoreline jurisdiction.
- Change structural shoreline stabilizations to a permitted use in High Intensity designations (currently a conditional use) to eliminate undue process on properties that already have developed shorelines.

- Allow a signage master plan or sign program to be developed through a Special Sign District Process in order to supersede SMP requirements, where appropriate.
- Clarify the relationship between critical areas regulations and their applicability in shoreline jurisdiction for ease of use by both applicants and planning officials.
- Only require mailings for shoreline statement of exemptions that require a federal permit.
- Make height limitation 35' for non-water-oriented commercial uses in Medium and High Intensity designations to be consistent with the allowance for other uses.
- Change non-water oriented institutional uses in High and Medium Intensity designations to a permitted use to reduce undue process while maintaining provisions that encourage water-oriented uses, where feasible.
- Include allowances for non-water-oriented commercial uses per state law to provide flexibility where appropriate or where water-oriented uses are not feasible.
- Defer to the review and approval under federal requirements for disposal of dredging material and encourage environmentally sound beneficial uses, when feasible.
- Make amendments to address non-substantive items that will improve readability and usability for both applicants and planning officials.

IV. REVIEW CRITERIA AND FINDINGS:

Consistency with Washington State Law and Rules

The regulatory framework that guides local SMP policies includes the Revised Code of Washington (RCW) Chapter 90.58 and Washington Administrative Code (WAC) Chapter 173-26. The state legislative amendments being proposed ensure consistency with state law and rules governing the SMP and can be viewed in the [Periodic Review Checklist guidance](#) as provided by the Washington State Department of Ecology. Review of the proposed additional amendments for consistency with the RCW and WAC, where applicable, was also conducted, and can be found in the 'SMP Guidelines Consistency' column in Table 2 of the Summary of Proposed Amendments provided as an attachment to this staff report.

Applicable Zoning Code Standards

Section 20.285.070 Comprehensive Plan or Zoning Code Text Amendments

A. *Text amendments to the Comprehensive Plan or VMC Title 20 zoning standards shall demonstrate the following:*

1. *The proposal is consistent with the applicable provisions of the Vancouver Strategic Plan and Comprehensive Plan; and*
2. *The proposed change is necessary to further the public interest based on present needs and conditions.*

Applicable Comprehensive Plan Policies

EN-5 Environmental Coordination: Coordinate environmental policies and programs. Continue to consolidate environmental regulations.

EN-6 Habitat: Protect riparian areas, wetlands, and other fish and wildlife habitat. Link fish and wildlife habitat areas to form contiguous networks. Support sustainable fish and wildlife populations.

Applicable Strategic Plan Policies

Goal 1. Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

Staff Findings: The proposed amendments to Vancouver's Shoreline Master Program were developed in coordination with the Washington State Department of Ecology. A SEPA checklist has been prepared and a Determination of Non-Significance was issued, finding there would be no significant adverse environmental impacts from the proposed amendments. One comment of support from the City of Vancouver Fire Department was received on the SEPA determination. The proposed amendments resulting from the periodic review process adhere to the SMP guidelines found in relevant sections of the RCW and WAC, and ensure consistency with other city plans and development regulations, and is responsive to changed circumstances, new information, and improved data.

The proposed amendments to the SMP are also consistent with the Vancouver Strategic Plan, Vancouver Comprehensive Plan and other applicable laws, and the public interest. The proposed amendments further Comprehensive Plan policy EN-5 by providing consistency and clarity between environmental regulations within the SMP and in the Title 20 Critical Areas Protection code. Proposed amendments to wetlands regulations furthers Comprehensive Plan policy EN-6 by updating outdated regulations to align with Ecology's most recent critical areas guidance and ensure adequate protection of these critical areas. The proposed amendments resulting from the periodic review furthers Goal 1 of the strategic plan by ensuring the SMP stays current and adaptable to ensure environmental protection in shoreline development.

V. RECOMMENDED ACTION:

Based on the analysis and findings in this report, and subject to public testimony, staff recommends that the Planning Commission forward a recommendation to the Vancouver City Council to approve the periodic review and proposed amendments to the Vancouver Shoreline Master Program described herein.

Cayla Cothron, Associate Planner, cayla.cothron@cityofvancouver.us or (360) 487-7899

Attachments:

- A. [Summary of Proposed Amendments \(December 2020\)](#)
- B. [Draft Amended SMP – Proposed Text Changes](#)
- C. [Draft Amended SMP – Proposed Map Changes](#)
- D. [Technical Review and Analysis of Proposed Change to Shoreline Jurisdiction](#)

TO: Cayla Cothron, Associate Planner, City of Vancouver
CC: Jackie Chandler, Shoreline Administrator, WA Department of Ecology
FROM: Kim Van Zwalenburg, Senior Shoreline Planner, WA Department of Ecology
Date: March 5, 2021
Subject: **SMP Periodic Review** - Initial Determination of Consistency
Sent via email to: Cayla.cothron@cityofvancouver.us

Use of this Document

Ecology's *Determination of Initial Concurrence* provides Ecology's review of the proposed amendment to the City of Vancouver (City) Shoreline Master Program (SMP). This document is divided into two sections: **Findings of Fact**, which provides findings related to the City's proposed amendment, amendment history, and the review process and **Initial Determination** of the proposed amendment with next steps.

Attachment 1 itemizes issues that can be addressed prior to Ecology's final approval of the proposed amendment.

Brief Description of Proposed Amendment

The City of Vancouver (City) is undergoing a statutorily required periodic review of their Shoreline Master Program (SMP) and has submitted their draft SMP amendment to Ecology for an initial determination as required by the joint review process and consistent with WAC 173-26-104(3). The SMP regulates shoreline uses and activities along shorelines within city limits including portions of the Columbia River, Vancouver Lake, Burnt Bridge Creek, Lacamas Creek Salmon Creek, Mill Creek, Curtin Creek and Lake River.

FINDINGS OF FACT

Need for amendment

Vancouver comprehensively updated their master program in September 2012 and amended their SMP twice, in 2017 and 2018. The proposed amendment is needed to comply with the statutory deadline for a periodic review of the SMP pursuant to RCW 90.58.080(4). The City has also proposed revisions to address changed local circumstances, new information and improved data.

SMP provisions to be changed by the amendment as proposed

The City prepared a checklist and an analysis documenting the proposed amendment. The amendment will bring the SMP into compliance with requirements of the Shoreline Management Act, or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate revisions deemed necessary to reflect changed circumstances, new information, or improved data.

Vancouver's SMP is a standalone document containing goals, policies and regulations, and the Official Shoreline Map (which sets forth Shoreline Designations). The goals and policies set forth in chapters 3 and 4 are considered an element of the City's comprehensive plan. All other portions of the SMP are

part of the City's development regulations. Critical area regulations are embedded in the SMP in Chapter 5A.

Vancouver Municipal Code (VMC) Chapter 20.760 Shoreline Management Area establishes the boundaries of the Shoreline Management Area and references and implements the Shoreline Master Program (Ord. M-3231, as amended).

In addition to overarching organizational changes, general edits to correct and update syntax, and formatting and citation corrections, the following sections of the SMP are proposed to be amended:

1. Chapter 2. Applicability, Shoreline Permits and Exemptions

- a. 2.1 Applicability is revised, reducing the extent of shoreline jurisdiction from the entire 100-year floodplain to the minimum allowed by the Shoreline Management Act. These revisions affect shorelines along portions of Burnt Bridge Creek, areas south and southeast of Vancouver Lake on the outer edge of the floodplain, and segments along the Columbia River from the eastern city limits downstream to Wintler Park, and portions of Port Parcel 3. Shoreline jurisdiction for all other shoreline areas in the City remain the full extent of the 100-year floodplain. Related changes are made to the Shoreline Map in Appendix A.
- b. Language is relocated from 2.1.1 clarifying the applicability of the SMP to Tribes and Tribal activities.
- c. 2.1.1 is revised consistent with WAC 173-27-044 and 173-27-045 to address those developments not subject to shoreline permits or local review.
- d. 2.3.2 List of Exemptions is updated to include new monetary thresholds for substantial development and docks; two provisions (nos. 17 and 19) now listed in 2.1.1 are deleted; an exemption addressing ADA retrofits is added; and two provisions which are not exemptions (nos. 15 and 16) are removed.
- e. 2.3.3 Statements of Exemption is revised to clarify when an exemption letter is sent.

2. Chapter 4. Shoreline Designations

- a. 4.3.4 Medium Intensity Shoreline Designation. Management policies in 4.3.4.4 are revised. Preference for water-oriented uses is retained while the policy related to allowances for non-water-oriented commercial uses is expanded consistent with WAC 173-26-241(3)(d). Related changes are in 6.2 Shoreline Use, Modification and Standards, Table 6-1 Commercial Uses, and in 6.3.4 Commercial Development.

3. Chapter 5. General Shoreline Use and Development Regulations

- a. 5.1 Provisions in this section are reorganized into two subsections. Additional revisions clarify relief procedures allowed in urban growth areas due to shoreline restoration projects, and expand mitigation options for developments on the Columbia River requiring work within the Aquatic Shoreline Designation.
- b. 5.3 Critical Areas Protection. This section is reorganized, removing the one subsection (5.3.1 General Provisions) and deleting the existing regulations. These are replaced with language clarifying how critical areas regulations, contained in Chapter 5A of the SMP, are implemented in shoreline jurisdiction.
- c. 5.6 Site Planning and Development. Regulation 5.6.1(1) duplicates the first regulation in 5.6.2 and is deleted. Regulation 5.6.2(12) is revised to expand mitigation options for fill in the Columbia River consistent with the revision in 5.1.2(6).

- d. New subsection 5.10 Septic Systems is added, and existing regulation 5.9(8) is relocated into this subsection.

4. Chapter 5A Critical Areas Regulations

All of existing Chapter 5A is struck and replaced with language from the City's updated Critical Areas Protection Ordinance (Chapter 20.740), ensuring it is current with the code updates which have occurred since 2012.

New SMP Chapter 5A is retitled, and the language throughout is modified for application in shoreline jurisdiction and for consistency with the SMA and implementing rules¹. Changes include referencing the Shoreline Administrator, removing critical area permit requirements, aligning exemptions with SMP requirements, use of shoreline variance permits in place of reasonable use provisions and minor exceptions, ensuring critical area reviews are integrated into shoreline permit decisions or review, updating mitigation sequencing language, revising wetland habitat score ranges and related revisions to the wetland buffer tables consistent with Ecology guidance, ensuring trails are located in the outer 25 % of the wetland buffer and updating the language on stormwater management facilities in wetland buffers.

The most significant revision removes the City's Frequently Flooded Areas code (VMC Chapter 20.740.210) from Chapter 5A. The SMP makes clear these flood regulations apply throughout shoreline jurisdiction but are not directly incorporated into the master program. This helps reduce potential conflicts in administration of the flood code as required by the NFIP and FEMA. In addition, this change avoids the need for SMP amendments to incorporate future flood code updates being dictated by FEMA and/or Ecology. The SMP remains consistent with the flood hazard reduction² provisions of the SMP Guidelines.

5. Chapter 6 Specific Shoreline Use Regulations

- a. 6.2 Shoreline Use, Modification and Standards Table. Table 6-1
 - i. Docks – Footnote 1 is revised to clarify that commercial and industrial docks are permitted while private residential docks may only be community or joint-use.
 - ii. Commercial Uses is revised, adding reference to footnote 2 and increasing the height allowance from 25' to 35' for non-water oriented commercial uses.
 - iii. Allowance for non-water oriented institutional uses is revised from a conditional use to a permitted use in the Medium and High Intensity designations, and the restriction to mixed use developments is removed in footnote 4.
 - iv. Signs - A new footnote 16 is added to clarify sign requirements. A related change is made in 6.3.12.
 - v. Allowance for structural shoreline stabilization in the High Intensity designation is revised from a conditional use to permitted.
- b. 6.3.3 Boating Uses – Mitigation options for adverse impacts of boating facilities to shallow water habitat are expanded. (6.3.3.1(5))

¹ RCW 90.58, WAC 173-26-221, WAC 173-22 and WAC 173-27

² WAC 173-26-221(3). See SMP 3.6 Flood Prevention and Flood Damage Minimization and 6.4.3 Flood Control Works and In-Stream Structures. Additional regulations are found in use-specific sections of the SMP including 6.3.10 Recreational Development (see 6.3.10(5)) and 6.3.11 Residential Development (see 6.3.11(6) and (8)).

- c. 6.3.4 Commercial Uses is revised. Preference for water-oriented uses is retained while the allowances for non-water-oriented commercial uses is expanded consistent with WAC 173-26-241(3)(d). Related changes are in 4.3.4 Medium Intensity Designation Management Policies and 6.2 Shoreline Use, Modification and Standards, Table 6-1 Commercial Uses.
- d. 6.3.5 Forest Practices is revised adding regulation 5 which clarifies timber harvest is not a development.
- e. 6.3.12 Signs is revised to allow for sign requirements as part of a Special Sign District to prevail over the SMP sign provisions.
- f. 6.4.2.2 Dredging is revised to expand mitigation options for adverse impacts to shallow water habitat.
- g. 6.4.2.3 Dredge Material Disposal is revised to encourage environmentally sound beneficial uses of dredge material and removes the preference for land disposal.
- h. 6.4.9 Revetments – language is added to clarify that revetment elements below the OHWM are not considered fill, and to expand mitigation options for adverse impacts to shallow water habitat.

6. Chapter 7 Administration and Enforcement

Revisions throughout the chapter improve clarity on the City's decision making process.

7. Chapter 8 Definitions

- a. Definitions are revised for the following terms: date of filing, development, and substantial development.
- b. Definition for the following term is added: non-conforming lot.

8. Appendix A - Shoreline Designation Map

Maps are revised to reflect the proposal to change the extent of shoreline jurisdiction along Medium Intensity and High Intensity designations, as set forth in SMP Section 2.1.1. The City proposes reducing shoreline jurisdiction from the full extent of the 100-year floodplain to the minimum allowed by the SMA. These changes affect Columbia River shorelines from Wintler Park upstream to the city limits, Port of Vancouver Parcel 3 to the Flushing Channel, areas south and southeast of Vancouver Lake on the outer edges of the floodplain, and portions of Burnt Bridge Creek.

Amendment History, Review Process

The City prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines. An important element of the public participation plan is the City's SMP Periodic Review project [website](#)³. City staff developed draft documents. Due to the COVID-19 pandemic, the City held public meetings in a virtual format using GoToMeeting. The July 14, 2020 Planning Commission workshop, August 3, 2020 City Council workshop and September 16, 2020 public open house were all held remotely.

The City used Ecology's Periodic Review checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines, that have occurred since the master

³ <https://www.cityofvancouver.us/ced/page/shoreline-master-program-periodic-review>

program was last amended, and determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i). The City also reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii). The City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii). The City consulted with Ecology and solicited comments throughout the review process including opportunities to comment on draft materials in September, October and November 2020.

The City provided notice to local parties, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). The City's record indicates notice of the hearing was published in *The Columbian* on January 8, 2021. Ecology distributed notice of the joint comment period to state interested parties on January 5, 2021, including separate notice to the Yakama Tribe, Cowlitz Indian Tribe and the Confederated Tribes of Grand Ronde.

The City and Ecology held a joint local/state comment period on the proposed amendments following procedures outlined in WAC 173-26-104. The comment period began on January 8, 2021 and continued through February 8, 2021. A public hearing before the Planning Commission was held virtually via GoToMeeting on February 9, 2021.

The City accepted public comments on the proposed SMP amendments during the 30-day public comment period. Written comments were submitted by four individuals or organizations on the proposed amendments.

The City prepared a Comment Responsiveness Summary and considered all comments. Comments focused on concerns that protections for archaeological resources could be impaired by the proposed reduction in shoreline jurisdiction along the Columbia River; concern about long term maintenance of existing pilings which support nests for osprey and geese; and concerns about how the draft amendments may impact a proposal currently under review. The City reviewed and considered all comments and is proposing no additional revisions.

The proposed SMP amendments were received by Ecology on February 19, 2021 for initial state review. The submittal was supplemented on February 22, 2021 and verified as complete on February 25, 2021. This began Ecology's review and initial determination.

Ecology consideration of comments received

Ecology has reviewed all the comments received during the joint review process along with the City's responses. Ecology finds the City's responses are consistent with the statutory obligations for conducting periodic reviews. Ecology finds the City considered whether to incorporate any amendments to reflect changed circumstances, new information, or improved data, as provided or raised during the comment period. The City determined, and Ecology concurs, that no additional amendments are warranted at this time based upon the significance of this information and the existing SMP provisions⁴.

Other Studies or Analyses supporting the SMP amendments

Ecology also reviewed supporting documents prepared by or for the City in support of the SMP amendments. These documents include the public participation plan, the periodic review checklist,

⁴ WAC 173-26-090(3)(b)(iii)

supporting documents for the locally initiated amendments including a memo providing a technical review and analysis regarding shoreline jurisdictional changes, and the Staff Report on the SMP Periodic Review amendment.

Consistency with Chapter 90.58 RCW

The proposed amendments have been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with applicable guidelines (Chapter 173-26 WAC, Part III)

The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Periodic Review Checklist, which was completed by the City.

Consistency with SEPA Requirements

The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) January 8, 2021 for the proposed SMP amendments. The record indicates notice of the DNS was published in *The Columbian* on January 8, 2021.

Ecology recommended changes

Ecology has identified four recommended changes to the SMP amendment for consideration by the City. These can be found within Attachment 1, items Rec-1 through Rec-4.

Findings. *Ecology finds that Attachment 1, items Rec-1 through Rec-4 recommended changes, if implemented would be consistent with the policy and standards of RCW 90.58 and the applicable guidelines.*

INITIAL DETERMINATION

The following constitutes Ecology's written statement of initial concurrence, consistent with WAC 173-26-104(3)(b)(ii):

After review by Ecology of the complete record submitted and all comments received, Ecology has determined that the City's proposed amendment is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions).

Next Steps

Consider the recommended changes identified by Ecology. We anticipate being able to approve your SMP Periodic Review amendment after formal submittal is provided consistent with WAC 173-26-110.

ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline</u> -additions; strike through -deletions]	ECOLOGY - DISCUSSION/RATIONALE
Rec-1	5.1.1 Shoreline Use	7. On navigable waters or their beds, all uses and developments should be located and designed to: 8. a. <u>a.</u> Minimize interference with surface navigation; 9. b. <u>b.</u> Consider impacts to public views; and 10. c. <u>c.</u> Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration. 811.	Recommended correction to formatting error.
Rec-2	5.3.1 General Provisions	5.3.1 General Provisions	This title is no longer necessary as all regulations under this subsection are being deleted.
Rec-3	6.2 Shoreline Use, Modification, and Standards Table Table 6-1	15 <u>16</u> Sign requirements adopted with either a formally-approved master plan or through a Special Sign District under VMC 20.960.110 shall prevail over this section.	Typographical correction to the number of the footnote
Rec-4	7.4.2 Statement of Exemption	3. Applications for Statements of Exemption <u>under Section 2.3.3</u> are to be processed using the Type I review procedures as set forth in VMC 20.210.040. The Shoreline Administrator shall forward documentation of decisions on Statements of Exemption <u>to Ecology and to the applicant</u> as required by Section 7.92-33 <u>2.3.3</u> and WAC 173-27- 050130 or its successor.	Revisions are for recommended for improved clarity.

04/05/21
04/19/21

ORDINANCE NO. _____

AN ORDINANCE relating to the Shoreline Master Program periodic review as required by Revised Code of Washington (“RCW”) Chapter 90.58, the Shoreline Management Act; amending the City of Vancouver Shoreline Master Program (SMP) Chapter 2 Applicability, Shoreline Permits and Exemptions, Section 2.1 Applicability; Section 2.3 Exemptions from a Shoreline Substantial Development Permit; Chapter 3, Shoreline Master Program Goals and Policies, Section 3.6 Flood Prevention and Flood Damage Minimization; Chapter 4 Shoreline Designations, Section 4.3 Shoreline Designations; Chapter 5 General Shoreline Use and Development Regulations, Section 5.1 General Shoreline Use and Development Regulations; Section 5.3 Critical Areas Protection; Section 5.4 Public Access; Section 5.6 Site Planning and Development; Section 5.7 Vegetation Conservation; Section 5.9 Water Quality and Quantity; Chapter 5A VMC 20.740, Critical Areas Protection; Chapter 6 Specific Shoreline Use Regulations, Section 6.2 Shoreline Use, Modification, and Standards Table 6-1; Section 6.3 Use-specific Development Regulations; Section 6.4 Shoreline Modification Regulations; Chapter 7 Administration and Enforcement, Section 7.1 General Provisions; Section 7.2 Administrative Authority and Responsibility; Section 7.3 Master Program Amendments; Section 7.4 Permitting Procedures; Section 7.5 Enforcement; Section 7.8 Rescission of Permits; Chapter 8, Definitions; and Appendix A Unofficial Shoreline Designation maps; subject to approval by the Washington State Department of Ecology (Ecology); providing for severability; and providing for an effective date.

ORDINANCE - 1

WHEREAS, the Shoreline Management Act (SMA) requires City of Vancouver to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, the City of Vancouver adopted a comprehensive SMP update as required by RCW 90.58.080(2), which was effective as of September 24, 2012; and WHEREAS, RCW 90.58.080(4) requires City of Vancouver to periodically review and, if necessary, revise the master program on or before June 30, 2021; and WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the act or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, the City of Vancouver developed a public participation program for this periodic review in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the City of Vancouver has followed its adopted public participation program, including a project website, public review and comment period, and public open house held virtually due to COVID-19 limitations; and

WHEREAS, city staff submitted memorandums in lieu of work sessions to the City of Vancouver City Council and Planning Commission on January 30, 2020 and April 1, 2020, respectively; and

WHEREAS, the City of Vancouver used Ecology's checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have

occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the City of Vancouver reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii); and

WHEREAS, the City of Vancouver considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii); and

WHEREAS, the City of Vancouver Planning Commission and City Council reviewed staff recommendations and prepared initial amendments at work sessions on July 14, 2020 and August 3, 2020, respectively; and

WHEREAS, the City of Vancouver consulted with the Department of Ecology early and often during the drafting of the amendments. The City worked collaboratively with the Department of Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173-26-104; and

WHEREAS, the City of Vancouver Planning Commission and City Council held work sessions on the proposed amendments on December 8, 2020 and January 4, 2021, respectively; and

WHEREAS, the City of Vancouver conducted a duly-noticed formal public comment period from January 8 through February 8, 2021 in compliance with requirements of WAC 173-26-104; and

ORDINANCE - 3

WHEREAS, the City of Vancouver published a legal notice in the Columbian on January 8, 2021 for a public hearing on the proposed Planning Commission recommendation(s), including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, a State Environmental Policy Act (SEPA) environmental checklist was prepared based upon Planning Commission Public Hearing Draft, and the City of Vancouver SEPA responsible official issued and circulated a copy of the checklist and a Determination of Non- Significance (DNS) on January 8, 2021; and

WHEREAS, the City provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5); and

WHEREAS, the Planning Commission and Ecology took public testimony on the proposed amendments to the SMP at a duly-noticed public hearing, consistent with WAC 173-26-090(3)(c)(iii), on February 9, 2021; and

WHEREAS, the Planning Commission reviewed the public testimony and written comments on the proposed SMP revisions; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments and forwarded it to the City Council for review and adoption; and

WHEREAS, the City of Vancouver submitted to Ecology on February 19 and February 25, 2021 the Planning Commission's recommended amendments to the SMP for review and an Initial Determination of Consistency in accordance with WAC 173-26-104(3)(a); and

WHEREAS, Ecology sent an Initial Determination of Consistency on March 5, 2021 which included four recommended changes to the proposed SMP amendments; and

ORDINANCE - 4

WHEREAS, Ecology's recommended changes were incorporated into the proposed amendments for City Council consideration; and

WHEREAS, on April 19, 2021 the City Council held a duly-advertised public hearing, consistent with WAC 173-26-090(3)(c)(iii), at which testimony was received and considered; and

WHEREAS, after considering all public comments and evidence, the City Council determined that the proposed amendments comply with all applicable laws and rules; and

WHEREAS, this completes the City's required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26); and

WHEREAS, the City council adopts this Ordinance as set forth below.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings. The recitals set forth above are adopted as the legislative findings of the City Council of the City of Vancouver in support of adoption of this ordinance to amend the Vancouver Shoreline Master Program.

Section 2. The City of Vancouver Shoreline Master Program, Chapter 2 Applicability, Shoreline Permits and Exemptions, Section 2.1 Applicability; Section 2.1.1 Developments Not Subject to the Shoreline Management Act; Section 2.3.1 General Requirements; Section 2.3.2 List of Exemptions; Section 2.3.3 Statements of Exemption, adopted by Ordinance M-3995 and as amended, are hereby amended to read as follows:

2.1 Applicability

1. This Program shall apply to all of the shorelands and waters within the City limits that fall under the jurisdiction of RCW 90.58 as follows:

- a. ~~On the Columbia River from the eastern boundary of Wintler Park downstream to the eastern boundary of Parcel #153105000 (also referred to as “Port Parcel 3”)~~
Shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this Program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58 only:-

- i. On all lands along the Columbia River from the eastern boundary of Wintler Park downstream to the Vancouver Lake Flushing Channel, and;
- ii. On shorelines designated Medium or High Intensity.

~~On all other shorelines regulated by this Program, shoreline jurisdiction includes those areas described in 2.1.1(a) and the full extent of the 100-year floodplain. shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM); floodways; the full extent of the floodplain; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of this Program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.~~

- b. In addition to lands identified in Section 2.1(1)(a) and (b), shorelands shall include land necessary for buffers for critical areas that occur within shorelines of the state.
- c. In accordance with RCW 35.21.160, where the City is bounded by a river, lake, or other navigable water, the City’s shoreline jurisdiction extends to the middle of that river, lake, or navigable water.
- d. The City is pre-designating shorelines within its adopted Urban Growth Area (UGA). Until annexation, development in these areas will continue to be regulated by the Clark County Shoreline Master Program (SMP). The City’s SMP will apply upon annexation and no additional procedures will be required by Ecology at the time of annexation (WAC 173-26-150) unless a re-designation is occurring per Section 4.4.5 and Table 4-1.
- e. An unofficial copy (see Section 4.4.2) of the Shoreline Map for the City and its UGA is shown in Appendix A.
- f. Shorelines of Statewide Significance:
 - i. Columbia River
 - ii. Vancouver Lake

g. Shorelines of the State:

- i. Burnt Bridge Creek
- ii. Fifth Plain Creek
- iii. Lacamas Creek
- iv. Salmon Creek
- v. Mill Creek
- vi. Curtin (Glenwood) Creek
- vii. Lake River
- viii. Unnamed Lake 02

- 2. Maps indicating the extent of shoreline jurisdiction and shoreline designations are guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the definition of a shoreline of the state or a shoreline of statewide significance, whether mapped or not are subject to the provisions of this Program.
- 3. This Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act; and within the external boundaries of federally owned lands (including but not limited to, private in-holdings in national wildlife refuges).
- 4. Non-federal agency actions undertaken on federal lands must comply with this Program and the Act.
- 5. Shoreline development occurring in or over navigable waters may require a shoreline permit in addition to other approvals required from state and federal agencies.
- 6. This Program shall apply whether the proposed development or activity is exempt from a shoreline permit or not.
- 7. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this Program shall affect any rights established by treaty to which the United States is a party.

2.1.1 Developments Not Subject to the Shoreline Management Act Required to Obtain Shoreline Permits or Local Reviews

- ~~1. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this Program shall affect any rights established by treaty to which the United States is a party.~~
- ~~2. Environmental excellence program agreements entered into under RCW 43.21K (RCW 90.58.045).~~

Requirements to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other review conducted by a local government to implement this Program do not apply to the following:

1. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issues pursuant to chapter 70.105D RCW, or to Ecology when it conducts a remedial action under chapter 70.105D RCW.
2. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
3. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a Substantial Development Permit, Conditional Use Permit, Variance, letter of exemption, or other local review.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

2.3.1 General Requirements

1. Except as specifically ~~exempted~~ excepted by statute (Section 2.1.1), all proposed uses and development occurring within shoreline jurisdiction must conform to the Act and this Program.
2. Uses and developments that are not considered substantial developments pursuant to RCW 90.58.030(3)(e), WAC 173-27-040, and Section 2.3.2 of this Program shall not require a substantial development permit but shall conform to the policies and regulations

of this Program and the Act and shall obtain a Statement of Exemption (Sections 2.3.3 and ~~7.2.7~~4.2).

3. A use or development that is listed as a conditional use pursuant to this Program or is an unclassified use or development must obtain a conditional use permit (Section 2.7 and ~~7.2.94.4~~) even if the development or use does not require a substantial development permit.
4. When a development or use is proposed that does not meet the bulk, dimensional, and/or performance standards of this Program, such development or use shall only be authorized by approval of a shoreline variance (Section 2.6 and ~~7.2.104.5~~) even if the development or use does not require a substantial development permit.
5. If a shoreline substantial development permit is required for any part of a proposed development, then a shoreline substantial development permit is required for the entire proposed development project.
6. Exemptions from the requirement to obtain a shoreline substantial development permit shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
7. The burden of proof that a development or use is exempt from the requirement to obtain a shoreline substantial development permit is on the applicant for the development action.

2.3.2 List of Exemptions

The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit but shall obtain a statement of exemption, as provided for in Section 2.3.3.

1. Any development of which the total cost or fair market value does not exceed ~~seven~~ five thousand, seven hundred, eighteen dollars ~~forty-seven~~ (\$~~5,7187,047.00~~) or as adjusted by the State Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 ~~(32)(c)~~. The total cost or fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment or materials.
2. Normal maintenance or repair of existing legally-established structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location, and

external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

3. Construction of a normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the State Department of Fish and Wildlife.
4. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment that requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to chapter 90.58 RCW, these regulations, or this Program, shall be obtained. All emergency construction shall be consistent with the policies and requirements of this chapter 90.58 RCW and this Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.
5. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands

by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities.

6. Construction or modification of navigational aids such as channel markers and anchor buoys.
7. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence or appurtenance for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level, and which meets all requirements of the City, other than requirements imposed pursuant to chapter 90.58 RCW. Construction authorized under this exemption shall be located landward of the ordinary high water mark.
8. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of a single-family or multiple-family residence. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies in fresh waters when the fair market value of the dock does not exceed:
 - a. Twenty-two thousand five hundred ten thousand dollars (\$22,500 40,000.00); or as adjusted by the State Office of Financial Management for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or
 - b. Eleven thousand two hundred dollars (\$11,200) or as adjusted by the State Office of Financial Management for all other docks constructed in fresh waters.

~~but~~ However, if subsequent construction ~~having a fair market value exceeding two thousand five hundred dollars (\$2,500.00)~~ occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.
9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water from the irrigation of lands.
10. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.
11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, that were created, developed or utilized primarily as a part of an agricultural drainage or diking system.

12. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:
 - a. The activity does not interfere with the normal public use of surface waters;
 - b. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity; and
 - d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to assure that the site is restored to pre-existing conditions.
13. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control published by the Departments of Agriculture or Ecology jointly with other state agencies under RCW 43.21C.
14. Watershed restoration projects as defined in RCW 89.08.460. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section.
- ~~15. A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark (RCW 90.58.580(3)).~~
- ~~16. Other than conversions to non-forest land use, forest practices regulated under RCW 76.09 are not subject to additional regulations under the Act or this Program (90.58.030(2)(d)(ii)).~~
- ~~17. The holder of a certification from the governor pursuant to chapter 80.50 RCW (certification from the State Energy Facility Site Evaluation Council) shall not be required to obtain a permit under this Program (90.58.140(9)).~~
15. 48. A public or private project that is designed to improve fish or wildlife habitat or fish passage when all of the following apply:
 - a. The project has been approved by WDFW;

- b. The project has received hydraulic project approval (HPA) by WDFW pursuant to RCW 77.55; and
- c. The City has determined that the project is substantially consistent with the local shoreline master program. The City shall make such determination in a timely manner and provide it by letter to the project applicant.

Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with this Program.

~~19. Hazardous substance remedial actions pursuant to a consent decree, order, or agreed order issued under RCW 70.105(D) and 90.58.355 are exempt from the requirement to obtain a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance under this Program.~~

16. The external or internal retrofitting of an existing structure for the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities (RCW 90.58.030).

2.3.3 Statements of Exemption

1. Any person claiming exemption from the substantial development permit requirements shall make an application to the Shoreline Administrator for such an exemption in the manner prescribed by the Shoreline Administrator. A written statement of exemption is required for emergency development after the emergency has been abated. The property owner, person, or agency undertaking the emergency action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to shoreline ecological functions resulting from the emergency action. Restoration and/or mitigation activities must be initiated within three months of the date of ~~the~~ the emergency or as otherwise determined by the Shoreline Administrator, and completed in a timely manner.
2. The Shoreline Administrator is authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in Section 2.3.2. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the Shoreline Administrator's analysis of the consistency of the project with this Program and the Act. ~~The letter shall be sent to the applicant and maintained on file in the offices of the Shoreline Administrator.~~
3. Statements of exemption may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this Program and Act.
4. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial.

5. The letter shall be sent per section 7.4.2.
6. ~~5.~~ The Shoreline Administrator's decision on a statement of exemption may be appealed in accordance with the procedures in Section 7.4.8.
7. ~~6.~~ Exempt activities shall not be conducted until a statement of exemption has been obtained from the Shoreline Administrator.

Section 3. The City of Vancouver Shoreline Master Program, Chapter 3, Shoreline Master Program Goals and Policies, Section 3.6.2 Policies, adopted by Ordinance M-3995 and as amended, is hereby amended to read as follows:

3.6.2 Policies

1. All shoreline development should be located, designed, and constructed to prevent flood damage and to the extent possible be located outside of shoreline jurisdiction.
2. ~~4.~~ Flood management works should be located, designed, constructed and maintained to protect:
 - a. The physical integrity and other properties of the shoreline and other properties that may be damaged by alterations of the geo-hydraulic system;
 - b. Water quality and natural ground water movement;
 - c. Fish, vegetation, and other life forms and their habitat vital to the aquatic food chain; and
 - d. Recreation resources and aesthetic values such as point and channel bars, islands, and other shore features and scenery.
3. ~~2.~~ Non-structural flood hazard reduction measures are preferred to structural measures. Flood hazard reduction measures should be accomplished in a manner that ensures no net loss of shoreline ecological functions and ecosystem-wide processes.
4. ~~3.~~ Flood protection measures that result in channelization and/or reduction in shoreline ecological function should be avoided.
5. ~~4.~~ Proposals for shoreline protection should clearly demonstrate that life, property, and natural resource values within the stream system will not be endangered.
6. ~~5.~~ When evaluating alternate flood control measures, consider the removal or relocation of structures in flood-prone areas.

7. ~~6.~~ New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway.

Section 4. The City of Vancouver Shoreline Master Program, Chapter 4 Shoreline Designations, Section 4.3.4.4 Management Policies; Section 4.3.5.4 Management Policies, adopted by Ordinance M-3995 and as amended, are hereby amended to read as follows:

4.3.4.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development such as limiting lot coverage, providing adequate setbacks from the shoreline, promoting vegetation conservation, reducing the need for shoreline stabilization and maintaining or improving water quality to ensure no net loss of ecological functions.
2. The scale and density of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.
3. Public access and joint use (rather than individual) of recreational facilities should be promoted.
4. Access, utilities, and public services to serve proposed development within shorelines should be constructed outside shorelines to the extent feasible, and be the minimum necessary to adequately serve existing needs and planned future development.
5. Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.
6. ~~Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed as part of mixed use developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access or restoring degraded shorelines.~~ Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed:

- a. As part of mixed-use developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access or restoring degraded shorelines;
- b. Where navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Act's objectives such as providing public access and ecological restoration; or
- c. If the site is physically separated from the shoreline by another property or public right-of-way.

4.3.5.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

1. Encourage regulations that ensure no net loss of shoreline ecological functions as a result of new development.
2. Promote infill and redevelopment in developed shoreline areas and encourage environmental remediation and restoration of the shoreline, where applicable with the goal of achieving full utilization of designated high-intensity shorelines.
3. Encourage the transition of uses from non-water-oriented to water-oriented uses.
4. Water-oriented uses are encouraged, however new non-water oriented uses may be allowed if that use has limited access to the shoreline or ~~and~~ when included in a master plan or part of a mixed-use development.

Section 5. The City of Vancouver Shoreline Master Program, Chapter 5 General Shoreline Use and Development Regulations, Section 5.1 General Shoreline Use and Development Regulations; Section 5.3 Critical Areas Protection; Section 5.4 Public Access; Section 5.6.1 General; Section 5.6.2 Clearing, Grading, Fill and Excavation; Section 5.7 Vegetation Conservation; Section 5.9 Water Quality and Quantity, adopted by Ordinance M-3995 and as amended, are hereby amended to read as follows:

5.1 General Shoreline Use and Development Regulations

5.1.1 Shoreline Use

1. ~~Shoreline uses and developments that are w~~Water-dependent uses shall be given priority.
2. Non-water-oriented uses shall not adversely impact or displace water-oriented shoreline uses.
3. Single family residential uses shall be allowed on all shorelands not subject to a preference for commercial or industrial water-dependent uses, and shall be located, designed and used in accordance with applicable policies and regulations of this Program. However, single family residences are prohibited in the Natural shoreline designation, and new floating homes and floating on-water residences are prohibited in the Aquatic shoreline designation.
4. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline ecological functions on other properties.
5. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative that allows a reasonable and appropriate water-dependent use to become established or expand or protects public safety and existing primary structures.
6. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals including a statement of exemption for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.
7. On navigable waters or their beds, all uses and developments should be located and designed to:
 1. Minimize interference with surface navigation;
 2. Consider impacts to public views; and
 3. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.
8. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.
9. Previous approvals of master plans for projects in shoreline jurisdiction should be accepted. New phases of projects for which no master plan has yet been approved, or for which major changes are being proposed, or new projects for which master plans are being submitted shall be subject to the policies and regulations of this Program.

5.1.2 Adverse Impacts and Mitigation

1. ~~2.~~ The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.
 - b. Minimizing unavoidable impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize fragmentation of the resource to the greatest extent possible.
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
2. ~~3.~~ In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through voluntary restoration efforts.
- ~~4. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline ecological functions on other properties.~~
- ~~5. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative that allows a reasonable and appropriate water dependent use to become established or expand or protects public safety and existing primary structures.~~
- ~~6. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals including a statement of exemption for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.~~

- ~~7. Non-water-oriented uses shall not adversely impact or displace water-oriented shoreline uses.~~
- ~~8. Single family residential uses shall be allowed on all shorelands not subject to a preference for commercial or industrial water dependent uses, and shall be located, designed and used in accordance with applicable policies and regulations of this Program. However, single family residences are prohibited in the Natural shoreline designation, and new floating homes are prohibited in the Aquatic shoreline designation.~~
- ~~9. On navigable waters or their beds, all uses and developments should be located and designed to:~~
- ~~a. Minimize interference with surface navigation;~~
 - ~~b. Consider impacts to public views; and~~
 - ~~c. Allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.~~
- ~~10. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.~~
3. 11. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.
4. 12. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.
- ~~13. Previous approvals of master plans for projects in shoreline jurisdiction should be accepted. New phases of projects for which no master plan has yet been approved, or for which major changes are being proposed, or new projects for which master plans are being submitted shall be subject to the policies and regulations of this Program.~~
5. 14. Within urban growth areas (RCW 36.70A.110), the Department of Ecology may grant relief from use and development regulations of this program On land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark (RCW 90.58.580(3)), relief may be granted when:
- a. A shoreline restoration project causes or would cause a landward shift in the OHWM creating a hardship meeting specific criteria in RCW 90.58.580;

- b. The proposed relief meets specific criteria in RCW 90.58.580; and
- c. The application for relief is submitted to Ecology in writing requesting approval or disapproval as part of a normal review of a shoreline substantial development permit, conditional use permit, or variance. If the proposal is not connected to a shoreline permit review, the City may provide a copy of a complete application to Ecology along with the applicant's request for relief.

A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark (RCW 90.58.580(3)).

- 6. ~~15.~~ Developments permitted in the Aquatic Shoreline Designation along the Columbia River shall be sited waterward of -15 feet CRD unless adverse impacts to shallow water habitat will be created as is addressed through mitigation to ensure no net loss. Mitigation can include, enhancement, creation and/or payment of mitigation bank credits and ~~comply with Section 6.4.4.~~

5.3 Critical Areas Protection

- 1. Applicable Critical Areas Regulations

Critical areas and the buffers necessary to protect critical areas shall be regulated in accordance with the provisions of Chapter 5A of this SMP.

Terms stated in Chapter 5A can be clarified by definitions provided in both the VMC or SMP.

- 2. Review Process

The City will not issue a 'Critical Areas Permit' within shoreline jurisdiction as is done outside shoreline jurisdiction under VMC Chapter 20.740. Instead, the City shall consolidate and integrate the review and processing of the critical areas aspects of the proposal within the shoreline permit decision or review required for the proposed activity as applicable or required by this SMP.

Any decision criteria and submittal requirements within Chapter 5A shall be considered supplemental to the shoreline permit or review required for the proposed activity. In cases where required by Chapter 5A, the applicant shall submit a critical areas report prepared by a qualified professional.

- 3. Critical Areas Exemptions

Critical Areas exemptions do not apply. Exemptions are limited to those listed in section 2.3.2 and must comply with the standards of the SMP, including Chapter 5A.

4. Conflicting Provisions

Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with the Chapter 5A and this Shoreline Master Program. Chapter 5A shall be liberally construed together with the all other chapters of the Shoreline Master Program to give full effect to the objectives and purposes of the provisions of the Shoreline Master Program and the Shoreline Management Act. If there is a conflict or inconsistency between any of the adopted provisions in Chapter 5A and the Shoreline Master Program, the most restrictive provisions shall prevail.

5. Appeals

All appeals shall be processed per Chapter 7 of the SMP.

5.3.1 General Provisions

1. ~~In addition to the provisions of this section, critical areas (fish and wildlife habitat conservation areas, frequently flooded areas, geologic hazard areas, and wetlands) located within shoreline jurisdiction and their buffers are regulated and protected by Chapter 5A, VMC 20.740, Critical Areas Protection as modified for consistency with the Act and this Program. All shoreline development shall comply with VMC 14.26, Water Resources Protection.~~
2. ~~Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with this Program whether or not a shoreline permit or written statement of exemption is required.~~
3. ~~Any allowed use, development, or activity affecting a critical area proposed on a parcel located in the shoreline jurisdiction, whether or not exempt from obtaining a shoreline substantial development permit, shoreline conditional use, or shoreline variance, shall be regulated under the provisions of this Program.~~
4. ~~Shoreline uses and developments and their associated structures and equipment shall be located, designed and operated using best management practices to protect critical areas.~~
5. ~~The applicant shall demonstrate all reasonable efforts have been taken to avoid and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:~~
 - a. ~~Avoiding the impact altogether by not taking a certain action or parts of an action. This may necessitate a redesign of the proposal.~~
 - b. ~~Minimizing unavoidable impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps~~

- ~~to avoid or reduce impacts. The applicant shall seek to minimize fragmentation of the resource to the greatest extent possible.~~
- ~~c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;~~
 - ~~d. Reducing or eliminating the impact over time by preservation and maintenance operations;~~
 - ~~e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments. The compensatory mitigation shall be designed to achieve the functions as soon as practicable.~~
 - ~~f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.~~
6. ~~In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through restoration efforts.~~

5.4 Public Access

1. Provisions for adequate public access shall be incorporated into all shoreline development proposals that involve public funding unless the applicant demonstrates public access is not feasible due to one or more of the provisions of Section 5.4.2 (a-e). Where feasible, such projects shall incorporate ecological restoration.
2. Consistent with constitutional limitations, provisions for adequate public access shall be incorporated into all land divisions and other shoreline development proposals (except residential development of less than five (5) parcels), unless this requirement is clearly inappropriate to the total proposal. Public access will not be required where the applicant demonstrates one or more of the following:
 - a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - c. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total proposed development;
 - d. Significant environmental impacts that cannot be mitigated will result from the public access; or

- e. Significant undue and unavoidable conflict between public access requirements and the proposed use and/or adjacent uses would occur, provided that the applicant has first demonstrated and the City determines that all reasonable alternatives have been evaluated and found infeasible, including but not limited to:
 - i. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - ii. Designing separation of uses and activities (including but not limited to, fences, terracing, use of one-way glazings, hedges, landscaping); and
 - iii. Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
- 3. Public access sites shall be connected to barrier free route of travel and shall include facilities based on criteria ~~within the~~ within the Americans with Disabilities Act Accessibility guidelines.
- 4. Public access shall include provisions for protecting adjacent properties from trespass and other possible adverse impacts to neighboring properties.
- 5. Signs indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations.
- 6. Required public access shall be fully developed and available for public use at the time of occupancy of the use or activity.
- 7. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
- 8. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, as a minimum. Said recording with the County Auditor's Office shall occur at the time of permit approval.
- 9. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
- 10. Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement approved by the Shoreline Administrator and recorded with the County Auditor's Office.

5.6.1 General

- ~~1. Land disturbing activities such as grading and cut/fill shall be conducted in such a way as to minimize impacts to soils and native vegetation and shall comply with VMC 14.24, Erosion Prevention & Sediment Control and VMC 14.25, Stormwater Control.~~
1. ~~2.~~ Development shall be designed and land disturbing activities conducted to avoid impacts to healthy trees such that they are likely to become hazard trees.
2. ~~3.~~ Impervious surfaces shall be minimized to the extent feasible so as not to jeopardize public safety. Impervious surfacing for parking lot/space areas, trails, and pathways shall be minimized through the use of alternative surfaces where feasible.
3. ~~4.~~ When feasible, existing transportation corridors shall be utilized. Ingress/egress points shall be designed to minimize potential conflicts with and impacts upon vehicular and pedestrian traffic. Pedestrians shall be provided with safe and convenient circulation facilities.
4. ~~5.~~ Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, alteration of topography and natural features, and designed to accommodate wildlife movement.
5. ~~6.~~ Parking, storage, and non-water dependent accessory and appurtenant structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principal use.
6. ~~7.~~ Trails and uses near the shoreline shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas, without blocking visual access to the water.
7. ~~8.~~ Elevated walkways shall be utilized, as appropriate, to cross sensitive areas such as wetlands.
8. ~~9.~~ Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.
9. ~~10.~~ Exterior lighting shall be designed, shielded and operated to:
 - a. Avoid illuminating nearby properties or public areas;
 - b. Prevent glare on adjacent properties, public areas or roadways;
 - c. Prevent land and water traffic hazards; and
 - d. Reduce night sky effects to avoid impacts to fish and wildlife.

10. ~~44.~~ Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.
11. ~~42.~~ A use locating near a legally established aquaculture enterprise, including an authorized experimental project, shall demonstrate that such use would not result in damage to or destruction of the aquaculture enterprise, or compromise its monitoring or data collection.

5.6.2 Clearing, Grading, Fill and Excavation

1. Land disturbing activities such as clearing grading, fill and excavation shall be conducted in such a way as to minimize impacts to soils and native vegetation, and shall comply with VMC 14.24, Erosion Prevention & Sediment Control; 14.25, Stormwater Control; and VMC Chapter 17.12, International Building Code.
2. Clearing, grading, fill, and excavation activities shall be scheduled to minimize adverse impacts, including but not limited to, damage to water quality and aquatic life.
3. Clearing and grading shall not result in changes to surface water drainage patterns that adversely impact adjacent properties.
4. Developments shall comply with the VMC 14.24, Erosion Prevention & Sediment Control during construction and shall ensure preservation of native vegetation for bank stability. Disturbed areas shall be stabilized immediately and revegetated with native vegetation.
5. Habitat that cannot be replaced or restored within twenty (20) years shall be preserved. Peat bogs and stands of mature trees are examples of such habitat.
6. Fills shall be permitted only in conjunction with a permitted use, and shall be of the minimum size necessary to support that use. Speculative fills are prohibited.
7. Any fill activity shall comply with the fill provisions of VMC Chapter 17.12. Fill shall consist only of clean materials.
8. Soil, gravel or other substrate transported to the site for fill shall be screened and documented that it is uncontaminated. Use of any contaminated materials as fill is prohibited.
9. Fills shall be designed and placed to allow surface water penetration into groundwater supplies where such conditions existed prior to filling.
10. Fills must protect shoreline ecological functions, including channel migration processes.
11. Fill waterward of OHWM shall only be allowed as a conditional use, and then only when it is necessary:

- a. To support a water-dependent or public access use;
 - b. For habitat creation or restoration projects;
 - c. For remediation of contaminated sediments as part of an interagency environmental clean-up plan;
 - d. For disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the Washington Department of Natural Resources;
 - e. For expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible;
 - f. For a mitigation action;
 - g. For environmental restoration; or
 - h. For a beach nourishment or enhancement project.
12. In the Columbia River, fills shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless adverse impacts to shallow water habitat are addressed through mitigation to ensure no net loss will be created as mitigation. Mitigation can include enhancement, creation and/or payment of mitigation bank credits.
13. Excavation below the OHWM is considered dredging and subject to provisions under that section in Chapter 6.
14. Upon completion of construction, remaining cleared areas shall be replanted with native species on the City's Native Plant List available from the Shoreline Administrator. Replanted areas shall be maintained such that within three (3) years' time the vegetation is fully re-established.

5.7 Vegetation Conservation

- 1. Existing native vegetation within shoreline jurisdiction shall be retained and allowed to grow naturally in the riparian area.
- 2. Removal of native vegetation outside the riparian area shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized and mitigated to result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan. See Chapter 5A, ~~20.740.030(B)(1)(f)~~ on maintaining fire-defensible space.

3. If non-native vegetation is removed, it shall be replaced with native vegetation within the shoreline jurisdiction.
4. Development shall be located to avoid clearing and grading impacts to more mature or multi-storied plant communities and to retain habitat connectivity.
5. Vegetation (such as a mature stand of trees) that cannot be replaced or restored within twenty (20) years shall be preserved.
6. Maintaining vegetated riparian areas to protect shoreline stability and shoreline ecological functions takes precedence over vegetation clearing to preserve or create views.
7. Topping trees is prohibited.
8. Pruning of trees which are not hazard trees is allowed in compliance with the National Arborist Association pruning standards, and is limited to:
 - a. Removal of no more than twenty-five (25) percent of the limbs of any single tree within a given five-year (5-year) period; and
 - b. No more than twenty-five (25) percent of canopy in a single stand of trees may be removed in a given five-year (5-year) period.
9. Hazard trees are regulated by VMC 20.770 and 17.14.
10. Natural features such as snags, stumps, logs or uprooted trees, which support fish and other aquatic systems, do not intrude on the navigational channel or threaten public safety, and existing structures and facilities, shall be left undisturbed.
11. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a qualified professional.
12. Unless otherwise stated, the vegetation conservation regulations of this Program do not apply to:
 - a. Commercial forest practices as defined by this Program when such activities are covered under the Washington State Forest Practices Act (RCW 76.09), except where such activities are associated with a conversion to other uses or other forest practice activities over which the City has authority; or
 - b. Flood control levees required to be kept free of vegetation that damages their structural integrity.

5.9 Water Quality and Quantity

1. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site.
2. All shoreline development shall comply with the applicable requirements of the VMC Chapter 14.24, Erosion Prevention & Sedimentation Control; 14.25, Stormwater Control; and 14.26, Water Resources Protection.
3. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development.
4. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to be discharged onto the land except in accordance with VMC 14.26. Potentially harmful materials shall be maintained in safe and leak-proof containers.
5. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five (25) feet of a waterbody, except by a qualified professional in accordance with state and federal laws. Further, pesticides subject to the final ruling in *Washington Toxics Coalition, et al., v. EPA* shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.
6. Any structure or feature in the Aquatic shoreline designation shall be constructed and/or maintained with materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants.
7. Conveyance of any substance not composed entirely of surface and stormwater directly to water resources shall be in accordance with VMC 14.26.

5.10 Septic Systems

1. ~~8.~~ Septic systems should be located as far landward of the shoreline and floodway as possible. Where permitted, new on-site septic systems shall be located, designed, operated, and maintained to meet all applicable water quality, utility, and health standards.

Section 6. The City of Vancouver Shoreline Master Program, Chapter 5A VMC 20.740, Critical Areas Protection, adopted by Ordinance M-3995 and as amended, is hereby repealed and replaced with the City's updated Critical Areas Protection code (VMC 20.740) and hereby amended for applicability in shoreline jurisdiction to read as follows:

ORDINANCE - 28

Chapter 20.740 Chapter 5A
SHORELINE CRITICAL AREAS PROTECTION REGULATIONS

All uses and development activities in shoreline jurisdiction shall be subject to the following general regulations in addition to the applicable use-specific regulations in Chapter 6. All shoreline development shall comply with VMC 14.26, Water Resources Protection.

Vancouver WA Zoning Ordinance

Chapter 20.740

CRITICAL AREAS PROTECTION

As Modified for Application in Shoreline Jurisdiction

Sections:

20.740.010	Purpose.
20.740.020	General Provisions.
20.740.030	Applicability and Exemptions from <u>Chapter 5A</u> Requirement to Obtain Permit.
20.740.040	Approval Process.
20.740.050	Submittal Requirements.
20.740.060	Approval Criteria.
20.740.070	Minor Exceptions.
20.740.080	Reasonable Use Exceptions.
20.740.090	Unauthorized Critical Areas Alterations and Enforcement.
20.740.100	Habitats of Local Importance.
20.740.110	Fish and Wildlife Habitat Conservation Areas.
20.740.120	Frequently Flooded Areas.
20.740.130	Geologic Hazard Areas.
20.740.140	Wetlands.

20.740.010 Purpose.

~~A. The purpose of this chapter is to designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values, while also allowing for reasonable use of property.~~

~~B. As mandated by the Growth Management Act (GMA) (RCW 36.70A), this chapter provides protection for the critical areas of wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and frequently flooded areas. Critical aquifer recharge areas are covered in VMC 14.26.~~

~~C. This chapter implements the goals and policies of the Vancouver Comprehensive Plan, 2003-2023, under the Washington Growth Management Act and other related state and federal laws. (Ord. M 3692 § 2, 2005)~~

ORDINANCE - 29

In addition to the purpose as set forth in Chapter 1, the regulations set forth in Chapter 5A designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values. This chapter provides protection for wetlands, fish and wildlife habitat conservation areas and geologically hazardous areas.

VMC Chapter 20.740.120 Frequently Flooded Areas regulations apply within shoreline jurisdiction, but are not incorporated into this Shoreline Master Program.

Critical aquifer recharge areas are addressed in VMC Chapter 14.26 Water Resources Protection, but the regulations are not incorporated into this Shoreline Master Program.

20.740.020 General Provisions.

A. *No Net Loss of Functions.* Activity shall result in no net loss of functions and values in the critical areas. Since values are difficult to measure no net loss of functions and values means no net loss of functions. The beneficial functions provided by critical areas include, but are not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation of flood waters; ground water recharge and discharge; erosion control; and wave attenuation. These beneficial functions are not listed in order of priority. This chapter is also intended to protect residents from hazards and minimize risk of injury or property damage.

B. *Relationship to Other Regulations.*

1. These critical areas regulations shall apply in addition to zoning and other regulations adopted by the city.
2. Any individual critical area that overlaps another type of critical area shall meet the requirements that provide the most protection to the critical areas involved.
3. When there is a conflict between any provisions of this chapter or any other regulations, that which provides the most protection to the subject critical area shall apply.
4. Conditions of approval of a project affecting critical areas may be supplemented by a review under the State Environmental Policy Act (SEPA), as locally adopted.
5. Compliance with the provisions of 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, or National Pollution Discharge Elimination System permits). The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter. Obtaining all applicable state and federal permits shall be made a condition of any shoreline authorization ~~a Critical Areas Permit~~. Such authorizations ~~permits~~ shall

be obtained prior to issuance of permits for development, construction or site disturbance ~~except under the circumstances set forth in VMC 20.740.040(I).~~

C. *Jurisdiction.*

~~1. All areas within the city meeting the definition of one or more critical areas, whether mapped or not, are hereby designated critical areas and with their buffers are subject to the provisions of this chapter.~~

~~2. Watersheds (Chapter 20.150 VMC) are those most recently identified and mapped by Clark County Public Works. Watershed maps are available from the planning official. Burnt Bridge Creek, Columbia Slope, and Vancouver Lake/Lake River are the primary watersheds in Vancouver.~~

Chapter 5A shall apply to all critical areas and their buffers within shoreline jurisdiction as defined in Chapter 2 of the SMP.

D. *Warning and Disclaimer of Liability.* The standards established herein are minimum standards. The standards are established for regulatory purposes only. Minimum compliance with these standards may not be sufficient protection from identified or unidentified hazards. City establishment of these minimum standards is not a representation that these standards are sufficient protection from any hazard. Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than this chapter. The city assumes no liability if these established standards prove to be insufficient protection.

E. *Interpretation of Critical Area Boundaries.* The Shoreline Administrator ~~planning official~~ shall be authorized to interpret the exact location of the critical area boundary. Final designations shall be based on site conditions and other available data or information. A person who disagrees with the interpretation may appeal the interpretation pursuant to ~~VMC 20.255.020(D).~~ Chapter 7 of the SMP. ~~(Ord. M 4289 § 4, 2019; Ord. M 4017 § 4, 2012; Ord. M 3844 § 2, 2007; Ord. M 3692 § 2, 2005.~~

20.740.030 Applicability and Exemptions from Requirement to Obtain Permit

Chapter 5A

A. *Applicability.*

1. ~~Unless listed in VMC 20.740.030(B)(2),~~ The provisions of Chapter 5A ~~this chapter~~ shall apply to all lands, all land uses, clearing and development activity, and all structures and facilities in the city located within a critical area or buffer or on a site containing a critical area or buffer including single-family residential lots platted prior to April 29, 2005, and developments such as play structures that require no other permits.

2. The provisions of this chapter shall apply whether or not a permit or authorization is required.

3. No person, company, agency, or applicant shall alter a critical area or buffer (including removal of downed woody vegetation or application of chemicals harmful to fish and wildlife within 25 feet of wetlands, ponds, lakes, streams or rivers) except as consistent with the requirements of this chapter.

4. If required by this SMP, a shoreline substantial development permit, shoreline permit statement of exemption, shoreline conditional use or shoreline variance ~~The Critical Areas Permit required pursuant to this chapter~~ shall be obtained prior to undertaking any activity or development regulated by this chapter; ~~unless exempted by this chapter.~~

B. *Statements of Exemption Process.* ~~For exempt activities listed in subsection (C)(1) of this section, a written Statement of Exemption from securing a Critical Areas Permit must be obtained prior to undertaking any development activity. Activities exempt from subsection (C)(2) of this section do not require a statement of exemption.~~

Exemptions from the shoreline permit process are only authorized through Chapter 2.3 Exemptions in this SMP. All exempt activities are still subject to the policies and regulations of the SMP including Chapter 5A this chapter. The Shoreline Administrator planning official shall attach Critical Areas Ordinance conditions to the building permits and other permits and approval as necessary to enforce the policies and regulations of this chapter.

~~The request for the Statement of Exemption shall be in writing, on forms required by the planning official, and include the information required by the planning official.~~

~~The planning official shall issue a decision on a request for a Statement of Exemption in writing within 21 calendar days of receiving the request.~~

The following actions may be authorized, pursuant to the following provisions, provided the applicant demonstrates mitigation sequencing and there is no net loss of shoreline ecological function.

C. Exemptions from Requirement to Obtain a Critical Areas Permit.

1. Category I Exemptions ~~Activities for which a Statement of Exemption is required. The following activities shall obtain a Statement of Exemption under subsection B of this section:~~

a. ~~Existing Structure Remodel—Impervious Surface Increase Less than 500 Square Feet.~~
~~Development or clearing, outside areas of special flood hazards and other than tree removal, as minimally necessary to remodel an existing structure, provided:~~

i. ~~The activity will increase the footprint of structures including impervious surfaces by less than 500 square feet from the footprint size at the time of the adoption of this chapter; and~~

~~ii. If the structure or impervious surface is within a critical area or buffer, the distance from the nearest structure or impervious surface to lakes, streams, rivers, wetlands or geological hazards is not decreased; and~~

~~iii. All vegetation disturbed as a result of the development shall be replaced one-to-one, except trees shall be replaced using tree units derived from Chapter 20.770 VMC, Tree, Vegetation, and Soil Conservation. Native vegetation shall be used where feasible.~~

~~iv. Impacts to critical areas and buffers shall be minimized and mitigated.~~

~~b. *No Impervious Surface Increase in the Riparian Management Area or Riparian Buffer.*~~

~~Development activity on the portions of sites with existing structures or impervious surfaces which does not increase the impervious surface area within the Riparian Management Area or Riparian Buffer and which is not otherwise exempt under subsection B of this section shall be exempt from the provisions of VMC Section 20.740.110 (Fish and Wildlife Habitat Conservation Areas). The applicant is encouraged to provide enhancement to the extent feasible. Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management practices that would enhance habitat functions.~~

~~c. *Approved Subarea Plan with EIS.* Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:~~

~~i. Baseline information on existing critical areas and their functions at the level of detail required for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA);~~

~~ii. An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and~~

~~iii. Mitigation for those impacts consistent with the requirements of this chapter.~~

~~d. a. *Fence.* A fence may be installed in a critical area buffer (not in a critical area) where:~~

~~i. The fence is necessary for safety and security;~~

~~ii. The property was developed prior to the effective date of Chapter 20.740 VMC (April 29, 2005);~~

~~iii. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.~~

~~e. b. *On-site Critical Area will be Avoided.* Development may be permitted on a site containing a critical area or buffer not also subject to state or federal permits where the Shoreline Administrator~~

~~Planning Official~~ determines that the critical areas and buffers will be clearly avoided using the following procedures and criteria:

- i. The Shoreline Administrator ~~planning official~~ has visited the site;
- ii. The critical area(s) and buffer(s) has/have been identified in the field and clearly mapped by a qualified professional through an approved, limited-scope Critical Areas Report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location); except that for a single-family or duplex residential development on a property with a stream not regulated under the state Shoreline Management Act, its Riparian Management Area or Riparian Buffer, the Shoreline Administrator ~~planning official~~ may accept an aerial photo overlain with two-foot contour lines from the Clark County Digital Atlas with the required information drawn to scale by someone other than a qualified professional;
- iii. The site plan and final plat show a development envelope within which all development activity will take place, and a note identifying the development envelope and its purpose is placed on the face of the site plan and the final plat;
- iv. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers. The maximum critical area and maximum buffer are the greatest that may be applied under any circumstances. (For example, under this chapter, the maximum wetland buffer that could be applied under any circumstance is 300 feet; the maximum Riparian Management Area is 100 feet, and the maximum Riparian Buffer is 75 feet from the outer boundary of the Riparian Management Area.)

~~£. c.~~ *Fire-Defensible Space.* Maintaining fire-defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least six-inch diameter at breast height, grasses, and underbrush, not tree removal or other ground-disturbing or soil-destabilizing activities- ~~or~~ Creating or maintaining fire-defensible space as follows: (see VMC 20.740.040(H)) or ~~undertaking other development requires a Critical Areas Permit under VMC 20.740.040(A)(2)(f) and could require other permits as well.~~

- i. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible space around a structure may be permitted when one or more of the following criteria are met:
 - A. The structure nearest the property line is within 30 feet of a slope of at least 25 percent (also designated as a landslide hazard area under this chapter);
 - B. The nearest structure is within 30 feet of a forested area;
 - C. The vegetation within 30 feet of the structure is comprised of less than 50 percent native species;

- D. The vegetation within 30 feet of the structure is higher than 12 inches;
 - E. Trees are crowded within 30 feet of the structure or overhanging the structure's roof;
 - F. The structure is located in an area designated by the Fire Marshal as a "Wildfire Safety Area."
- ii. When maintenance of a fire-defensible space is permitted, the following standards shall apply:
- ~~A. Trees may be pruned or limbed up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s). (See VMC 20.740.040(A)(2)(f) and 20.740.040(H) on creating fire-defensible space.)~~
 - ~~B. A.~~ Grasses and underbrush shall be maintained between eight inches and 12 inches in height.
 - ~~C. B.~~ Trees may be pruned, limbed-up, or removed. Topping trees is prohibited.
 - C. Removal of vegetation in a landslide hazard area is prohibited during the wet season (November 1st to May 1st). The area must be immediately replanted to ensure soil stability. The property owner shall maintain the newly planted vegetation to ensure its survival.
 - D. Any debris from pruning shall be disposed of promptly and properly.
 - E. Required replantings shall be of native, fire-resistant species. A list of native, fire-resistant species is available from the Shoreline Administrator.

2. Category II Exemptions ~~Activities for which a Statement of Exemption is not required. Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.~~

The following activities may be exempt from the need for a shoreline Substantial Development Permit when consistent with the provisions of Chapter 2.3 Exemptions or are determined to not meet the definition of development found in Chapter 8 ~~are exempt from needing a Critical Areas Permit and do not require a statement of exemption:~~

- a. *Emergencies.* See Chapter 2.3 (Exemptions) of the SMP. Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:
 - i. The emergency action uses reasonable methods to address the emergency.
 - ii. The emergency action must have the minimum possible impact to the critical area or its buffer.

- iii. The property owner, person or agency undertaking such action shall notify the city within one working day following commencement of the emergency activity.
- iv. Within 14 days the Shoreline Administrator ~~planning official~~ shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the Shoreline Administrator ~~planning official~~ determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of VMC 20.740.090 shall apply.
- v. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained in this chapter.
- vi. Restoration and/or mitigation activities must be initiated within three months of the date of the emergency or as otherwise determined by the Shoreline Administrator ~~planning official~~, and completed in a timely manner.
- b. ~~(Repealed) *Valid Critical Areas Permit*. Any development proposed on property pursuant to a currently valid Critical Areas Permit, provided all conditions and requirements of the Critical Areas Permit are met and the proposed activity is within the scope of the original permit.~~
- c. *Hazard Tree*. Emergency or hazard tree removal (as defined in Chapter 20.770 VMC) conducted so that critical area impacts are minimized.
- d. *Landscape Maintenance*. See Chapter 2.3 (Exemptions) of the SMP. Landscape maintenance (other than tree removal or use of pesticides, herbicides, fungicides or fertilizers applied into or within 25 feet of water bodies) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.
- e. *Noxious or Invasive Plants*. Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation. The city of Vancouver's Noxious or Invasive Plants List and Native Plant Species List are available from the Shoreline Administrator ~~planning official~~.
- f. *Pesticides, Herbicides, Fungicides or Fertilizers 25 feet from Critical Area*. Application of pesticides, herbicides, fungicides or fertilizers farther than 25 feet from any wetland, pond, lake, stream or river or in a manner specified in a valid permit.

g. *State or Federally Approved Conservation or Preservation.* State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.

h. *Harvesting Wild Crops.* The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.

i. *Passive Activities.* Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.

j. *Land surveys, soil sampling, percolation tests, and other related activities.* In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized immediately.

k. *Navigational Aids and Boundary Markers.* See Chapter 2.3 Exemptions (6) and (10). Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.

l. *Agricultural Activities.* See Chapter 2.3.2(5) Exemptions. Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.

Existing and ongoing agriculture within fish and wildlife habitat conservation areas so long as livestock and application of pesticides, herbicides, fungicides and fertilizers are kept 25 feet from any water body.

m. *State or Federally Approved Restoration or Enhancement Project.* See Chapter 2.3 Exemptions. Implementation of a state or federally approved restoration or enhancement project not related to any development project.

n. *Operation, Repair and Maintenance.* See Chapter 2.3 Exemptions. Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or levees or water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.

o. *Areas with only ground shaking or liquefaction hazards.* In areas with only ground shaking or liquefaction hazards, repair or construction of roads, sidewalks or trails (except where there are structures), or water, sewer, stormwater, gas, power, cable, or fiber optic facilities shall be exempt from the ground shaking and liquefaction permitting requirements.

p. Public improvement projects located within existing impervious surface areas.

~~q. City, State or Federally Approved Stand-alone “Critical Area” Creation Project.~~

Implementation of a city, state or federally approved stand-alone “critical area” creation project that is not mitigation. A “Critical Area” created under these circumstances that would not otherwise have met the definition of that type of critical area is exempt from the provisions of this chapter. Also see the definition of “Wetlands” at Chapter 20.150 VMC.

~~r. d. Clearing in Frequently Flooded Area and/or Seismic Hazard Area Only.~~ Clearing vegetation within the floodplain but outside the Riparian Management Area or Riparian Buffer (see VMC 20.740.040(A)(2)(f)).

Clearing vegetation in critical areas that are only seismic hazard areas (see VMC 20.740.040(A)(2)(f)).

~~s. r. Fence Repair.~~ See Chapter 2.3 Exemptions. Maintenance, repair, and in-kind replacement of existing fences.

~~t. s. Seismic Hazard Areas Only.~~ Sites identified as located within only a Seismic Hazard Area (VMC Section 20.740.130 – Geologic Hazard Areas) shall be exempt from needing to provide a seismic hazard critical areas report prior to issuance of a shoreline substantial development permit, shoreline permit statement of exemptions, shoreline conditional use or shoreline variance ~~obtain a critical areas permit~~. All projects within the Seismic Hazard Area must comply with the Building Code at time of building permit review including providing a geotechnical report. (Ord. M-4289 § 4, 2019; Ord. M-4034 § 23, 2012; Ord. M-4017 § 5, 2012; Ord. M-3931 § 22, 2009; Ord. M-3922 § 36, 2009; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.040 Approval Process.

A. Critical Areas Approval Process Approval Process.

The City shall consolidate and integrate the review and processing of the critical areas aspects of the proposal within the shoreline permit decision or review required for the proposed activity as applicable or required by this SMP.

Any additional decision criteria and submittal requirements within Chapter 5A shall be considered supplemental to the shoreline permit or review required for the proposed activity. In cases where required by this Chapter, the applicant shall submit a critical areas report prepared by a qualified professional.

~~1. Pre-application Conference Required. A pre-application meeting or waiver per Chapter 20.210 VMC is required prior to submitting a critical areas permit. Provided, pre-application conferences shall not be required for the following:~~

~~a. Proposed activities within only ground shaking and/or liquefaction areas.~~

~~b. Proposals involving only an addition to an existing single family home, including accessory structures.~~

~~c. Other minor improvements determined by the planning official to not warrant a pre-application meeting.~~

~~2. Critical Areas Permit. All Critical Areas Permits as determined to be necessary under Chapter 20.740 VMC and as stated below shall be processed as a Type I permit or, when submitted with another land use application, reviewed according to the procedures of the underlying land use application pursuant to Chapter 20.210 VMC.~~

~~a. New single family and duplex residences, alterations to existing single family and duplex residences, or new accessory structures located within a critical area or buffer, or on a property containing a critical area or buffer.~~

~~b. Application of pesticides, herbicides, fungicides or fertilizers within 25 feet of ponds, lakes, streams, rivers or wetlands.~~

~~c. Approval of agricultural activities within 25 feet of ponds, lakes, streams or rivers.~~

~~d. Critical Area restoration or enhancement projects not related to any development project; and establishment of mitigation banks.~~

~~e. Public improvement projects located entirely within the previously improved portion of the right-of-way, not otherwise exempted by this chapter.~~

~~f. Clearing vegetation within a critical area or buffer, including: (i) grading, uprooting or other activities that impair the soil stabilization function of vegetation in landslide hazard areas (VMC 20.740.130); (ii) removal of downed woody vegetation from wetlands, lakes, streams or rivers; and (iii) removal of trees, grasses, or brush to create fire defensible space (subsection H of this section). However, clearing vegetation within the area of special flood hazard outside of the Riparian Management Area and Buffer and in seismic hazard areas shall not require a permit (see VMC 20.740.030).~~

~~g. Approval of programmatic permits (subsection G of this section) for activities within critical areas or buffers.~~

~~3. Review Procedure. The planning official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the provisions of VMC Title 20. The planning official's determination shall be based on the approval criteria of VMC 20.740.060. The Critical Areas Permit shall be valid for as long as the underlying land use permit or as otherwise specified by the planning official.~~

B. *Notice on Title – Covenant and Tracts.*

ORDINANCE - 39

1. *Covenants.* This section applies to all nonexempt projects that involve critical areas and buffers.
 - a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the city. The covenant shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The covenant shall “run with the land.”
 - b. The applicant shall submit proof that the covenant has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.
2. *Tracts.* This section applies in addition to subsection (B)(1) of this section to projects that involve platting on properties containing fish and wildlife habitat conservation areas, wetlands, and their buffers. The Shoreline Administrator ~~planning official~~ may also apply this section to developments that involve platting on properties containing geologic hazard areas and their buffers. The location of the tract, critical area(s), and buffer(s) shall be shown on the face of the plat. ~~See subsection (B)(2)(b) of this section for exceptions.~~
 - a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when:
 - i. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
 - ii. The responsible official determines a tract is impractical.
 - b. When an exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:
 - i. The location of the outer perimeter of the critical area(s) and buffer(s) is marked in the field and approved by the Shoreline Administrator ~~planning official~~ prior to the commencement of permitted activities and maintained throughout the duration of the permit.
 - ii. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) is installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Shoreline Administrator ~~planning official~~.
 - iii. Permanent signs are posted at an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the Shoreline Administrator ~~planning official~~, and must be perpetually maintained by the property owner. The sign shall be

worded as follows or with alternative language approved by the Shoreline Administrator
~~planning official~~: “The area beyond this sign is a critical area or critical area buffer. Alteration
or disturbance is prohibited by law. Please call the City of Vancouver for more information.”

C. *Financial Assurances.*

1. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to provide security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional (including but not limited to construction, maintenance, and monitoring).
2. The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.
3. The security authorized by this section shall remain in effect until the city determines, in writing, that the standards for which the security is required have been met. Bonds or other security shall be held by the city for a minimum of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.
4. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
5. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.
6. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.
7. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

D. *Critical Area Inspections.* Reasonable access to the site shall be provided to the city, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

~~E. *Reconsideration of planning official's determination.* If, within five days following the date of mailing of a Critical Areas Permit, new information relevant to the decision is made available, any party may request that the decision be reconsidered. If the new information is found to be substantial and relevant to the critical area~~

ORDINANCE - 41

~~review, the planning official may reopen the critical area review and make a new determination based on the revised report. The Critical Areas Permit shall not be considered final and subject to appeal until the decision on the request for reconsideration, if applied for, has been issued.~~

~~F. E. Appeals. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC 20.210.130. Appeals per Chapter 7 of the SMP.~~

~~G. F. Programmatic Authorization Permits.~~ The purpose of a programmatic ~~permit~~ authorization is to provide for ongoing, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently; and (2) at the same time protect critical areas and buffers in accordance with this chapter.

1. In addition to the submittal requirements in ~~VMC Section~~ 20.740.050, applicants for a programmatic ~~permit~~ authorization shall submit a proposed management plan. The management plan shall contain:

- a. A narrative explaining the need for the authorization ~~programmatic permit~~.
- b. A list of the ongoing, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers.
- c. A description of the potentially impacted critical area and buffer functions.
- d. Proposed measures and standards for avoiding impacts to critical area and buffer functions and, where unavoidable, minimizing and mitigating those impacts to achieve no net loss of functions.
- e. A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform in accordance with the terms of the permit.

2. A programmatic authorization ~~permit~~ may be approved for up to seven years. The ~~permit~~ duration may be tied to other permits or processes.

3. Every two years within 30 days of the anniversary of permit authorization issuance ~~for the duration of the permit~~, the applicant shall submit a report to the ~~planning official~~ Shoreline Administrator summarizing activities undertaken under the authorization ~~programmatic permit~~ including any issues to be resolved. The report shall also document the training provided in accordance with this section ~~subsection (G)(1)(e) of this section~~.

4. The applicant or the city may initiate an amendment to the programmatic authorization ~~permit~~ to respond to ~~permit~~ performance issues. An amendment shall be considered through a Type 1 process following a pre-application conference and may require a new or amended shoreline permit or shoreline permit statement of exemption.

5. An application for reauthorization of a programmatic ~~permit~~ approval shall be submitted at least 90 days prior to the date the current ~~permit~~ approval expires. Programmatic approval ~~permits~~ may be reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current programmatic approval ~~permit~~, the ~~planning official~~ Shoreline Administrator may extend the duration of the current approval ~~permit~~ for 30 days at a time, not to exceed 180 days.

~~H. Trees, grasses, and brush in a critical area or buffer may be pruned or removed to create fire defensible space around a structure (see subsection (A)(2)(f) of this section) when one or more of the criteria in VMC 20.740.030(C)(1)(f)(i)(A) through (C)(1)(f)(i)(F) are met. When creating fire defensible space is permitted, the following standards shall apply:~~

- ~~1. Grasses and underbrush shall be maintained between eight inches and 12 inches in height.~~
- ~~2. Trees may be pruned, limbed up, or removed. Topping trees is prohibited.~~
- ~~3. Removal of vegetation in a landslide hazard area is prohibited during the wet season (November 1st to May 1st). The area must be immediately replanted to ensure soil stability. The property owner shall maintain the newly planted vegetation to ensure its survival.~~
- ~~4. Any debris from vegetation removal shall be disposed of promptly and properly.~~
- ~~5. Required replantings shall be of native, fire-resistant species. A list of native, fire-resistant species is available from the planning official.~~

~~I. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:~~

- ~~1. A phased master plan is submitted under Chapter 20.260 or 20.268 VMC as appropriate, demonstrating:
 - ~~a. How the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained;~~
 - ~~b. How each phase could be permitted as an individual project not relying on development of any other phases in any way;~~
 - ~~c. How each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained;~~
 - ~~d. No net loss of critical area functions for each phase and for the project as a whole, regardless of whether any or all of the pending state or federal permits are ever obtained.~~~~

~~2. Development is permitted only in the area that clearly avoids (VMC 20.740.030(B)(2)(f)(i)(A)) the maximum critical area(s) and buffer(s). (Ord. M 4289 § 4, 2019; Ord. M 4105 § 3, 2014; Ord. M 4017 § 6, 2012; Ord. M 3959 § 37, 2010; Ord. M 3931 § 23, 2009; Ord. M 3844 § 2, 2007; Ord. M 3692 § 2, 2005)~~

20.740.050 Submittal Requirements.

A. *Preparation by Qualified Professional.* Any required Critical Areas Report shall be prepared by a qualified professional as defined herein.

B. *General Critical Areas Report Contents.* At a minimum, the Critical Areas Report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
2. A copy of the site plan for the development proposal including:
 - a. A map to scale depicting critical areas, buffers, ordinary high water mark, shoreline jurisdiction extent, the development proposal, and any areas to be cleared; and
 - b. Proposed stormwater management and sediment control plan for the development including a description of any impacts to drainage alterations; and
 - c. A digital map of the geographic information required pursuant to the applicable provisions of this chapter for each critical area and buffer on site. The digital map(s) must be based on the same coordinate system as the Clark County GIS database: state plane coordinates using the NAD 1983 datum and the Washington South zone (also referred to as the FIPS Zone 4602). The digital map(s) must also conform to other Clark County GIS digital mapping standards and specifications available from the Shoreline Administrator ~~Planning Official~~ or directly from Clark County's Department of Assessment and GIS.
3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
4. *Identification and scientific characterization of all critical areas and buffers.* The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, temporal, and indirect impacts resulting from development of the site and the operations of the proposed development;
6. A written response to each of the approval criteria in ~~VMC~~ Section 20.740.060;

7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with Section VMC 20.740.050(F) Mitigation Plan Requirements.

C. *Additional Information.* Any additional information required for the specific critical areas and buffers as specified in VMC Section 20.740.110 Fish and Wildlife Habitat Conservation Area, VMC Section 20.740.120 Frequently Flooded Areas, VMC Section 20.740.130 Geologic Hazard Areas, and VMC Section 20.740.140 Wetlands.

D. *Other Reports or Studies.* Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Shoreline Administrator ~~planning official~~. Provided, the site conditions shall not have changed since the earlier report or study was completed.

E. *Critical Areas Report – Modifications to Requirements.* Modifications to Required Contents. The applicant may consult with the Shoreline Administrator ~~planning official~~ prior to or during preparation of the Critical Areas Report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential impacts to any critical areas or buffers and the required mitigation. The Shoreline Administrator ~~planning official~~ may also initiate a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter.

F. *Mitigation Plan Requirements.* When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:

1. *Detailed Construction Plans.* The mitigation plan shall include descriptions of the mitigation proposed, such as:
 - a. The proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;
 - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - e. Measures to protect and maintain plants until established.

These written descriptions shall be accompanied by detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

2. *Monitoring Program.* The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. For example, ten (10) years or more of monitoring are typically needed for forested wetlands or scrub-shrub communities.

When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City verify and certify so in writing. The City shall conduct an on-site assessment as part of the verification process. The applicant shall provide reasonable access to the property as necessary for verification and certification.

When the City has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a naturally-occurring critical area when processing a future development permit application(s).

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. (Ord. M-3931 § 24, 2009; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.060 Approval Criteria.

Any activity or development subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site.

~~A. *Avoid Impacts.* The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.~~

~~B. *Minimize Impacts.* Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.~~

A. *Mitigation Sequencing.* Before impacting any Critical Area or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.

2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.

4. Reduce or eliminate the impact over time by preservation and maintenance operations.

5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.

6. Monitor the required compensation and take remedial or corrective measures when necessary.

~~BE.~~ *Compensatory Mitigation.* The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.

~~CD.~~ *No Net Loss.* The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.

~~DE.~~ *Consistency with General Purposes.* The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

~~EF.~~ *Performance Standards.* The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas ~~VMC Section~~ 20.740.110, Frequently Flooded Areas ~~VMC Section~~ 20.740.120, Geologic Hazard Areas ~~VMC Section~~ 20.740.130, and Wetlands ~~VMC Section~~ 20.740.140, as applicable. (~~Ord. M 4017 § 7, 2012; Ord. M 3692 § 2, 2005~~)

20.740.070 Minor Exceptions.

Minor exceptions do not apply in shoreline jurisdiction. Deviations are allowed through a Shoreline Variance.

~~A. *Minor Exceptions Authorized.* Minor exceptions of no greater than 10% from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in VMC 20.210.050, Type II Applications. Minor exceptions shall not be combined with buffer averaging [(20.740.140(C)(1)(b)(ii))] or buffer reduction (20.740.140(C)(1)(b)(iii)). Minor exceptions from the NFIP development standards of VMC 20.740.120, Frequently Flooded Areas are prohibited (VMC 20.740.120(D)).~~

~~B. *Minor Exception Criteria.* A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria.~~

- ~~1. Unusual conditions or circumstances exist that are peculiar to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or district;~~
- ~~2. The unusual conditions or circumstances do not result from the actions of the applicant;~~
- ~~3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;~~
- ~~4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;~~
- ~~5. The minor exception requested is the least necessary and no greater than 10% of the subject standard to relieve the unusual circumstances or conditions identified in Subsection VMC 20.740.070(B)(1) above;~~
- ~~6. The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the City of Vancouver Comprehensive Plan, this Title, this chapter, and the underlying zoning district;~~
- ~~7. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be minimized and mitigated to the extent feasible in accordance with the provision of this chapter;~~
- ~~8. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;~~
- ~~9. The proposed development complies with all other applicable standards.~~

~~C. *Conditions May Be Required.* In granting any minor exception, the city may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.~~

~~D. *Time Limit.* The city shall prescribe a time limit within which the action for which the minor exception is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the minor exception.~~

~~E. *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application. (Ord. M 4017 § 8, 2012; Ord. M 3844 § 2, 2007; Ord. M 3692 § 2, 2005)~~

20.740.080 Reasonable Use Exceptions.

Reasonable Use Exceptions do not apply in shoreline jurisdiction. The applicant must apply for a Shoreline Variance.

~~A. *Exception Request and Review Process.* If the application of this chapter would deny all reasonable economic use of the subject property, the city shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in VMC 20.210.060, Type III Applications.~~

An application for a reasonable use exception shall be made to the city and shall include a Critical Areas Report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW 43.21C). The planning official shall prepare a recommendation to the Hearings Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in VMC 20.740.080(B).

~~B. *Reasonable Use Review Criteria.* The city shall approve applications for reasonable use exceptions when all of the following criteria are met:~~

- ~~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 critical area;~~
- ~~3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;~~
- ~~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 effective date of this chapter, or its predecessor;~~
- ~~5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;~~
- ~~6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible and contributes to the Critical Areas Restoration Fund for any impacts that cannot be mitigated.~~
- ~~7. The proposal is consistent with other applicable regulations and standards.~~

~~C. *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. (Ord. M 3692 § 2, 2005)~~

20.740.090 Unauthorized Critical Areas Alterations and Enforcement.

A. Enforcement.

~~1. It shall be unlawful to violate the provisions of VMC Chapter 5A 20.740. Any violation of this chapter shall constitute a public nuisance. Violations of this Chapter are subject to enforcement under Chapter 7 of this SMP.~~

~~2. VMC Title 22 shall provide the enforcement provisions for VMC Chapter 20.740. VMC Title 22 may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the enforcement provisions contained in VMC Title 22, the city may also seek injunctive or other relief from any court of competent jurisdiction.~~

~~3. The city shall deposit all monetary penalties collected pursuant to VMC Title 22 into the Critical Areas Restoration Fund. Accrued monies in the Critical Areas Restoration Fund shall be used to protect and restore critical areas within the City of Vancouver.~~

B. Requirement for Restoration Plan. In the event the city initiates enforcement action under ~~VMC Title 22 Chapter 7~~ or files a complaint in court, the city may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in ~~VMC Section 20.740.090(C)~~. The ~~planning official~~ Shoreline Administrator shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

C. Minimum Performance Standards for Restoration.

1. For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

- a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
- b. The soil types and configuration prior to violation shall be replicated;
- c. The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the ~~Planning Official~~ Shoreline Administrator). ~~If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(C)(1)(f)(i), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official; and~~

d. Information demonstrating compliance with the requirements in ~~VMC Section~~ 20.740.050(F) Mitigation Plan Requirements shall be submitted to the Shoreline Administrator ~~planning official~~.

2. For alterations to frequently flooded and geologic hazard areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

- a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;
- b. The risk of personal injury resulting from the alteration shall be eliminated or minimized;
- c. Drainage patterns shall be restored to those existing before the alteration; and
- d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. ~~If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(C)(1)(f)(i), the vegetation for replanting must be not only native but also fire resistant. A list of native, fire resistant species is available from the Planning Official.~~

D. *Site Investigations*. The ~~planning official~~ Shoreline Administrator is authorized to make site inspections and take such actions as are necessary to enforce this chapter. As a condition of the restoration plan, the applicant shall grant reasonable access to the property. (Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.100 Habitats of Local Importance.

A. *Eligibility and Approval Criteria*. Habitats of Local Importance are Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but are designated as locally significant by the city. Criteria for designation include all of the following:

1. A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.
2. The area is sufficient in size to support the species or habitat functions for which it is designated.
3. The designation will not compromise the ability of the city to achieve the goals of the Comprehensive Plan.
4. There is a proposed management strategy describing how the functions of the habitat will be protected after designation.

B. *Designation Process*. Habitats of Local Importance may be proposed by the property owner or the city and shall be designated according to a Type IV legislative procedure (VMC [20.210.070](#)). (Ord. M-3692 § 2, 2005)

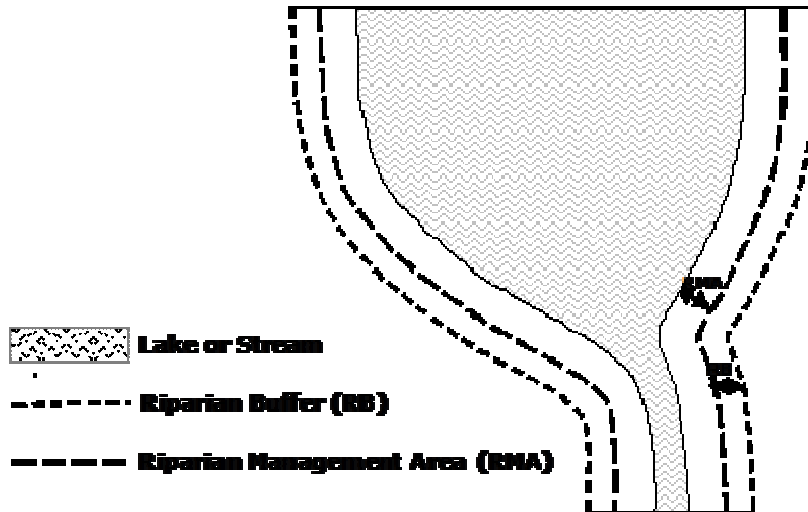
20.740.110 Fish and Wildlife Habitat Conservation Areas.

A. Designation.

1. Final designations shall be based on site conditions and other available data or information (~~See VMC 20.740.020(C)(1)~~). There are established in the city the following identified Fish and Wildlife Habitat Conservation Areas:

- a. Habitat used by any life stage of state or federally designated endangered, threatened, and sensitive fish or wildlife species. A current list of federally and state identified species is available from the Shoreline Administrator ~~planning official~~.
- b. *Priority Habitats and areas associated with Priority Species.* Current lists of Priority Habitats and Species and applicable Management Recommendations promulgated by the Washington Department of Fish and Wildlife are available from the Shoreline Administrator ~~planning official~~.
- c. Water bodies including lakes, streams, rivers, and naturally occurring ponds.
- d. *Habitats of Local Importance.* Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but are designated as locally significant by the city in accordance with ~~VMC~~ Section 20.740.100.
- e. *Riparian Management Areas and Riparian Buffers.* The regulated areas include the land from the ordinary high water mark to a specified distance as measured horizontally in each direction. The Riparian Management Area is adjacent to the lake, stream or river, and the Riparian Buffer is adjacent to the Riparian Management Area.

**Figure 20.740.110-1
Riparian Management Area and Riparian Buffer**



(1) The Riparian Management Areas and Riparian Buffers are as follows:

Table TABLE 20.740.110-1. RIPARIAN MANAGEMENT AREAS & BUFFERS

DNR/Vancouver Stream Type	Description	Land Use Intensity ¹	RMA	RB ²
S	Shorelines-of-the-State	High/Moderate/Low	100'	75'
F	Lakes, streams, and rivers that contain fish habitat	High/Moderate/Low	100'	75'
Np or Ns, large	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are wider than 5' between the ordinary high water marks on the banks.	High/Moderate/Low	100'	75'
Np, small, connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and	High/Moderate Low	100' 100'	50' 25'

DNR/Vancouver Stream Type	Description	Land Use Intensity ¹	RMA	RB ²
	(5) are perennial			
Ns, small, connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are seasonal	High/Moderate Low	100' 100'	25' 0'
Np or Ns, small, not connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do not connect via surface water to another stream or river; and (5) are either perennial or seasonal	High/Moderate/Low	25'	0'

¹ Refer to Table 20.740.140-1.

² The RB is the distance shown or the full extent of the 100-year floodplain, whichever is farther landward.

(A) When impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Shoreline Administrator ~~planning official~~ may adjust the regulated riparian area to reflect site conditions and sound science.

2. *Habitat Location Information.* Information on the approximate location and extent of Habitat Conservation Areas is available from the Shoreline Administrator ~~planning official~~.

The habitat location information is based on:

- a. Washington Department of Fish and Wildlife Priority Habitat and Species Maps;
- b. Washington Department of Fish and Wildlife Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP);
- c. Washington Department of Natural Resources Official Water Type Reference Maps;

- d. City-designated Habitats of Local Importance;
- e. Other information acquired by the city.

B. Additional Critical Areas Report Requirements.

1. A Critical Areas Report for a Riparian Management Area or Riparian Buffer shall include evaluation of the habitat functions using the Clark County Habitat Conservation Ordinance Riparian Habitat Field Rating Form or another habitat evaluation tool approved by the Washington Department of Fish and Wildlife.

a. In addition to the standards of (~~VMC~~ Section 20.740.050(F)), where a mitigation plan is required as part of the Critical Areas Report for a fish and wildlife habitat conservation area that involves a water body, Riparian Management Area or Riparian Buffer, the monitoring program protocol shall include where relevant to the impacted functions:

- 1. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates)
- 2. Large woody debris surveys
- 3. Streamflow monitoring
- 4. Water quality monitoring to detect pollution impacts
- 5. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling)

2. If the clearing or development activity is in the Riparian Management Area, the Critical Areas Report shall contain the following information, if applicable, in addition to the general Critical Areas Report requirements of ~~VMC~~ Section 20.740.050:

- a. How the clearing or development activity constitutes a water-dependent, water-related or water-enjoyment use; or
- b. How the clearing or development activity cannot feasibly be located on the site outside of the Riparian Management Area; and
- c. How the proposal meets the Riparian Management Area width averaging standard (~~VMC~~ Section 20.740.110(C)(2)(c)); and
- d. How the proposal will not adversely affect the connectivity of habitat functions.

C. Performance Standards.

- 1. *General.*

- a. Development or clearing activities shall protect the functions of the Habitat Conservation Areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas approval criteria (Section VMC 20.740.060). Functions include:
1. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and
 2. Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.
- b. An applicant shall replace any lost functions preferably by restoring or if not, then by enhancing other habitat functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a Riparian Management Area or Buffer. To the maximum extent feasible, enhancement shall be undertaken on-site.
- c. If development or clearing activity is within a Priority Habitat and Species area the applicant shall follow Washington Department of Fish and Wildlife Management Guidelines, Management Recommendations or other standards approved by the Washington Department of Fish and Wildlife. Where there are no guidelines, recommendations or other standards, development or clearing may occur provided that:
1. The development or clearing results in no net loss of habitat function on the site; and
 2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved.
- d. Signs for Fish and Wildlife Conservation Areas
1. *Temporary markers.* The location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the Shoreline Administrator ~~planning official~~ prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
 2. *Permanent signs.* Permanent signs shall be posted on public and private properties at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet or as otherwise determined by the Shoreline Administrator ~~planning official~~, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Shoreline Administrator ~~planning official~~: "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

2. Riparian Management Areas and Riparian Buffers.

In addition to the standards in ~~VMC~~ Section 20.740.060 and ~~VMC~~ Section 20.740.110(C)(1) the standards in this section shall apply in Riparian Management Areas and Buffers.

a. *Riparian Buffer.* Development or clearing activity may occur in the Riparian Buffer, providing that:

1. The planned mitigation results in no net loss of riparian habitat functions on the site, and
2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of ~~VMC~~ Section 20.740.110(C)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.

b. *Riparian Management Area.* No development or clearing activity is allowed within the Riparian Management Area unless such activity is:

1. A water-dependent, water-related or water-enjoyment activity where there are no feasible alternatives that would have a less adverse impact on the Riparian Management Area or Riparian Buffer. The applicant shall minimize the impact and mitigate for any unavoidable impact to functions; Cost may be considered, but shall not be overriding; or
2. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the Riparian Management Area, that minimizes impacts, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or
3. Mitigation for activities allowed by this chapter, providing the activity provides no net loss of riparian habitat functions on the site.

c. *Modification of the Riparian Management Area Width.* The width of the Riparian Management Area may be modified (See ~~VMC~~ 20.170.080(B)(1)) if all the following are met:

1. The square footage of the area meeting the performance standards of the Riparian Management Area (~~VMC~~ Section 20.740.110(C)(2)(b)) is not reduced; and
2. There is no net loss of functions as a result of the averaging; and
3. Notwithstanding any other provision, the reduction of the Riparian Management Area width at any location may be no greater than 25%.

d. Owners of developed properties within the Riparian Management Area or Riparian Buffer are encouraged to enhance the area by planting native plants and to apply integrated pest management.

- e. Agricultural activities in the Riparian Management Area or Riparian Buffer are encouraged to develop farm conservation plans. (Ord. M-3931 § 25, 2009; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.120 Frequently Flooded Areas.

VMC Chapter 20.740.120 Frequently Flooded Areas regulations apply within shoreline jurisdiction, but are not incorporated as part of this Shoreline Master Program.

~~A. *Designation.* Frequently Flooded Areas are the Areas of Special Flood Hazards identified by the Federal Insurance Administration and the Federal Emergency Management Agency (FEMA), respectively, in scientific and engineering reports entitled, Flood Insurance Study: Clark County, Washington and Incorporated Areas, Volumes 1 and 2 (Numbers 53011CV001A and 53011CV002A, respectively,) effective September 5, 2012 and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs and their digital version, DFIRMs) and any revisions thereto. The Flood Insurance Study (FIS), FIRMs and DFIRMs are available from the Planning Official, 415 West 6th Street, Vancouver, WA 98660. (See VMC 20.150.040 Meanings of Specific Words and Terms for definitions for Areas of Special Flood Hazards, Floodplain, Floodway, and Frequently Flooded Areas.)~~

~~Portions of channel migration zones located outside areas of special flood hazards are not designated as frequently flooded areas.~~

~~When base flood elevation (BFE) data has not been provided in frequently flooded areas (Zone A), the Planning Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of this chapter. This best available information for flood hazard area identification shall be the basis for regulation until a new FIRM/DFIRM is issued.~~

Figure 20.740.120-1. Frequently Flooded Areas/Areas of Special Flood Hazards



~~Adapted from Floodplain Management: A Local Administrator's Guide to the National Flood Insurance Program, Fifth Edition, FEMA Region 10~~

~~B. *Additional Critical Areas Report Requirements.* In addition to the Critical Areas Report requirements in VMC 20.740.050, the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.~~

- ~~1. Base (100-year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or 5 acres, whichever is less.~~
- ~~2. Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures.~~

~~3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least 1 foot above the base flood elevation or for nonresidential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.~~

~~4. *Location of the channel migration zone.* See the Clark County Shoreline Inventory & Characterization Report, Volume 1, Lewis and Salmon Washougal Watersheds and Rural Areas, Map 27, Potential Channel Migration Zone (CMZ) Areas for general locations of channel migration zones. The actual location of the channel migration zone on site must be identified by a qualified professional and mapped in accordance with the submittal requirements of VMC 20.740.050.~~

~~5. *Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety.* When the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120(A)), the Critical Areas Report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.~~

~~6. Certification, documentation, and demonstration by a qualified professional of how the applicable standards of VMC 20.740.120(C) will be met. To support the "no rise" analyses required in VMC 20.740.120(C)(1), the documentation required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator's Guide to the National Flood Insurance Program shall be submitted.~~

~~C. *Performance Standards.* Except as noted, the following standards apply to all structures and development (including but not limited to the placement of manufactured homes, substantial improvement, roads, railroads, trails, dikes, levees, or water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facilities) in all areas of special flood hazards and channel migration zones (CMZs). Additional restrictions apply in the floodway:~~

~~1. *Encroachments.*~~

~~a. *Designated Floodway: Prohibited Encroachments.* The following are prohibited in the floodway:~~

~~1. *Water wells (20.740.120(C)(4)(a)).*~~

~~2. *On-site waste disposal systems (20.740.120(C)(5)(a)).*~~

~~3. *Residential structures or other structures for human habitation including but not limited to:*~~

~~a. *Building envelopes within subdivisions (20.740.120(C)(9)(a)).*~~

~~b. *New construction or reconstruction of residential structures (20.740.120(C)(10)(b)(1)).*~~

~~c. *Placement or replacement of manufactured homes (all types) (20.740.120(C)(10)(b)(2)).*~~

~~d. Critical facilities housing vulnerable populations and emergency services(20.740.120(C)(12)(a)); and~~

~~e. Recreational vehicles (20.740.120(C)(13)(a)).~~

~~b. Designated Floodway: Allowed Encroachments. In areas where the base flood elevation has been provided and a regulatory floodway has been designated, other encroachments including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless:~~

~~1. Certification by a qualified professional (in this case, a registered professional engineer) is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in a net increase in base flood elevation (less than 0.00 feet, rounded) or flood velocity during the occurrence of the base flood discharge. At a minimum, such “no rise” analyses shall include a step backwater analysis and a conveyance compensation analysis as required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator’s Guide to the National Flood Insurance Program; and~~

~~2. The applicable standards of VMC 20.740.120(C)(2-14) are also met.~~

~~c. No Designated Floodway: Allowed Encroachments. In areas where the base flood elevation has been provided but a regulatory floodway has not been designated, no encroachments including but not limited to new construction, substantial improvement, or other development (including fill) shall be permitted, unless:~~

~~1. The applicant has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and~~

~~2. The applicable standards of VMC 20.740.120(C)(2-14) are also met.~~

~~d. Other Areas of Special Flood Hazards and CMZs. In areas of special flood hazards except the floodway or where the BFE has not been provided, or in channel migration zones, encroachments, including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited, unless:~~

~~1. A qualified professional provides certification demonstrating that the proposed project would not result in a net loss of flood storage capacity; and~~

~~2. The applicable standards of VMC 20.740.120(C)(2-14) are also met.~~

~~2. *Property Damage.* Development shall not result in adverse impacts to other properties either upstream or downstream.~~

~~3. *Drainage.* Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.~~

~~4. *Water.*~~

~~a. Water wells are prohibited in the floodway.~~

~~b. In areas of special flood hazards except the floodway and in CMZs, water wells shall be constructed to withstand a 100-year flood without adversely impacting groundwater quality (WAC 173-160-171).~~

~~c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.~~

~~5. *Waste.*~~

~~a. On-site waste disposal systems are prohibited in the floodway.~~

~~b. In areas of special flood hazards except the floodway and in CMZs, on-site waste disposal systems shall be located to avoid flood damage to them or release of contaminants from them during a base flood event.~~

~~c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.~~

~~6. *Construction Materials and Methods.*~~

~~a. Construction methods and practices shall minimize flood damage.~~

~~b. Construction materials and utility equipment shall be resistant to flood damage. For guidance on flood resistant materials see the most current FEMA Technical Bulletin 2, Flood Resistant Materials Requirements.~~

~~c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a base flood event. For guidance on the placement of building utility systems, see the most current FEMA Publication #348, Protecting Building Utilities from Flood Damage.~~

~~7. *Anchoring.* All new construction including substantial improvements and all types of manufactured homes shall:~~

~~a. Be elevated on a permanent foundation and securely anchored to an adequate foundation system to prevent flotation, collapse, or lateral movement.~~

~~b. Be installed or placed using methods and practices that minimize flood damage.~~ Manufactured home placement shall follow the guidance in the most current FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards.

~~8. Enclosed Areas Below the Base Flood Elevation.~~

~~a. Enclosed areas below the base flood elevation shall be used only for vehicle parking, building access, or storage.~~

~~b. New or substantially improved enclosed areas below the base flood elevation shall be constructed in accordance with:~~

~~1. VMC 20.740.120(C)(7), Anchoring~~

~~2. VMC 20.740.120(C)(10)(c)(2)(d), Residential Construction~~

~~3. VMC 20.740.120(C)(6)(b-c), Construction Materials and Methods~~

~~c. Enclosed areas below the BFE shall not be considered to be the lowest floor when they are not part of a basement and meet the requirements of VMC 20.740.120(C)(10)(d).~~

~~d. Crawlspace Construction.~~ Crawlspaces are a type of enclosed area below the BFE. Crawlspaces constructed at or above the lowest adjacent exterior grade are preferred. (Note: Insurance premiums for structures with below-grade crawlspaces will be higher than those with the interior elevation at or above the lowest adjacent exterior grade.) Refer to the most current FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas (available from the Planning Official) for more information. Crawlspaces:

~~1. Are prohibited in areas with flood velocities greater than five feet (5') per second unless designed by a qualified professional (in this case an architect or professional engineer).~~

~~2. Shall meet the requirements of VMC 20.740.120(C)(8)(a-c), Enclosed Areas below the BFE.~~

~~3. Shall not be considered "basements" for the purposes of VMC 20.740.120 when constructed according to the following standards:~~

~~a. The interior grade of a crawlspace below the base flood elevation must not be more than 2' below the lowest adjacent exterior grade.~~

~~b. The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4' at any point.~~

~~c. The crawlspace must be equipped with a drainage system that removes floodwaters from the interior area of the crawlspace in a reasonable period of time after a base flood event.~~

~~9. Subdivisions.~~

~~a. All subdivisions shall be designed:~~

~~1. To ensure that no residential structure or other structures for human habitation are located in the floodway even though lots may extend into the floodway;~~

~~2. To avoid placement of any structures in areas of special flood hazards and in CMZs;~~

~~3. Where it is not possible to design a subdivision in a manner to avoid placement of any structures in areas of special flood hazards or CMZs, the subdivision shall be designed to minimize or eliminate potential flood damage.~~

~~b. All subdivisions shall have facilities such as sewer, gas, power, cable, fiber optic, telephone, stormwater and water systems located and constructed to minimize or eliminate flood damage. (See VMC 20.740.120(C)(2), Property Damage; VMC 20.740.120(C)(4), Water; VMC 20.740.120(C)(5), Waste; VMC 20.740.120(C)(6), Construction Materials and Methods; and VMC 20.740.120(C)(7), Anchoring.)~~

~~c. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (See VMC 20.740.120(C)(3), Drainage.)~~

~~10. Residential Construction (including Manufactured Homes).~~

~~a. Residential Construction in the Floodway.~~

~~1. New construction and reconstruction of residential development including placement and replacement of all types of manufactured homes is prohibited in the floodway.~~

~~2. Existing residential structures and manufactured homes in the floodway are nonconforming, but may be repaired or improved, provided:~~

~~a. The repair or improvement does not increase the ground floor area of the structure; and~~

~~b. The repair or improvement does not result in adverse impacts to other properties either upstream or downstream; and~~

~~c. The cost of the repair or improvement does not exceed 50% of the market value of the structure either:~~

~~1. Before the start of repair or improvement where there is no damage to the structure; or~~

~~2. Before flood or other damage to the structure occurred.~~

~~d. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Planning Official and which are the minimum necessary to assure safe living conditions may be excluded from the 50%.~~

~~e. Any project for improvement to a structure identified as a historic place may be excluded from the 50%.~~

~~b. Residential Construction in Other Areas of Special Flood Hazards and CMZs. In areas of special flood hazards except the floodway and in channel migration zones:~~

~~1. New residential construction and reconstruction, including all types of manufactured homes and other structures for human habitation shall meet all the provisions of this chapter, including VMC 20.740.120(C)(8) and (10)(c-d).~~

~~2. New placement or replacement of all types of manufactured homes shall meet the standards of VMC 20.740.120(C)(7), Anchoring.~~

~~3. Repair or Substantial Improvement. All provisions of this chapter (including the elevation standards of VMC 20.740.120(C)(8) and (10)(c-d)), all state and local health, sanitary, safety codes, and where applicable, historic preservation codes shall be met when the cost of repair or improvement of an existing residential structure exceeds 50% of the market value of the structure either:~~

~~a. Before the start of repair or improvement where there is no damage to the structure; or~~

~~b. Before flood or other damage to the structure occurred.~~

~~e. Elevation~~

~~1. BFE Established. The lowest floor (including basement) of new residential structures (including but not limited to reconstruction, substantial improvement, the placement or replacement of all types of manufactured homes) shall be elevated at least 1 foot above base flood elevation. Structures shall be elevated using means other than fill (such as extended foundation or other enclosure walls, piles, or columns) whenever feasible.~~

~~2. *No BFE.* In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120(A) and .120(B)(5)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new residential construction (including but not limited to substantial improvement and the placement of manufactured homes) shall be elevated at least 2' above the highest adjacent grade. (Note: Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates.)~~

~~d. *Fully Enclosed Areas Below Lowest Floor.* Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must be certified by a qualified professional (in this case, a registered professional engineer or architect), or must meet or exceed the following minimum criteria:~~

- ~~1. Contain a minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding;~~
- ~~2. The bottom of all openings are no higher than 1 foot above grade; and~~
- ~~3. Openings permit the automatic entry and exit of floodwaters even when equipped with screens, louvers, or other coverings or devices.~~

~~For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.~~

~~11. *Non-Residential Construction.* New construction and substantial improvement of any nonresidential structure shall either be elevated (VMC 20.740.120(C)(11)(a or b)) or flood proofed (VMC 20.740.120(C)(11)(c)):~~

~~a. *Be Elevated: BFE Established.*~~

- ~~1. Have the lowest floor, including basement, elevated at least one foot above the base flood elevation; and~~
- ~~2. Meet the same standards for space below the lowest floor as described in 20.740.120(C)(8)(d) and VMC 20.740.120(C)(10)(d);~~

~~b. *Be Elevated: No BFE.*~~

- ~~1. In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120(C)(2A) and (3.120(B)(5)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new nonresidential construction shall be elevated at least 2'~~

~~above the highest adjacent grade. Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates; and~~

~~2. Meet the same standards for space below the lowest floor as described in 20.740.120(C)(8)(d) and VMC 20.740.120(C)(10)(d); or~~

~~e. *Be Flood-proofed.* Together with attendant utility and sanitary facilities shall:~~

~~1. Be flood-proofed so that below one foot (or more) above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;~~

~~2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;~~

~~3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Official as set forth in VMC 20.740.120(E).~~

~~12. *Critical Facilities.*~~

~~a. Critical facilities housing vulnerable populations and emergency services shall be prohibited in the floodway.~~

~~b. In areas of special flood hazard except the floodway and in CMZs, construction of new critical facilities shall be prohibited unless the applicant demonstrates that:~~

~~1. No feasible alternative site is available; and either:~~

~~a. The lowest floor, entrances, egresses, and to the extent feasible access routes are elevated to 3 feet above the base flood elevation or to the elevation of the 500-year flood, whichever is lower; or~~

~~b. The applicant demonstrates that other measures would ensure that in the event of a flood, the facility would remain safe and fully operational and that potentially harmful materials would not be displaced by or released into floodwaters. Such measures shall be conditions of approval of the Critical Areas Permit.~~

~~13. *Recreational Vehicles.*~~

~~a. Recreational vehicles shall be located outside the floodway.~~

~~b. Recreational vehicles in areas of special flood hazard except the floodway and in CMZs shall either:~~

- ~~1. Be on the site for fewer than 180 consecutive days;~~
- ~~2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type water, sewer, stormwater, gas, power, cable, fiber optic, telephone, and security devices, and have no permanently attached additions; or~~
- ~~3. Meet the requirements of VMC 20.740.120(C)(7), Anchoring; VMC 20.740.120(C)(8), Enclosed Areas below the Base Flood Elevation; and VMC 20.740.120 (C)(10)(c), Elevation.~~

~~14. Alteration of Watercourse.~~

~~a. The planning official shall notify adjacent communities and the state coordinating agency, Washington State Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.~~

~~b. Alteration or relocation of a watercourse shall be allowed only after:~~

- ~~1. Certification by a qualified professional that the alteration or relocation:~~
 - ~~a. Is the only feasible alternative or is part of a restoration project approved by the appropriate state or federal agencies;~~
 - ~~b. Will not diminish the flood-carrying capacity of the watercourse;~~
 - ~~c. Will not block side channels;~~
 - ~~d. Will be accomplished using soft armoring techniques wherever possible;~~
 - ~~e. Will avoid to the extent possible and then minimize and mitigate removal of vegetation including downed woody vegetation; and~~
 - ~~f. Will not endanger development in the channel migration zone.~~
- ~~2. The applicant provides assurance acceptable to the planning official of maintenance of the relocated channel such that the flood-carrying capacity of the watercourse is not diminished.~~

~~D. Variances and Minor Exceptions. Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property. They apply to the land and are not personal in nature, do not pertain to the structure, its inhabitants, or economic or financial circumstances. The development standards contained in VMC 20.740.120, Frequently Flooded Areas are required by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) to protect life and property from flood damage.~~

ORDINANCE - 67

~~Variances from the NFIP standards of VMC 20.740.120 shall meet the approval criteria and other requirements of VMC 20.740.120(D) in addition to any other applicable variance criteria or requirements (e.g., VMC 20.290 or VMC 20.760). Variances from the NFIP standards of VMC 20.740.120 shall be processed as Type I or II variances or shoreline variances as appropriate, not as Minor Exceptions (VMC 20.740.070).~~

~~Variances or minor exceptions from other critical area standards (any standards of VMC 20.740 not in Section VMC 20.740.120) shall meet the applicable criteria and follow the applicable procedures for the relief requested (VMC 20.740.070, VMC 20.290, or VMC 20.760)~~

~~1. NFIP variances may be allowed:~~

~~a. For Historic Structures. NFIP variances may be issued for the repair, reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the Washington Heritage Register, Washington's Heritage Barn Register, Washington's Historic Property Inventory Database, Clark County Cultural Resources Inventory, or Clark County Heritage Register, provided:~~

- ~~1. The proposed development will not preclude the structure's continued designation as a historic structure;~~
- ~~2. The variance is the minimum necessary to preserve the historic character and design of the structure; and~~
- ~~3. NFIP variance approval criteria at (VMC 20.740.120(D)(2)(a-d) are met.~~

~~b. From the Elevation Standard. An NFIP variance from the elevation standard may be issued for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases the technical justification required for issuing the variance increases.~~

~~c. From the Flood-proofing Standard for Non-Residential Buildings. NFIP variances may be issued for nonresidential buildings to allow a lesser degree of flood-proofing than watertight or dry flood-proofing where it can be determined that such action:~~

- ~~1. Will have low damage potential;~~
- ~~2. Complies with all other NFIP variance criteria except VMC 20.740.120(D)(1)(a)(2);~~
- ~~3. Complies with VMC 20.740.120(C)(4), Water; VMC 20.740.120(C)(5), Waste; VMC 20.740.120(C)(7), Anchoring; and VMC 20.740.120(C)(9), Subdivisions.~~

~~d. For Allowed Development within the Floodway. NFIP variances may be issued for development within a floodway only when the requirements of VMC 20.740.120(C)(1)(b) are met.~~

~~2. *NFIP Variance Approval Criteria.* NFIP variances from elevation and flood-proofing standards, and for development in the floodway (VMC 20.740.120(D)(1)(a)(2-4) may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:~~

- ~~a. The NFIP variance is the minimum necessary, considering the flood hazard, to afford relief.~~
- ~~b. The applicant has demonstrated good and sufficient cause.~~
- ~~c. Failure to grant the NFIP variance would result in exceptional hardship to the applicant. (Exceptional hardship for an NFIP variance is described in a FEMA memorandum dated July 22, 1986 entitled Resource Materials on NFIP Variance Criteria available from the Planning Official.)~~
- ~~d. Granting the NFIP variance will not result in increased flood heights or velocities, additional threats to public safety, significantly increased property damage potential, extraordinary public expense, or conflict with existing local laws or ordinances.~~
- ~~e. Demonstration that the following factors have been considered:~~
 - ~~1. The danger that materials may be swept onto other lands to the injury of others;~~
 - ~~2. The danger to life and property due to flooding or erosion damage;~~
 - ~~3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
 - ~~4. The importance of the services provided by the proposed facility to the community;~~
 - ~~5. The necessity to the facility of a waterfront location, where applicable;~~
 - ~~6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
 - ~~7. The compatibility of the proposed use with existing and anticipated development;~~
 - ~~8. The relationship of the proposed use to the comprehensive plan;~~
 - ~~9. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
 - ~~10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~
 - ~~11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of facilities such as sewer, gas, electrical, stormwater, and water systems, and streets and bridges.~~

~~3. *Notices Required.* A notice to the applicant is required whenever a variance is approved, approved with conditions, or denied. Such notice shall include the decision and the reasons for the decision. When a variance from the elevation standard is approved or approved with conditions, such notice shall state that the structure will be permitted to be built with a lowest floor elevation below that normally required with respect to the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

~~E. *Information to be Obtained and Maintained.*~~

~~1. For all new and substantially improved structures and development, the planning official shall complete Section B of a current elevation certificate and obtain and record on that certificate:~~

~~a. For elevated (rather than flood-proofed) structures and development, the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement), and whether or not the structure contains a basement.~~

~~b. For nonresidential, flood-proofed structures, the elevation to which the structure was flood-proofed. All flood-proofing certifications shall also be maintained.~~

~~c. Maintain all records pertaining to development in frequently flooded areas subject to the provisions of this chapter, VMC 20.740, for public inspection.~~

~~2. *Records of Variance Actions.* The planning official shall keep records of all variance actions and report any approved variances to the Federal Insurance Administration upon request.~~

~~3. *Records of Appeal Actions.* The planning official shall keep records of all appeal actions. (Ord. M 4020 § 2, 2012; Ord. M 4017 § 9, 2012; Ord. M 3844 § 2, 2007; Ord. M 3692 § 2, 2005)~~

20.740.130 Geologic Hazard Areas.

A. *Designation.* Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion Hazard Areas. With the exception of bank erosion hazard areas and fault rupture hazard areas, their potential locations are shown on maps available from the Shoreline Administrator ~~planning official~~. Final designations shall be based on site conditions and other available data or information ~~{See VMC 20.740.020(C)(1)}.~~

1. *Landslide Hazard Areas.* Potential landslide hazard areas are identified from the sources listed below.

a. Slopes greater than 25% on the property and adjacent areas within 100 feet, except engineered slopes such as cut and fill slopes along transportation routes (including trails), railroad and other berms, or dikes.

b. Areas of historic or active landslides, potential instability, or older landslide debris identified on the 1975 map by Allen Fiksdal of the Washington State Department of Natural Resources entitled, Slope Stability: Clark County Washington as revised or superseded, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.

2. *Seismic Hazard Areas.* Seismic Hazard Areas include Liquefaction or Dynamic Settlement, Ground Shaking Amplification, and Fault Rupture Hazard Areas.

a. *Liquefaction or Dynamic Settlement.* The following are designated Liquefaction or Dynamic Settlement Hazard Areas:

1. Areas with Low to Moderate, Moderate, Moderate to High, or High liquefaction susceptibility or Peat Deposits as indicated on the Alternative Liquefaction Susceptibility Map of Clark County, Washington based on Swanson's Groundwater Model by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004, as revised or superseded.

2. Areas of fill (Fn) identified by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington and by the Shoreline Administrator ~~planning official~~, based on other reliable evidence.

b. *Ground Shaking Amplification.* The following are designated Ground Shaking Amplification Hazard Areas:

Site Classes C to D, D, D to E, E and F as indicated on the Site Class Map of Clark County, Washington by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004 as revised or superseded.

c. *Fault Rupture Hazard Areas.* Potential Fault Rupture Hazard Areas are faults identified on geological maps prepared and maintained by the Washington Department of Natural Resources (DNR), U.S. Geological Survey (USGS), Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County, Washington, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.

3. *Erosion Hazard Areas.* Erosion Hazard Areas include Soil Erosion and Bank Erosion Hazard Areas.

a. *Soil Erosion Hazard Areas.* The following are designated Soil Erosion Hazard Areas:

Areas with soils identified as having a severe erosion hazard by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington.

b. *Bank Erosion Hazard Areas.* Bank Erosion Hazard Areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

B. *Additional Critical Areas Report Requirements.* In addition to the requirements of ~~VMC~~ Section 20.740.050, the following are Critical Areas Report requirements for development proposals in potential geologic hazard areas. These requirements may be adjusted as appropriate by the Shoreline Administrator ~~planning official~~. The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area (See ~~VMC~~ Section 20.740.130(B)(6)). If it is, the Critical Areas Report requires additional information, mapping, and analysis (See ~~VMC~~ Section 20.740.130(B)(7)).

1. Identification of the site and project area (defined at VMC 20.150), topography in 2-foot contours (or other increment at the discretion of the Shoreline Administrator ~~planning official~~), gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees, and existing structures on the site plan required by ~~VMC~~ Section 20.740.050; and
2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations; and
3. Field investigation and evaluation of the areas on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and
4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and
5. Identification of the hazard area indicators that were found (if any) on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and
6. Conclusion as to whether there is a geologic hazard area on site or for landslide and bank erosion hazards on or within 100 feet of the site; and
7. If a liquefaction, dynamic settlement, ground shaking amplification, fault rupture, or soil erosion hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site:

a. Label and show on the site plan required by ~~VMC~~ Section 20.740.050:

1. The location(s), extent, and type(s) of geologic hazard area(s) identified; and

2. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development; and
3. The boundaries of the area that may be disturbed.
4. The dimension of the closest distance(s) between the geologic hazard area(s) and the project area.
5. The dimension of the closest distance(s) [See VMC 20.170.030(C)] between any nondisturbance area [~~VMC~~ Section 20.740.130(B)(7)(a)(2)] and the project area.

For bank erosion hazard areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures.

- b. Analysis of the erosion processes on site for soil erosion hazard areas and on or within 100 feet of the site for bank erosion hazard areas.
- c. Evaluation of the impact of the geologic hazard area(s) on the proposed development, other properties, and other critical areas.
 1. *Landslide hazard areas.* The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.
 2. *Bank erosion hazard areas.* Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.
- d. Evaluation of the impact of the proposed development on the geologic hazard area(s).
- e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
- f. Written discussion of:
 1. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for bank erosion hazard areas); and other critical areas; and
 2. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.
- g. Recommendations for mitigation of impacts to protect:

1. Human health and safety;
 2. Infrastructure;
 3. The proposed development;
 4. Other properties (both upstream and downstream for bank erosion hazard areas);
 5. Other critical areas; and
 6. The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
- h. A demonstration of how the standards of ~~VMC~~ Section 20.740.130(C) applicable to each geologic hazard area will be met.

C. Performance Standards.

1. *Landslide, Soil Erosion, and Bank Erosion Hazard Areas.* Development in nondisturbance areas (~~VMC~~ Section 20.740.130(B)(7)(a)(2)) shall be prohibited. In other areas, development in landslide, soil erosion, and bank erosion hazard areas and their buffers [~~VMC~~ Section 20.740.130(C)(1)(j)] shall be prohibited except where the applicant has demonstrated compliance with or satisfaction of the following standards or requirements.

- a. The applicant has demonstrated that during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):
 1. Will not increase the threat of the geological hazard beyond pre-development conditions; and
 2. Will not adversely impact other critical areas wherever feasible given the type of critical areas involved and the characteristics of the site; and
 3. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions; and
 4. The life safety risk is minimal or eliminated; and
 5. Are certified by a qualified professional as safe as designed and under anticipated conditions.

Landslide hazard areas may be eliminated through grading based on a Critical Areas Report which demonstrates that the slope will be stabilized prepared by a qualified professional (in this

case a licensed Engineering Geologist or Professional Engineer). The Critical Areas Permit shall be conditioned on a final inspection approval confirming that the grading and site are stable. At the applicant's expense, after site grading, (a) the qualified professional who prepared the Critical Areas Report shall provide inspection specifications; and (b) an inspector acceptable to the City Building Official shall inspect the grading and the site and submit a report to the City indicating whether the site is stable.

b. A plan for revegetation and landscape maintenance to ensure soil stabilization shall be developed and implemented in accordance with the mitigation plan requirements of ~~VMC~~ Section 20.740.050(F).

c. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1st to May 1st), except as authorized under a valid state or federal permit or shoreline substantial development permit or shoreline statement exemption, a City Type I permit [~~VMC 20.740.040(A)(2)(f)~~].

d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the geologic hazard area, or other critical areas or buffers is increased.

e. The requirements of VMC 14.24, Erosion Control shall be met.

f. Trails shall be for pedestrian and nonmotorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.

g. *Roads in Landslide and Bank Erosion Hazard Areas.* A road through or across a landslide or bank erosion hazard area shall meet the standards of ~~VMC~~ Section 20.740.130(C)(1)(a)-(f) and shall not be:

1. The sole access for a proposed subdivision (not including short subdivision) or critical facility;
2. Longer than 200 feet;
3. Steeper than a 15% grade.

h. *Markers and Signs in Landslide Hazard Areas.*

1. The boundary at the outer edge of landslide area tracts and easements shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.
2. The boundary at the outer edge of the furthest of the landslide hazard area, nondisturbance area [~~VMC~~ Section 20.740.130(B)(7)(a)(2)], or buffer shall be identified with temporary signs

prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.

3. These provisions may be modified by the Shoreline Administrator ~~planning official~~ as necessary to ensure protection of sensitive features or wildlife needs.

i. Bank Stabilization for Existing Development in Bank Erosion Hazard Areas.

1. Bank stabilization measures may be employed to protect an existing structure when a Critical Areas Report conclusively demonstrates all of the following:

- a. Bank erosion threatens an established use or existing structure(s); and
- b. The threatened structure(s) cannot be relocated landward of any nondisturbance area [~~VMC Section~~ Section 20.740.130(B)(7)(a)(2)]; and
- c. Where applicable, bank stabilization measures are necessary to the operation and location of water-dependent, water-related, or water enjoyment activities consistent with the City of Vancouver Shoreline Management Master Program; and
- d. Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and
- e. Bank stabilization measures will not cause a significant adverse impact on fish, wildlife, or their habitats protected by this chapter.

2. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved Critical Areas Report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.

3. When bank stabilization is allowed, the pertinent policies and regulations of the City of Vancouver Shoreline Management Master Program shall apply in addition to the requirements of this section. The terms and conditions of any other required state or federal permit or approval shall also apply.

j. *Buffer.* The following regulations apply to landslide and bank erosion hazard area buffers. No buffer is required for soil erosion hazard areas. Buffers may be included in nondisturbance areas [~~VMC Section~~ Section 20.740.130(B)(7)(a)(2)] and required planting and maintenance activities may be undertaken within them.

1. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See ~~VMC~~ Section 20.170.030(B) and (K)].
2. A vegetated buffer shall be maintained around all landslide and bank erosion hazard areas. No alteration to the buffer shall be undertaken without an erosion control plan approved pursuant to the provisions of VMC 14.24, Erosion Control and this chapter. New plantings shall consist of native vegetation. Maintenance shall be the responsibility of the property owner.
3. The minimum buffer width for bank erosion hazard areas shall be the distance recommended in an approved Critical Areas Report.
4. The minimum buffer width for landslide hazard areas shall be the greatest of the following distances:
 - a. 50 feet from all edges of the landslide hazard area; or
 - b. A distance of 1/3 the height of the slope at the top of the slope and a distance of 1/2 the height of the slope at the bottom of the slope [See VMC 20.170.030(J)]; or
 - c. The minimum distance(s) recommended in an approved Critical Areas Report.
5. A larger buffer width may be required for landslide and bank erosion hazard areas at the discretion of the Shoreline Administrator ~~planning official~~ when:
 - a. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts; or
 - b. The area has a severe risk of slope failure or downslope stormwater drainage impacts; or
 - c. The area is directly adjacent to a riparian management area or wetland; or
 - d. Recommended in an approved Critical Areas Report.
6. The buffer width for landslide hazard areas may be reduced to as little as the smallest of the distances identified in ~~VMC~~ Section 20.740.130(C)(1)(j)(4) at the discretion of the Shoreline Administrator ~~planning official~~ when the dimensions of the landslide hazard area are smaller than those distances.

2. Seismic Hazard Areas

- a. *Liquefaction or Dynamic Settlement Hazard Areas.* All building structures in liquefaction or dynamic settlement hazard areas shall comply with the requirements of VMC Title 17, Building and Construction. No buffer is required for liquefaction or dynamic settlement hazard areas.

b. *Ground Shaking Amplification Hazard Areas.* All building structures in ground shaking amplification hazard areas shall comply with the requirements of VMC Title 17, Building and Construction applicable to the NEHRP soil classification of the subject property. No buffer is required for ground shaking amplification hazard areas.

c. *Fault Rupture Hazard Areas.*

1. A road through or across a fault rupture hazard area shall not be:
 - a. The sole access for a proposed subdivision (not including short subdivision) or critical facility;
 - b. Longer than 200 feet’;
 - c. Steeper than a 15% grade.
2. Structures for human habitation and critical facilities shall be prohibited within fault rupture hazard areas and buffers.
3. Buffer.
 - a. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See VMC 20.170.030(B)].
 - b. The buffer width shall be the greater of the following distances:
 - i. 50 feet from all edges of a fault rupture hazard area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet [See VMC 20.170.030(L)]; or
 - ii. The minimum distance recommended in an approved Critical Areas Report.
 - c. A larger buffer width may be required when the Shoreline Administrator ~~planning official~~ determines that the buffer is not adequate to protect the proposed development. (Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.140 Wetlands.

A. *Designating and Rating Wetlands.*

1. *Designating Wetlands.* Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal

circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created (but not as mitigation for impacts to wetlands) from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.

Final designations shall be based on site conditions and other available data or information (~~see VMC 20.740.020(C)(1)~~).

2. *Wetland Ratings.* Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system, Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No. 14-06-029, October 2014, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used.

a. *Wetland Rating Categories.*

i. *Category I.* Category I wetlands are:

- A. Relatively undisturbed estuarine wetlands larger than one acre;
- B. Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program of the Department of Natural Resources;
- C. Bogs;
- D. Mature and old-growth forested wetlands larger than one acre;
- E. Wetlands that perform many functions well, scoring twenty-three points or more. These wetlands are those that:
 - 1. Represent unique or rare wetland types;
 - 2. Are more sensitive to disturbance than most wetlands;
 - 3. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or
 - 4. Provide a high level of functions.

ii. *Category II.* Category II wetlands function at a moderately high function, scoring between twenty and twenty-two points.

iii. *Category III.* Category III wetlands are:

A. Wetlands with a moderate level of functions, scoring between sixteen and nineteen points; and

B. Can often be adequately replaced with a well planned mitigation project.

iv. *Category IV.* Category IV wetlands have the lowest levels of functions (scoring fewer than sixteen points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases 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.

B. *Additional Critical Areas Report Requirements.* A critical areas report for wetlands shall be prepared according to the Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No. 14-06-029, October 2014 or as revised by Ecology. The critical areas report shall contain an analysis of the wetlands including the following site- and proposal-related information:

1. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:

a. Hydrogeomorphic (HGM) subclassification and Cowardin class;

b. Wetland category;

c. Wetland delineation and required buffers;

d. Existing wetland acreage;

e. Vegetative, faunal, and hydrologic characteristics;

f. Soil types and substrate conditions;

g. Topographic elevations, at one-foot contours; and

h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits).

2. Functional evaluation for the wetland and buffer using Ecology's most current approved method and including the reference of the method and all data sheets.

ORDINANCE - 80

3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives (for example, where enhancement for one function would adversely affect another), a written description and accompanying maps of the mitigation area, including the following information:

- a. Existing and proposed wetland acreage;
- b. Existing and proposed vegetative and faunal conditions;
- c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
- d. Relationship to lakes, streams and rivers in the watershed;
- e. Soil type and substrate conditions;
- f. Topographic elevations, at one-foot contours;
- g. Required wetland buffers including existing and proposed vegetation;
- h. Identification of the wetland's contributing area; and
- i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.

C. Performance Standards.

1. *General Requirements.* Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. ~~Activities and shall meet all of result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (the preferred protection) or minimizing and mitigating as described in~~ the general critical areas performance standards (Section VMC 20.740.060).

a. *Wetlands.*

- i. In Category I wetlands only the following activities may be allowed if the applicant further demonstrates that avoiding all adverse impacts is not in the public interest or will deny all reasonable economic use of the site:

A. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility that cannot feasibly be located outside of the wetland, that minimizes the impact, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or

B. Trails and wildlife viewing structures; provided, that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland.

ii. In Category II wetlands only the following activities may be allowed if the applicant further demonstrates that avoiding all adverse impacts is not in the public interest or will deny all reasonable economic use of the site:

A. Activities allowed in Category I wetlands pursuant to subsection (C)(1)(a)(i) of this section.

B. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

C. Within shoreline jurisdiction (~~VMC 20.760.020~~ SMP Chapter 2), water-dependent, water-related or water-enjoyment activities where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.

D. Where non-water dependent, related or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the city of Vancouver or Vancouver urban growth area.

iii. In Category III wetlands only the following activities may be allowed:

A. Activities allowed in Category II wetlands pursuant to subsection (C)(1)(a)(ii) of this section.

B. Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).

iv. In Category IV wetlands activities and uses that result in impacts may be permitted in accordance with an approved critical areas report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to subsection (C)(2) of this section.

b. *Wetland Buffers.*

i. *Standard Buffer Widths.* Standard buffer widths are those determined by Ecology and described in Freshwater Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands, Ecology Publication No. 05-06-008, April 2005 or as revised by Ecology. Buffer widths are based on wetland category, wetland characteristics and land use intensity.

A. Land use intensities are defined by the Land Use and Development Code VMC 20.400 Zoning Districts and application is uniform to all uses within a given zoning district~~are as follows:~~

Table 20.740.140-1. LAND USE INTENSITIES

Land Use Intensity	VMC Title 20 Zoning Districts
High	All Residential, Commercial, or Industrial Zones
Moderate	<u>Park or General Greenway Open Space Zones</u> Open Space Park or Open Space Greenway: General
Low	<u>Lettuce Fields Greenway, Vancouver Lake Greenway, or Natural Area Open Space Zones</u> Open Space Greenway: Lettuce Fields or Vancouver Lowlands; or Open Space Natural

B. Level of function for habitat based on the Washington State Wetland Rating System is as follows:

Table 20.740.140-2. RATING SYSTEM

Level of Function	Habitat Score in Rating System
High	8 – 9

Level of Function	Habitat Score in Rating System
Moderate	6 – 7
Low	3 – 5

C. Buffer widths are measured horizontally from the edge of the wetland (see VMC 20.170.030(B) and (H)) and are as follows:

~~1. Category I Wetlands.~~

Table 20.740.140 3. CATEGORY I WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
Wetlands of High Conservation Value	High	250'
	Moderate	190'
	Low	125'
Forested Wetlands High Habitat Function	High	300'
	Moderate	225'
	Low	150'
Moderate Habitat Function	High	150'

Wetland Characteristics	Land Use Intensity	Buffer Width
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'
Other Category I Wetlands	High	300'
High Habitat Function	Moderate	225'
	Low	150'
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'

ORDINANCE - 85

Wetland Characteristics	Land Use Intensity	Buffer Width

~~2. Category II Wetlands.~~

Table 20.740.140-4. CATEGORY II WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
High Habitat Function	High	300'
	Moderate	225'
	Low	150'
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'

~~3. Category III Wetlands.~~

Table 20.740.140-5. CATEGORY III WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	80'
	Moderate	60'
	Low	40'

~~4. Category IV Wetlands.~~

~~Table 20.740.140-6. CATEGORY IV WETLAND BUFFER WIDTHS~~

Wetland Characteristics	Land Use Intensity	Buffer Width
All Category IV Wetlands	High	50'
	Moderate	40'
	Low	25'

Table 20.740.140-3. Buffers Required to Protect Water Quality Functions

<u>Wetland Rating</u>	<u>Low Intensity Use</u>	<u>Moderate Intensity Use</u>	<u>High Intensity Use</u>
<u>Category I or II</u>	<u>50 ft.</u>	<u>75 ft.</u>	<u>100 ft.</u>
<u>Category III</u>	<u>40 ft.</u>	<u>60 ft.</u>	<u>80 ft.</u>

<u>Category IV</u>	<u>25 ft.</u>	<u>40 ft.</u>	<u>50 ft.</u>
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Table 20.740.140-4. Buffers Required to Protect Habitat Functions in Category I, II and III Wetlands

<u>Habitat Score in the Rating Form</u>	<u>Low Intensity Use</u>	<u>Moderate Intensity Use</u>	<u>High Intensity Use</u>
<u>5 points or less</u>	<u>See Table 40.450.030-2</u>	<u>See Table 40.450.030-2</u>	<u>See Table 40.450.030-2</u>
<u>6 or 7 points</u>	<u>75 ft.</u>	<u>110 ft.</u>	<u>150 ft.</u>
<u>8 or 9 points</u>	<u>150 ft.</u>	<u>225 ft.</u>	<u>300 ft.</u>
<u>Wetlands of High Conservation Value with a Habitat Score of 7 Points or Less</u>	<u>125 ft.</u>	<u>190 ft.</u>	<u>250 ft.</u>

D. All buffers shall be measured from the wetland boundary as surveyed in the field.

E. Areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.

ii. *Wetland Buffer Width Averaging.* The shoreline administrator may allow modification of the standard wetland buffer width in accordance with an approved critical areas report on a case-by-case basis by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction ~~or a minor exception~~. Averaging of buffer widths (see VMC 20.170.080(B)(2)) may only be allowed where a qualified professional wetland scientist demonstrates that:

A. Such averaging will not reduce wetland functions or functional performance; and

B. The wetland varies in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; and

C. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

D. The buffer width is reduced by no more than twenty-five percent of the standard width and at no point to less than twenty-five feet.

iii. *Buffer Width Reduction Based on Reducing the Intensity of Impacts from Land Uses.* Buffer widths required for high intensity land uses may be reduced to those required for moderate land use intensity under the following conditions:

A. For wetlands with moderate or high habitat function:

1. A relatively undisturbed vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats and areas associated with priority species (~~VMC~~ Section 20.740.110(A)(1)(b)); and
2. Measures required to minimize the impacts of different land uses on wetlands are applied, as approved by the shoreline administrator. Such measures include, but ~~are~~ may not be limited to, ~~the examples summarized below~~ the measures listed in Table 20.740.140-5.

Table 20.740.140-5. ~~EXAMPLES OF MEASURES REQUIRED TO~~ MINIMIZE LAND USE IMPACTS

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, residential	Direct lights away from wetland
Noise	Manufacturing, residential, commercial	Locate activity that generates noise away from wetland
Toxic runoff	Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals	Route only treated runoff to a wetland Establish covenants limiting use of toxic chemicals within 150' of wetland Apply integrated pest management
Change in water regime	Impervious surfaces, lawns, tilling	Infiltrate or treat, detain, and disperse new runoff into buffer
Pets	Residential	Plant dense vegetation around buffer,

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
		such as rose or hawthorn
Human disturbance	Residential, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn
Dust	Tilled fields	Utilize best management practices to control dust

B. For wetlands with low habitat function measures to minimize the impacts of different land uses on wetlands (subsection (C)(1)(b)(iii)(A)(2) of this section) are applied.

C. Buffer width reduction shall not be used in combination with buffer width averaging (subsection (C)(1)(b)(ii) of this section) ~~or a minor exception (VMC 20.740.070).~~

iv. *Buffer Maintenance.* Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained according to the approved critical areas permit.

v. *Buffer Uses.* The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter; provided, they are not prohibited by any other applicable law or regulation and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:

A. Activities allowed under the same terms and conditions as in the associated wetlands pursuant to subsection (C)(1)(a) of this section, provided trails shall be located in the outer twenty-five percent ~~to fifty percent~~ of the buffer when feasible and consistent with the public access provisions of this program.

B. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

C. Passive recreation facilities including trails and wildlife viewing structures; provided, that the trails and structures are constructed with a surface that does not interfere with wetland hydrology.

~~D. Stormwater management facilities, limited to detention facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, may be constructed in accordance with an approved critical areas report within the buffers of Category III or IV wetlands; provided, that:~~

- ~~1. No other location is feasible; and~~
- ~~2. The location of such facilities will not degrade the functions of the wetland or buffer.~~

D. Stormwater management facilities. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment, or Flow Control BMP if all of the following criteria are met:

1. The wetland is classified as a Category III or a Category IV wetland with a habitat score of 3-5 points; and
2. There will be “no net loss” of functions and values of the wetland, and
3. The wetland does not contain a breeding population of any native amphibian species; and
4. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach,”; or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan; and
5. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and
6. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits; and
7. Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced.

Stormwater LID BMPs required as part of new and redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

c. *Signs and Fencing of Wetlands.*

- i. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the shoreline administrator prior to the commencement

of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

ii. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the shoreline administrator.

iii. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the shoreline administrator determines that the animals would not degrade the functions of the wetland or buffer.

iv. Permanent signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of ~~two~~^{one} hundred feet, or as otherwise determined by the shoreline administrator, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the shoreline administrator: "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

2. *Compensatory Mitigation.* Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC 20.740.060 and shall be consistent with the Department of Ecology Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Version 1, Ecology Publication No. 06-06-011a March 2006, or as revised by Ecology. Watersheds are defined in VMC 20.740.020(C)(2) and Chapter 20.150 VMC.

a. *Mitigation for Lost or Affected Functions.* Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland or buffer functions as those lost, except when:

i. The lost wetland or buffer provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or

ii. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

b. *Mitigation Actions.*

i. *Creation.* The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously

exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.

ii. *Reestablishment.* 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. Activities could include removing fill material, plugging ditches or breaking drain tiles. Reestablishment results in a gain in wetland acres and functions.

iii. *Rehabilitation.* The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.

iv. *Enhancement.* The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions 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. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

c. *Type and Location of Mitigation.* Compensatory mitigation for ecological functions shall be in kind. Compensatory mitigation shall be on site or within the impacted wetland's: (i) contributing area; (ii) stream reach; (iii) sub-watershed; or (iv) watershed. (Sub-watersheds and watersheds are identified on the Clark County Digital Atlas.) The mitigation site shall be where the greatest level of wetland functions can be achieved. Mitigation actions may be conducted in a different watershed when:

- i. Based on a determination of the natural capacity of the potential mitigation sites to mitigate for the impacts, there are no reasonable on-site or in-watershed opportunities, or those opportunities do not have a high likelihood of success. Consideration shall include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, and potential to impact riparian fish and wildlife habitat including connectivity; or
- ii. Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or

iii. Credits from a certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.

d. *Mitigation Ratios.*

i. *Replacement Ratios.*

A. The replacement ratios shall apply to wetland mitigation that: (1) is for the same hydrogeomorphic subclass (e.g., riverine flow-through, depressional outflow or flats), and Cowardin class (e.g., palustrine emergent, palustrine forested or estuarine wetlands); (2) is on site; (3) is in the same category; (4) is implemented prior to or concurrent with alteration; and (5) has a high probability of success.

B. The replacement ratios are based on replacing the affected wetland with a compensation wetland of the same category, and hydrogeomorphic (HGM) subclass and Cowardin class.

C. The replacement ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification.

D. *Mitigation Ratios.* Mitigation ratios are as follows (see subsection (C)(2)(b) of this section for definitions of mitigation actions):

Table 20.740.140-8. MITIGATION REPLACEMENT RATIOS

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation (R/C) plus Rehabilitation (RH)	Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
Category I Bog	Not Considered Possible	6:1 Rehabilitation of a Bog	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
Category I Natural Heritage Site	Not Considered Possible	6:1 Rehabilitation of a Natural Heritage Site	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
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	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation (R/C) plus Rehabilitation (RH)	Reestablishment or Creation (R/C) plus Enhancement (E)	Enhancement Only
Functions					
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 III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
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

ii. *Adjustment of Replacement Ratios.* The shoreline administrator may adjust the replacement ratios to compensate for deviations from the requirements under subsection (C)(2)(d)(i)(A) of this section, subject to the following:

A. In most cases, adjustments to the replacement ratios will increase the required amount of mitigation. The required mitigation may be decreased under exceptional circumstances, for example, if programmatic out-of-kind mitigation yields watershed-scale benefits that would not be realized from in-kind mitigation, or if out-of-kind mitigation would protect irreplaceable wetlands.

e. *Mitigation Timing.* The mitigation shall be implemented prior to or concurrent with alterations. If mitigation is implemented after alteration is allowed, the Shoreline Administrator ~~planning official~~ may require additional mitigation to compensate for temporal losses of wetland functions.

f. *Buffers for Mitigation Wetlands.* Refer to Wetland Buffer Tables 20.740.140-3 through 20.740.140-6.

g. *Wetland Mitigation Banks.*

i. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

A. The bank is certified under Chapter 173-700 WAC;

B. The shoreline administrator determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

C. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions. (Ord. M-4289 § 4, 2019; Ord. M-4191 § 2, 2017; Ord. M-4176 § 3, 2016; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

~~The Vancouver Municipal Code is current through Ordinance M-4289, passed December 16, 2019.~~

~~Disclaimer: The city clerk's office has the official version of the Vancouver Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.~~

~~City Website: www.cityofvancouver.us~~

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Section 7. The City of Vancouver Shoreline Master Program, Chapter 6 Specific Shoreline Use Regulations, Section 6.2 Shoreline Use, Modification, and Standards Table 6-1; Section 6.3.3.1 General Requirements; 6.3.3.4 Joint Use and Community Moorage Facilities; Section 6.3.4 Commercial Uses; Section 6.3.5 Forest Practices; Section 6.3.7 Institutional Uses; Section 6.3.9 Parking; Section 6.3.12 Signs; Section 6.4.2.2 Dredging; Section 6.4.2.3 Dredge Material Disposal; Section 6.4.5 Shoreline Stabilization – General; Section 6.4.9.1 Revetments – General, adopted by Ordinance M-3995 and as amended, are hereby amended to read as follows:

Table 6-1. Shoreline Use, Modification and Development Standards

Table 6-1 is to be used and understood together with the related policies and regulations of this Program.

“Uses” refers to uses, structures, and/or developments as applicable.

Setbacks are landward from the OHWM in the NT, UC, MI, HI, RC-RD, & RC-RL shoreline designations and waterward of the OHWM in the AQ Shoreline Designation.

Abbreviations P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ (Both)	NT (Both)	UC (Urban)	MI (Urban)	HI (Urban)	RC-RD (Rural)	RC-RL (Rural)
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Shoreline Uses							
Agriculture							
Agriculture	X	X	C	P	P	P	P
• <i>Setback</i>	N/A	N/A	100'	100'	100'	100'	100'
• <i>Height</i>	N/A	N/A	35'	35'	35'	35'	35'
Aquaculture							
Aquaculture, General	P	X	C	C	C	C	C
• <i>Setback</i>	0'	N/A	50'	50'	50'	50'	50'
Boating Uses							
Motorized Boat Launches	P	X	C	C	P	P	P
• <i>Setback</i>	0'	N/A	0'	0'	0'	0'	0'
Non-motorized Boat Launches	P	C	P	P	P	P	P
• <i>Setback</i>	0'	0'	0'	0'	0'	0'	0'
Marinas	P	X	X	C	P	C	C
• <i>Setback</i>	0'	N/A	N/A	25'	25'	25'	25'
• <i>Height</i>							
- 0'-100' from OHWM	20'	N/A	N/A	25'	35'	25'	35'
- >100' from OHWM	20'	N/A	N/A	35'	45'	35'	45'
Docks, Piers, Mooring Buoys	P¹	X	P¹	P¹	P¹	P¹	P¹
• <i>Setback</i>	0'	NA	0'	0'	0'	0'	0'
Commercial Uses							
Water-dependent	C	X	X	P	P	C	C
• <i>Setback</i>	0'	N/A	N/A	0'	0'	0'	0'
• <i>Height</i>							
- 0'-100' from OHWM	35' ³	N/A	N/A	35'	35' ^{3,2}	35'	35'
- >100' from OHWM	35' ³	N/A	N/A	45'	60' ^{3,2}	45'	45'
Water-related, Water-enjoyment	X/C³	X	X	P	P	C	C
• <i>Setback</i>	N/A	N/A	N/A	25'	25' ³	25'	25'
• <i>Height</i>							
- 0'-100' from OHWM	35' ³	N/A	N/A	25'	35' ^{3,2}	35'	35'
- >100' from OHWM	35' ³	N/A	N/A	35'	45' ^{3,2}	45'	45'
Non-water-oriented	X	X	X	C⁴	C⁴	X	X
• <i>Setback</i>	N/A	N/A	N/A	100'	100' ³	N/A	N/A
• <i>Height</i>	N/A	N/A	N/A	2535'	2535' ^{3,2}	N/A	N/A
Forestry							
Log Storage	C	X	X	X	P	X	P
• <i>Setback</i>	0'	N/A	N/A	N/A	50'	N/A	50'

ORDINANCE - 97

Abbreviations P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ (Both)	NT (Both)	UC (Urban)	MI (Urban)	HI (Urban)	RC-RD (Rural)	RC-RL (Rural)
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Timber Harvest	X	X	C	P	P	P	P
• <i>Setback</i>	N/A	N/A	100'	100'	50'	100'	50'
Industrial Uses							
Water-dependent	P	X	X	X	P	X	X
• <i>Setback</i>	0'	N/A	N/A	N/A	0'	N/A	N/A
• <i>Height</i>							
- 0'-100' from OHWM	UNL	N/A	N/A	N/A	UNL	N/A	N/A
- >100' from OHWM	UNL	N/A	N/A	N/A	UNL	N/A	N/A
Water-related	X	X	X	X	P	X	X
• <i>Setback</i>	N/A	N/A	N/A	N/A	50'	N/A	N/A
• <i>Height</i>							
- 0'-100' from OHWM	N/A	N/A	N/A	N/A	UNL	N/A	N/A
- >100' from OHWM	N/A	N/A	N/A	N/A	UNL	N/A	N/A
Non-water-oriented	X	X	X	X	P	X	X
• <i>Setback</i>	N/A	N/A	N/A	N/A	100'	N/A	N/A
• <i>Height</i>	N/A	N/A	N/A	N/A	35'	N/A	N/A
Institutional Uses							
Water-dependent	C	X	C	P	P	C	C
• <i>Setback</i>	0'	N/A	0'	0'	0'	0'	0'
• <i>Height</i>							
- 0'-100' from OHWM	35'	N/A	25'	35'	35'	35'	35'
- >100' from OHWM	35'	N/A	35'	45'	35'	45'	45'
Water-related	X	X	X	P	P	C	X
• <i>Setback</i>	N/A	N/A	N/A	25'	25'	50'	NA
• <i>Height</i>							
- 0'-100' from OHWM	N/A	N/A	N/A	35'	45'	35'	N/A
- >100' from OHWM	N/A	N/A	N/A	45'	60'	35'	N/A
Non-water-oriented	X	X	X	PC⁴	PC⁴	X	X
• <i>Setback</i>	N/A	N/A	N/A	100'	100'	N/A	N/A
• <i>Height</i>	N/A	N/A	N/A	35'	35'	N/A	N/A
Mining							
Gravel Mining	C⁵	X	X	X	C⁵	C⁵	C⁵
• <i>Setback</i>	0'	N/A	N/A	N/A	200'	200'	200'
Hard Rock Mining	X	X	X	X	C⁵	C⁵	C⁵
• <i>Setback</i>	N/A	N/A	N/A	N/A	100'	100'	50'
Parking							
Primary Use	X	X	X	X	X	X	X
• <i>Setback</i>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Accessory Use	X	X	P	P	P	P	P
• <i>Setback</i>	N/A	N/A	100'	100'	50'	100'	100'

Abbreviations P = Permitted; C = Conditional Use; X = Prohibited; N/A = Not Applicable; UNL = Unlimited.	AQ (Both)	NT (Both)	UC (Urban)	MI (Urban)	HI (Urban)	RC-RD (Rural)	RC-RL (Rural)
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
• Height	N/A	N/A	35'	35'	35'	35'	35'
Recreational Uses							
Water-dependent	P	P ⁶	P	P	P	P	P
• Setback	0'	0'	0'	0'	0'	0'	0'
• Height	15'	15'	15'	35'	35'	35'	35'
Water-related/enjoyment (trails generally parallel to the shoreline, accessory bldgs)	C ⁶	C ⁶	P	P	P	P	P
• Setback	0'	50' ⁷	50' ⁷	50' ⁷	20'	20'	20'
• Height	15'	15'	15'	35'	35'	35'	35'
Public access connections generally perpendicular to the shoreline to water- related/enjoyment features (viewpoints, fishing piers)							
• Setback	0'	0'	0'	0'	0'	0'	0'
Non-water-oriented (golf courses, sports fields)	X	X	C	C	C	C	X
• Setback	N/A	N/A	100'	100'	100'	200'	N/A
• Height	N/A	N/A	25'	25'	25'	15'	N/A
Residential Uses							
Single-family ⁸	X	X	P	P	X	P	P
• Setback	N/A	N/A	100'	50'	N/A	100'	100'
• Height	N/A	N/A	35'	35'	N/A	35'	35'
• Density	N/A	N/A	In accordance with the underlying zoning				
Floating homes (new)	X	N/A	N/A	N/A	N/A	N/A	N/A
• Height	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Floating homes (existing) ⁹	P	N/A	N/A	N/A	N/A	N/A	N/A
• Height	Existing	N/A	N/A	N/A	N/A	N/A	N/A
Multifamily	X	X	X	P	P	X	X
• Setback	N/A	N/A	N/A	35'	35'	N/A	N/A
• Height	N/A	N/A	N/A	35'	35'	N/A	N/A
• Density	N/A	N/A	N/A	In accordance with the underlying zoning		N/A	N/A
Signs ^{16,7}							
Sign heights are regulated in accordance with VMC 20.960 or VMC 20.450 as applicable. Free-standing informational signs in the Aquatic SD are limited to 15' ¹⁰ .							
Agricultural	X	X	X	X	P	P	P
Fascia or Wall Signs	X	X	X	P	P	P	P
Free Standing Informational	P	P	P	P	P	P	P
High School Electronic Message	X	X	X	P	P	P	P
Monument	X	P	P	P	P	P	P

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Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Navigation	P	P	P	P	P	P	P
Transportation Uses							
Highways, Arterials, Railroads (parallel to OHWM)	C ¹¹	X	P	P ¹¹	P ¹¹	P	P
• <i>Right-of-Way Setback</i>	0'	N/A	200'	100' ¹¹	100' ¹¹	200'	200'
Secondary/Public Access Roads (parallel to OHWM)	X	X	P	P	P	P	P
• <i>Right-of-Way Setback</i>	NA	N/A	100'	50'	50'	100'	100'
Secondary/Public Access Roads (perpendicular to OHWM)	X	X	P	P	P	P	P
• <i>Setback</i>	N/A	N/A	Limited to the setback for the use the road is serving ¹²				
Bridges (perpendicular to shoreline)	C	C	C	P	P	C	C
• <i>Setback</i>	0'	0'	0'	0'	0'	0'	0'
Utility Uses							
Above-ground Utilities (parallel to shoreline)	C	C	P	P	P	P	P
• <i>Right-of-Way Setback</i>	0'	200'	100'	50'	50'	100'	100'
• <i>Structure Height</i>	15'	15'	35'	35'	UNL	15'	15'
• <i>Distribution Pole Height</i>	0'	45'	45'	45'	UNL	45'	45'
Electrical Transmission Lines	C	C	C	C	C	C	C
• <i>Tower Height</i>	UNL	UNL	UNL	UNL	UNL	UNL	UNL
Underground Utilities (parallel to shoreline)	C	C	P	P	P	P	P
• <i>Right-of-Way Setback</i>	0'	200'	100'	50'	50'	50'	50'
Underground Utilities (perpendicular to shoreline)	C	C	C	C	C	C	C
• <i>Right-of-Way Setback</i>	0'	0'	0'	0'	0'	0'	0'
Unclassified Uses							
Unclassified Uses	C	C	C	C	C	C	C
• <i>Setback</i>	0'	200'	100'	100'	100'	100'	100'
• <i>Height</i>	15'	15'	35'	35'	35'	35'	35'
Shoreline Modification							
Dredging and Dredge Material Disposal							
Non-maintenance Dredging	C	N/A	N/A	N/A	N/A	N/A	N/A
Maintenance Dredging	P	N/A	N/A	N/A	N/A	N/A	N/A
Dredge Material Disposal	C	X	X	C ¹³	C ¹³	C	C
Dredging & Disposal as part of Ecological Restoration/ Enhancement	P	C	P	P	P	P	P
Fill							
Speculative	X	X	X	X	X	X	X

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Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	RC Residential	RC Resource Lands
Other	C¹⁴	P¹⁵	P	P	P	P	P
Flood Control Works and In-stream Structures							
Dams, Dikes, & Levees	C	X	C	C	P	C	C
Instream structures	C	N/A	N/A	N/A	N/A	N/A	N/A
Shoreline Restoration							
Ecological Restoration / Enhancement / Mitigation	P	P	P	P	P	P	P
Shoreline Stabilization							
Bioengineered/Non-Structural	P	P	P	P	P	P	P
Structural	C	X	C	C	PC	C	C
Breakwaters, Jetties, Rock Weirs, and Groins	C	X	C	C	C	C	C

¹ ~~Docks associated with a commercial or industrial use~~ water-dependent Use permitted. Private residential docks permitted as community or joint-use only. See Section 6.3.3.4.

² See Section 6.3.4(7).

³ See Section 6.3.4(8). Allowed conditionally only on dock or pier structures located on the Columbia River from the Interstate 5 Bridge, downstream to the BNSF railroad bridge. See related policy Section 4.3.1(4).

⁴ ~~As part of mixed-use development only.~~ See Section 6.3.4(4), 6.3.7(2) and (4).

⁵ In Surface Mining Overlay areas only

⁶ Passive only

⁷ See Section 6.3.10(12, 13, and 14). Water-related/enjoyment features such as viewpoints, gazebos, or fishing piers may have a 0' setback when connected to a public access trail.

⁸ See Section 6.3.11.1 ~~(914)~~ for information about existing residential development on land.

⁹ See Section 6.3.11.2 ~~(4)~~ for information about existing floating homes.

¹⁰ Above Ordinary High Water Mark (OHWM)

¹¹ See 6.3.13(6).

¹² New roads may connect to existing roads within shoreline jurisdiction as long as the connection is landward of the existing road and the ordinary high water mark.

¹³ Permitted outside of channel migration zones.

¹⁴ See Section 5.6.2(11).

¹⁵ Permitted for restoration only; otherwise prohibited.

¹⁶ Sign requirements adopted with either a formally-approved master plan or through a Special Sign District under VMC 20.960.110 shall prevail over this section.

6.3.3.1 General Requirements

1. All boating uses, development and facilities shall protect the rights of navigation.
2. Boating uses, developments, and facilities shall locate on stable shorelines in areas where:

- a. There is adequate water mixing and flushing;
 - b. Such facilities will not adversely affect flood channel capacity or otherwise create a flood hazard;
 - c. Water depths are adequate to minimize spoil disposal, filling, beach enhancement, and other channel maintenance activities; and
 - d. Water depths are adequate to prevent the structure from grounding out at the lowest low water.
3. Boating uses, developments and facilities shall not be located:
- a. Along braided or meandering river channels where the channel is subject to change in alignment;
 - b. On point bars or other accretion beaches; or
 - c. Where new or maintenance dredging will be required;
 - d. In areas with important bank margin habitat for all life stages of aquatic species; or
 - e. Where wave action caused by boating use would increase bank erosion rates.
4. Marinas shall be designed to:
- a. Provide thorough flushing of all enclosed water areas;
 - b. Allow the free movement of aquatic life in shallow water areas; and
 - c. Avoid and minimize any interference with geo-hydraulic processes and disruption of existing shore forms.
 - d. All moorage facilities shall be constructed and maintained in a safe and sound condition. Those that are abandoned or unsafe shall be removed or repaired promptly by the owner or lessee.
5. Boating facilities shall be sited and designed to ensure no net loss of shoreline ecological functions, and shall meet DNR requirements and other state guidance if located in or over state-owned aquatic lands. On the Columbia River, boating facilities shall be sited waterward of -15 feet CRD to protect shallow water habitat ~~unless shallow water habitat will be created as mitigation~~ unless adverse impacts to shallow water habitat are addressed through mitigation to ensure no net loss. Mitigation can include, enhancement, creation and/or payment of mitigation bank credits, and comply with Section 6.4.4.
6. Boating facilities shall locate where access roads are adequate to handle the traffic generated by the facility and shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed nor made dangerous.

7. Boating uses and facilities shall be located far enough from public swimming beaches, fishing, aquaculture harvest areas, and waterways used for commercial navigation to alleviate any adverse impacts, safety concerns and potential use conflicts.
8. Accessory uses at boating facilities shall be:
 - a. Limited to water-oriented uses, including uses that provide physical or visual shoreline access for substantial numbers of the general public; and
 - b. Located as far landward as possible while still serving their intended purposes.
9. Parking and storage areas shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas.
10. All marinas and public launch facilities shall provide restrooms/hand-sanitizing facilities for boaters' use that are designed, constructed and maintained to be clean, well lighted, safe and convenient for public use. One restroom and hand sanitizing facility shall be provided for every seventy-five (75) marina moorage slips or twenty (20) boat launch parking spaces.
11. Installation of boat waste discharge and disposal facilities such as pump-outs and portable dump stations shall be required at all marinas and public moorage facilities, and shall be provided at public boat launches to the extent possible. Such facilities shall include oil containment barriers when required by the US Coast Guard under provisions of the Clean Water Act. The locations of such facilities shall be considered on an individual basis in consultation with the Washington Departments of Health, Ecology, Natural Resources, Parks, and Fish and Wildlife, as necessary.
12. All utilities shall be placed at or below the dock surface, or below ground, as appropriate.
13. All signage shall adhere to the standards for signs in this chapter, VMC 20.960, and VMC 20.450, except that a marina or boat launch may have one advertising sign oriented towards the water that does not exceed twenty four (24) square feet in area and fifteen (15) feet in height above the OHWM.
14. Where appropriate, marinas and boat launch facilities shall install public safety signs, to include the locations of fueling facilities, pump-out facilities, and locations for proper waste disposal.
15. Boating facilities shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials used for submerged portions, decking and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, copper chromium, arsenic, pentachlorophenol or other similarly toxic materials is prohibited.

16. Boats shall be restricted from extended mooring on waters of the state except as allowed by state regulations and provided that lease or permission is obtained from the state and impacts to navigation and public access are mitigated.
17. No more than one private community or joint-use boating facility (boat launch, float, dock, pier, dock/pier combination, or mooring buoy) is allowed on a parcel or lot when a public facility is unavailable within ½-mile upstream or downstream of any property line and all applicable requirements are met.

6.3.3.4 Joint Use and Community Moorage Facilities

1. Community and joint use moorage facilities are defined (Chapter 8) and regulated as marinas (Section 6.3.3.3; defined in Chapter 8) if:
 - a. They provide commercial goods or services;
 - b. They have ten (10) or more slips;
 - c. Moorage is proposed to be leased to upland property owners; or
 - d. The proposal includes a boat launching facility other than a ramp.
2. Live-aboards are not allowed at joint-use or community moorages.
3. Covered moorage facilities associated with any residential development shall be prohibited.
4. Existing, legally-established, private recreational docks, piers, and floats for individual single-family developments are considered non-conforming uses and structures. If such dock or float is abandoned, becomes hazardous, or is removed for any reason, it may be replaced with only one joint-use or community facility that complies with the policies and regulations of this Program. All required permits and approvals shall be obtained prior to commencing construction.
5. A new private dock or pier serving an individual lot is prohibited.
6. New joint-use docks and piers serving two or more contiguous residential lots each having direct water frontage are allowed if no public marina or public boat launch is located within ½-mile upstream or downstream of any property line and all applicable requirements of this Program are met. Each residential lot proposed to have access to the joint-use dock must show development of the lot is capable of meeting the minimum development standards for zoning and the applicable provisions of Vancouver Shoreline Master Program.
7. New residential land divisions with shoreline frontage shall provide for community docks if there is an appropriate location for future construction of a dock. Proposed docks and piers shall include no more than one mooring space per dwelling unit. Where a new

ORDINANCE - 104

moorage facility is proposed within a residential waterfront development, only one community moorage facility may be allowed, but only after demonstrating that such use is appropriate for the waterbody and that no public moorage facility is available to residents within ½-mile of the perimeter of the development. All conditions of approval related to required access easements and dedications shall be identified on the face of the plat. In addition, the community dock easement shall be recorded with the County Auditor.

8. Applicants for community or joint-use residential docks and piers shall demonstrate and document that adequate maintenance of the structure, activities, and associated landward area will be provided by identified responsible parties. The applicant shall file a legally enforceable joint use agreement or other legal instrument prior to the issuance of any building permits. The documents shall at minimum address the following:
 - a. Apportionment of construction and maintenance expenses;
 - b. Easements and liability agreements; and
 - c. Use restrictions.
9. Only a single, community moorage facility shall be permitted in association with hotels, motels, and multi-family residences. No more than one (1) mooring slip per unit shall be allowed.
10. The dimensions of a joint use or community moorage facility dock or pier shall be no greater than necessary, and shall meet the development standards listed below.
 - a. Fixed-piers shall not be permitted for residential use on rivers. Floating docks shall be required in rivers and streams unless it can be demonstrated that fixed docks will result in substantially less impact on geo-hydraulic processes and flood hazards can be minimized or mitigated. A fixed pier, landward of a floating dock, which connects to the shore at one end and to the floating dock by a gangway at the other is allowed.
 - b. Piers/anchors and/or ramps shall extend waterward, perpendicular from the ordinary high water mark (OHWM), to a point where the water depth is sufficient to prevent damage to shallow-water habitat (-15 feet CRD on the Columbia River).
 - c. The moorage facility may extend into the waterbody the minimum distance necessary to allow for moorage of the boats anticipated but in no instance more than 300' beyond the OHWM.
 - d. The bottom of either the pier or landward edge of the ramp shall be elevated at least 2 feet above the plane of OHWM.

- e. Piers and ramps shall be no more than 8 feet in width. Finger piers shall be no more than 8 feet wide and 45 feet long. Piers, ramps and docks shall be constructed to allow a minimum of 60% light penetration over 60% of each structure.
- f. Skirting shall not be placed on piers, ramps, floating docks, or floats. Protective bumper material will be allowed along the outside edge of the float or floating dock as long as the material does not extend below the bottom edge of the float frame or impede light penetration.
- g. Shoreline concrete anchors must be placed at least 10 feet landward from the OHWM, and shall be sized no larger than 4-feet wide by 4-feet long, unless otherwise approved by National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries), the US Army Corps of Engineers (Corps), and Washington Department of Fish and Wildlife (WDFW).
- h. Overwater structures shall be located in water sufficiently deep to prevent the structure from grounding out at the lowest low water.
- i. Docks used for motor boats should be located where the water will be deeper than seven (7) feet at the lowest low water to avoid prop scour.
- j. All docks and floats shall include stops that serve to keep the floats off the lake bottom or river bed at low water levels. If a bulkhead-like base is proposed for a fixed pier or dock where there is net positive littoral drift, the base shall be built landward of the OHWM or protective berms. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
- k. Pilings must be structurally sound and cured prior to placement in the water. Pilings employed for docks, piers, or any other structure shall have a minimum vertical clearance of one foot above extreme high water. Pile spacing shall be the maximum feasible to minimize shading and avoid a “wall” effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.

6.3.4 Commercial Uses

- 1. Water-oriented commercial uses are preferred over nonwater-oriented commercial uses.
- 2. An applicant for a new commercial use or development shall demonstrate that the use or development will not cause a net loss of ecological function or adversely impact other shoreline resources or uses.
- 3. Loading, service areas, and other accessory uses shall be located landward of a commercial structure or underground whenever possible, but shall in no case be

waterward of the structure. Loading and service areas shall be screened from view with native plants.

4. ~~Where allowed, n~~Nonwater-oriented commercial uses may be ~~permitted~~allowed only as part of a mixed-use development that:

- a. As part of a mixed-use development that includes water-oriented uses and has a formally-approved master plan that complies with this Program, including having demonstrated consistency with the policies of Section 3.2 if its proposed location is on a shoreline of statewide significance, where there is a substantial public benefit with respect to the goals and policies of this Program such as providing public access and/or ecological restoration; or

~~Has a formally-approved master plan that complies with this Program, including having demonstrated consistency with the policies of Section 3.2 if its proposed location is on a shoreline of statewide significance;~~

- b. Where navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Act's objectives such as providing public access and ecological restoration; or ~~Includes water-oriented uses; and~~
- c. If the site is physically separated from the shoreline by another property or public right-of-way. Provides a significant public benefit such as public access and/or ecological restoration.

5. Nonwater-oriented commercial uses meeting the conditions of Section 6.3.4(4) and located in a High Intensity shoreline designation on the Columbia River between the eastern boundary of Wintler Park and the railroad bridge (Columbia River Shoreline Enhancement Plan District) may occupy:

- a. Up to 85% of the total frontage length of all parcels in the master-planned development (regardless of ownership); or
- b. Up to 85% of the project area within shoreline jurisdiction of all parcels in the development (regardless of ownership).

6. Nonwater-oriented commercial uses meeting the conditions of Section 6.3.4(4) and not located in a High Intensity shoreline designation on the Columbia River between the eastern boundary of Wintler Park and the railroad bridge (Columbia River Shoreline Enhancement Plan District) may occupy:

- a. Up to 25% of the total frontage length of all parcels in the master-planned development (regardless of ownership); or

- b. Up to 25% of the total project area within shoreline jurisdiction of all parcels in the master-planned development (regardless of ownership).
- 7. When a new, mixed-use commercial development meets all applicable provisions of Section 6.3.4 (Commercial Uses), Section 5.8.1 (Visual Access), and this Program and:
 - a. Is located in a High Intensity shoreline designation on the Columbia River between the eastern boundary of Wintler Park and the railroad bridge (Columbia River Shoreline Enhancement Plan District);
 - b. Has a formally-approved master plan that complies with this Program including having demonstrated consistency with the policies of Section 3.2 (Shorelines of Statewide Significance);
 - c. Includes water-oriented uses;
 - d. Provides public access to the shoreline;
 - e. Restores degraded shorelines; and
 - f. Building heights for commercial development in the High Intensity shoreline designation in Table 6-1 may be increased in accordance with the underlying zoning.
- 8. Water oriented commercial use is allowed on a dock or pier as a conditional use only under the follow circumstances:
 - a. The commercial dock or pier is located between the I-5 Bridge and the BNSF railroad bridge;
 - b. The commercial use of the dock or pier is included in a formally approved master plan that complies with this Program;
 - c. All uses shall be water-dependent, water-related or water-enjoyment;
 - d. There are design elements that link the site back to historic uses.
 - e. A dock or pier associated with an existing commercial building located on such dock or pier may be maintained, rebuilt, replaced and/or relocated as follows:
 - i. A rebuilt or replaced dock or pier shall not occupy a larger footprint then the dock or pier as it existed on March 15, 2018.
 - ii. A commercial building may be rebuilt, replaced or relocated on top of the dock or pier only when the applicant of a shoreline conditional use permit demonstrates the following:

1. The development shall include design elements that are reflective of the local maritime history and structures on the site, and enhance the public's experience along the city's waterfront.
2. The height of the structure shall not exceed 65 feet measured from ordinary high water mark.
3. The building shall not occupy a footprint that is larger than the footprint of the building existing on March 15, 2018. The building footprint may shift from its current location on the dock or pier as needed to comply with public access requirements of this program and/or existing or future state highway right-of-ways.
4. The building located on the dock or pier shall be positioned to maintain public access to the dock or pier and to the shoreline consistent with this Program and the policies set forth in the Vancouver City Center Vision (VCCV) Subarea Plan.

6.3.5 Forest Practices

1. Commercial harvest of timber undertaken on shorelines shall comply with the applicable policies and provisions of the Forests and Fish Report (U.S. Fish and Wildlife Service, et al., 1999) and the Forest Practices Act, RCW 76.09 as amended, and any regulations adopted pursuant thereto (WAC 222), as administered by the Department of Natural Resources.
2. When timberland is to be converted to another use, such conversion shall be clearly indicated on the Forest Practices application. Failure to indicate the intent to convert the timberland to another use on the application will result in subsequent conversion proposals being reviewed pursuant to Conversion Option Harvest Plan. Failure to declare intent to convert on the application shall provide adequate grounds for denial of subsequent conversion proposals for a period of six years from date of Forest Practices application approval per RCW 76.09.060(3)(d), (e) and (f), RCW 76.09.460, and RCW 76.09.470.
3. With respect to timber situated within two hundred (200) feet landward of the OHWM within shorelines of the statewide significance, Ecology or the City shall allow only selective commercial timber cutting, so that no more than thirty percent (30%) of the merchantable trees may be harvested in any ten- (10-) year period of time; provided that other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and provided further, that clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted. Exceptions to this standard shall be allowed by conditional use only.

4. For the purposes of this Program, preparatory work associated with the conversion of land to non-forestry uses and/or developments shall not be considered forest practices and shall be reviewed in accordance with the provisions for the proposed non-forestry use, the general provisions of this Program, including vegetation conservation.
5. A forest practice that only involves timber harvest is not a development under the Act and is not subject to the Shoreline Master Program. A forest practice that includes activities other than timber harvest are a development under the Act and may require a Substantial Development Permit, as required by WAC 222-50-020

6.3.7 Institutional Uses

1. Water-oriented institutional uses and developments are preferred.
2. Where allowed, nonwater-oriented institutional uses may be permitted as part of a mixed-use development provided that a significant public benefit such as public access and/or ecological restoration are provided.
3. Loading, service areas, and other accessory uses shall be located landward of a primary structure or underground whenever possible, but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.
4. ~~Where a~~ Non-water-oriented institutional uses are allowed ~~as a conditional use only if~~, the following ~~must be~~ is demonstrated:
 - a. A water dependent use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features of the site, or due to the site's separation from the water;
 - b. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and
 - c. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, ecological function, and/or access to the shoreline.
5. Over-water structures housing public safety equipment for public agency use to protect people, property, and the environment may be allowed as a conditional use and may be increased in number or expanded. See Section 6.3.3.3(10) and (11).

6.3.9 Parking

1. Parking as a primary use is prohibited in all shoreline areas.
2. Temporary storage of vehicles for import or export in port areas shall not be considered parking.
3. Temporary storage of vehicles for import or export in port areas is prohibited over water.

ORDINANCE - 110

4. Where parking is allowed as accessory to a permitted use, whenever feasible it should ~~shall~~ be located landward of the primary structure as far as possible or within the primary structure.

6.3.12 Signs

1. Free-standing signs shall be for only informational purposes such as directional, navigational, educational/interpretive, and safety purposes, unless otherwise allowed under this Program and as specified in Table 6-1.
2. Signs for commercial purposes shall be limited to fascia or wall signs and as regulated by VMC Chapter 20.960, unless otherwise provided for in this chapter for specific uses.
3. All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access corridors to the shoreline.
4. Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use.
5. Illuminated signs shall be limited to informational, directional, navigational or safety purposes and shielded so as to eliminate glare when viewed from surrounding properties or watercourses.
6. Sign requirements adopted with either a formally-approved master plan or through a Special Sign District under VMC 20.960.110 shall prevail over the provisions of this section.

6.4.2.2 Dredging

1. Dredging shall be avoided where possible. Dredging shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines unless one or more of these impacts cannot be avoided. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions.
2. Maintenance dredging of established navigation channels and basins shall be restricted to managing previously dredged and/or existing authorized location, depth and width.
3. Dredging shall be prohibited between the OHWM and minus fifteen (-15) feet CRD, unless adverse impacts to shallow water habitat is addressed through mitigation to no net loss. Mitigation can include, enhancement, creation and/or payment of mitigation bank credits. ~~and comply with Section 6.44. shallow water habitat will be created to mitigate for the dredging project.~~

4. Dredging activity is prohibited in the following locations:
 - a. Along net positive drift sectors and where geohydraulic-hydraulic processes are active and accretion shore forms would be damaged, altered, or irretrievably lost;
 - b. In shoreline areas with bottom materials that are prone to significant sloughing and refilling due to currents or tidal activity which result in the need for continual maintenance dredging;
 - c. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish, or wildlife.
5. Dredging techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only the amount of dredging necessary shall be permitted.
6. Dredging shall be permitted only:
 - a. For navigation or navigational access;
 - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
 - c. As part of an approved habitat improvement project;
 - d. To improve water flow or water quality, provided that all dredged material shall be contained and managed so as to prevent it from reentering the water;
 - e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist; or
 - f. To acquire sand and gravel for commercial purposes from within the Columbia River.
7. Dredging for fill is prohibited except where the material is necessary for restoration of shoreline ecological functions.

6.4.2.3 Dredge Material Disposal

1. ~~Dredge material disposal shall be avoided where possible.~~ Dredge disposal shall be permitted only where it is demonstrated that the proposed water-dependent or water-related uses will not result in significant or ongoing adverse impacts to water quality, fish and wildlife habitat conservation areas and other critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of shoreline ecological functions. Environmentally sound beneficial uses of suitable dredge material are encouraged as an alternative to conventional placement practices, when feasible.

2. Near shore or landside disposal of dredge materials shall not be located upon, adversely affect, or diminish:
 - a. Stream mouths, wetlands, or significant plant communities (approved mitigation plans may justify exceptions);
 - b. Prime agricultural land except as enhancement;
 - c. Natural resources including but not limited to sand and gravel deposits, timber, or natural recreational beaches and waters except for enhancement purposes;
 - d. Designated or officially recognized wildlife habitat and concentration areas;
 - e. Water quality, quantity, and drainage characteristics; and
 - f. Public access to shorelines and water bodies.
3. Dredged material shall be disposed of on land only at sites reviewed and approved by the USACOE and the Shoreline Administrator. Applicants shall demonstrate that the proposed site will ultimately be suitable for a use permitted by this Program. Disposal shall be undertaken such that:
 - a. The smallest possible land area is affected, unless dispersed disposal is authorized as a condition of permit approval for soil enhancement or other purposes;
 - b. Shoreline ecological functions and processes will be preserved, including protection of surface and ground water;
 - c. Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions and processes or property; and
 - d. Sites will be adequately screened from view of local residents or passersby on public right-of-ways to the maximum extent practicable.
4. The following conditions shall apply to land disposal sites:
 - a. Springs and aquifers shall be identified and protected.
 - b. Containment dikes and adequate settling basins shall be built and maintained so that the water discharged from the site carries a minimum of suspended sediment. Required basins shall be designed to maintain at least one foot of standing water at all times to encourage proper settling.
 - c. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainage ways.

- d. There shall be a single point of ingress and egress for removal of the de-watered material.
 - e. Runoff shall be directed through grassy swales or other treatment features that assures protection of water quality and a location that maximizes circulation and fishing.
 - f. Sites shall be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other critical areas functions;
 - g. Vegetation shall be maintained by the property owner;
 - h. Dredge materials deposited upland and not part of a permitted dike or levee shall constitute fill, and when deposited within shoreline jurisdiction, shall comply with the fill regulations; and
 - i. The applicable requirements of VMC 14.24, 14.25, and 14.26 shall be met.
5. Dredged material shall be disposed of in water only at sites approved by the USACOE and the Shoreline Administrator. Disposal techniques that cause minimum dispersal and broadcast of bottom material shall be used, and only if:
- ~~a. Land disposal is infeasible, less consistent with this Program, or prohibited by law;~~
 - a. ~~b.~~ Nearshore disposal as part of a program to restore or enhance shoreline ecological functions and processes is not feasible;
 - b. ~~c.~~ Offshore habitat will be protected, restored, or enhanced;
 - c. ~~d.~~ Adverse effects on water quality or biologic resources from contaminated materials will be mitigated;
 - d. ~~e.~~ Shifting and dispersal of spoil will be minimal; and
 - e. ~~f.~~ Water quality will not be adversely affected.
6. The deposition of dredged materials in water or wetlands shall be permitted only in approved, open water disposal sites and:
- a. To improve wildlife habitat;
 - b. To correct material distribution problems adversely affecting fish habitat;
 - c. To create, expand, rehabilitate, or enhance a beach when permitted under this Program and any required state or federal permit; or
 - d. When land deposition is demonstrated to be more detrimental to shoreline resources than water deposition.

6.4.5 Shoreline Stabilization – General

1. New shoreline stabilization to protect new residential development is prohibited. For other types of new development new shoreline stabilization is prohibited unless it can be demonstrated through a geotechnical analysis by a qualified professional that:
 - a. The proposed use cannot be developed without shore protection; or
 - b. Shore protection is necessary to restore ecological functions; or
 - c. Shore protection is necessary for a hazardous substance remediation project.
2. New or expanded shore stabilization shall:
 - a. Be designed using best available science and in accordance with applicable Ecology and WDFW guidelines;
 - b. Not result in a net loss of shoreline ecological functions;
 - c. Not cause significant erosion or beach starvation;
 - d. Not be located where valuable geohydraulic, hydraulic, or biological processes are sensitive to interference and critical to shoreline conservation;
 - e. Document that alternative solutions (including relocation or reconstruction of existing structures) are not feasible or do not provide sufficient protection;
 - f. Demonstrate that future stabilization measures would not be required on the project site or adjacent properties; and
 - g. Be certified by a qualified professional.
3. New or expanded structural shoreline stabilization for existing primary structures, including roads, railroads, and public facilities is prohibited unless there is conclusive evidence documented by a geotechnical analysis that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion caused by stream processor waves, and only when significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes.
4. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.
5. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures or public facilities including roads, bridges, railways, and utility systems from erosion

caused by stream undercutting or wave action; provided that, the existing shoreline stabilization structure is removed from the shoreline as part of the replacement activity. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the structure is a residence that was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. New or expanded shore stabilization shall be designed in accordance with applicable Ecology and WDFW guidelines and certified by a qualified professional.

6. ~~Shoreline stabilization projects that meet the criteria of Section 2.3.2(18) require a statement of exemption (Section 2.3.3) and if exempt will be regulated under RCW 77.55.181. Stabilization projects that do not meet these criteria will be regulated by this Program.~~ Shoreline stabilization projects that are part of a fish habitat enhancement project meeting the criteria of RCW 77.55.181 are shall be consistent with the provisions set forth in 2.1.1 and 2.3.2. exempt and will be regulated under the state process set forth in RCW 77.55.181. Stabilization projects that are not part of such a fish enhancement project will be regulated by this Program.
7. Small-scale or uncomplicated shoreline stabilization projects (for example, tree planting projects) shall be reviewed by a qualified professional to ensure that the project has been designed using best available science.
8. Large-scale or more complex shoreline stabilization projects (for example, projects requiring fill or excavation, placing objects in the water, or hardening the bank) shall be designed by a qualified professional using best available science. The applicant may be required to have a qualified professional oversee construction or construct the project.
9. Standards for new stabilization structures when found to be necessary include limiting the size to the minimum necessary to achieve the stabilization objective, using measures to assure no net loss of shoreline ecological functions, using soft approaches, and mitigating for impacts.

6.4.9.1 Revetments - General

1. Revetments must be in support of an allowable shoreline use that is in conformance with the provisions of this Program, unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
2. Design of revetments shall include and provide improved access to public shorelines whenever possible and appropriate. All forms of revetments shall be constructed and maintained in a manner that does not reduce water quality and/or fisheries habitat.
3. Design of the proposed revetment shall incorporate proper consideration of:
 - a. Data on local geophysical conditions;

- b. Data on stream flow, velocity, and/or flood capacity; and
 - c. Effects on adjacent properties.
4. ~~Bank revetments, where permitted, shall be placed at the extreme edge or bank of the shoreline.~~ Construction below ordinary high water mark is not considered fill when needed to construct the revetment. Revetments, where permitted, shall minimize encroachment waterward of the ordinary high water mark. In the Columbia River, adverse impacts to shallow water habitat between the OHWM and minus fifteen (-15) feet CRD shall be mitigated to ensure no net loss of ecological function. Mitigation can include enhancement, creation and/or payment of mitigation bank credits. Placement of revetments waterward of the OHWM are not considered fill.
 5. Revetments shall only be used when habitat-friendly alternatives are not feasible.

Section 8. The City of Vancouver Shoreline Master Program, Chapter 7 Administration and Enforcement, Section 7.1 General Provisions; Section 7.2.2 City Hearing Examiner; Section 7.2.3 City Planning Commission; Section 7.2.4 City Council; Section 7.2.5 State Department of Ecology and Attorney General; Section 7.3 Master Program Amendments; Section 7.4.1 Administrative Interpretations; Section 7.4.2 Statement of Exemption; Section 7.4.3 Shoreline Substantial Development Permits; Section 7.4.4 Shoreline Conditional Use Permits; Section 7.4.5 Shoreline Variance Permits; Section 7.4.7 Hearings; Section 7.4.8.3 Appeal Review Process; Section 7.4.8.4 State Shoreline Hearings Board; Section 7.4.9 Notification to Ecology and the Attorney General; Section 7.4.10 Ecology Review; Section 7.5.2 Requirement for Restoration Plan; Section 7.8 Rescission of Permits, adopted by Ordinance M-3995 and as amended, are hereby amended to read as follows:

7.1 General Provisions

1. Except as specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to RCW 90.58, the Act and this Program.
 2. Uses and developments that are not considered substantial developments pursuant to RCW 90.58.030(3)(e), WAC 173-27-040, and Section 2.3-2 of this Program shall not require a Shoreline Substantial Development Permit (SDP) but shall conform to the
- ORDINANCE - 117

policies and regulations of this Program and the Act and shall obtain a Statement of Exemption (SOE) (Sections 2.3~~3~~ and 7.4~~2~~~~7~~).

3. Classification of a use or development as permitted does not necessarily mean the use/development is allowed. It means the use/development may be allowed subject to review and approval by the City and/or Ecology. The City may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of a project with the Act and this Program.
4. To be authorized under this Program, all uses and developments shall be planned and carried out in a manner that is consistent with the City codes and this Program regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.
5. Applicants requesting review for permits or statement of exemption under this Program have the burden to prove that the proposed development or activity is consistent with the criteria that must be met before a permit or statement of exemption is granted.
6. Applicants shall submit all information and documentation determined by the Shoreline Administrator as necessary to process an application
7. The City shall not issue any permit for development within the shoreline jurisdiction until approval has been granted pursuant to this Program.
8. A development or use that does not comply with the bulk, dimensional, and/or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.
9. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a Shoreline Conditional Use Permit (SCUP) even if the development or use does not require a substantial development permit.
10. Issuance of a Shoreline Substantial Development Permit, Shoreline Variance (SV) or Shoreline Conditional Use Permit does not constitute approval pursuant to any other federal, state or City laws or regulations.
11. All shoreline permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Shoreline Administrator, documenting compliance with bulk and dimensional policies and regulations of this Program. The Shoreline Administrator may attach conditions to the approval as necessary to assure consistency with ~~the~~ RCW 90.58 and this Program. Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.
12. Proposed actions that would alter designated critical areas or their buffers, as established by this Program (Chapters 5.3 and 5A) shall be reviewed for compliance with this

Program. If required, the applicable critical area report and/or mitigation plan and/or habitat management plan shall be submitted as part of the development application or request for statement of exemption. The critical area review shall be conducted and processed in conjunction with the highest threshold of review that is applicable to the primary development proposed:

- a. Statement of Exemption;
 - b. Land Use Permit or Building Permit;
 - c. Excavation, Grading, Clearing and Erosion Control Permit;
 - d. SEPA Threshold Determination;
 - e. Shoreline Substantial Development Permit;
 - f. Shoreline Conditional Use Permit;
 - g. Shoreline Variance; or
 - h. Revisions to Shoreline Permits.
13. Habitats of Local Importance may be proposed by the property owner or the City (Chapter 5A, ~~VMC~~ Section 20.740.100) and shall be designated according to a Type IV legislative procedure (~~VMC~~ Chapter 5A, Section 20.210.070).
14. The final decision on a shoreline permit (Type II application) Shoreline Conditional Use or Shoreline Variance (Type III application) shall be made within 120 calendar days after the date of a fully complete determination is made per VMC 20.210. However, per RCW 47.01.485(1) to the greatest extent practicable, a final determination on all permits required for a project on a state highway as defined in RCW 46.04.560 shall be made no later than 90 days after a fully complete determination is made per VMC 20.210.

7.2.2 City Hearing Examiner

1. The City Hearing Examiner shall be responsible for making final determinations on appeals of:
 - a. Statements of Exemption;
 - b. Shoreline Substantial Development Permits; and
 - c. Revisions to Statements of Exemption and Shoreline Substantial Development Permits.
2. The City Hearing Examiner shall be responsible for making recommendations to Ecology on:

- a. Applications for Shoreline Conditional Use Permits;
 - b. Applications for Shoreline Variances; and
 - c. Applications for ~~Shoreline Substantial Development Permits in conjunction with a required~~ Shoreline Conditional Use Permit or Shoreline Variance. The Hearing Examiner shall make a decision on a Shoreline Substantial Development Permit or Shoreline Permit Exemption when submitted with a Shoreline Conditional Use or Variance. Both the decision on the Substantial Development Permit and recommendation to Ecology on the Conditional Use or Variance shall be sent to Ecology per the requirements of this SMP.
3. The City Hearing Examiner shall be responsible for rescinding approved Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances (Section 7.8).
 4. On Type IV quasi-judicial applications such as planned developments processed per VMC Title 20, the Hearing Examiner shall make recommendation to City Council on shoreline permits, when review is consolidated with the Type IV application.

7.2.3 City Planning Commission

The City Planning Commission shall be responsible for hearing and making recommendations for action to the City Council on the following types of matters:

1. Amendments to the Shoreline Master Program. Any of the provisions of this Program may be amended as provided for in WAC 173-26-100 and 173-26-104.
2. Review and adjustments. Periodic review of this Program shall be conducted as required by state law and regulations RCW 90.58.080(4). Adjustments shall be made as necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with WAC 173-26-090 and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.
3. Type IV quasi-judicial applications such as planned developments processed per VMC Title 20.

7.2.4 City Council

1. The City Council shall consider appeals of the Hearing Examiner decision on proposals that include Shoreline Conditional Use Permits, Shoreline Variances, and SSDPs processed in conjunction with SCUPs and/or SVs.
2. The City Council shall be responsible for making final determinations on amendments to the Shoreline Master Program at the local level. The local plan shall be adopted by ordinance. The Council shall enter findings and conclusions setting forth the factors it

considered in reaching its decision. The Program adopted by the City Council shall be submitted to Ecology for review and adoption. Ecology must approve all master programs before they become effective.

3. When submitted with a Type IV quasi-judicial applications such as planned developments processed per VMC Title 20, the City Council shall make a decision on a Shoreline Substantial Development Permit or Shoreline Permit Exemption and shall make a recommendation to Ecology on a Shoreline Condition Use or Variance. Both the decision on the Substantial Development Permit and the recommendation to Ecology on the Conditional Use or Variance shall be sent to Ecology per the requirements of this SMP.

7.2.5 State Department of Ecology and ~~Attorney General~~

1. The duties and responsibilities of Ecology shall include, but are not limited to the following:
 - a. Reviewing and approving Program amendments prepared by the City pursuant to WAC 173-26-120 (State Process for Approving/Amending Shoreline Master Programs).
 - b. Reviewing and petitioning for review of the City's Statement of Exemption and Shoreline Substantial Development Permit decisions.
 - c. Final approval and authority to condition or deny Shoreline Conditional Use Permits and Shoreline Variance Permits filed by the City.

7.3 Master Program Amendments

1. This Program shall be periodically reviewed no later than eight (8) years following its approval by Ecology and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations. This review process shall be consistent with ~~WAC 173-26~~ requirements in RCW 90.58.080 and WAC 173-26-090 and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public. The Program shall be consistent with the City comprehensive plan and development regulations adopted under RCW 36.70A and other local requirements.
2. Any of the provisions of this Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Amendments or revision to this Program, as provided by law, do not become effective until approved by Ecology.
3. Proposals for shoreline re-designation (i.e., amendments to the shoreline maps and descriptions) must demonstrate consistency with the criteria set forth in WAC 173-22-040.

7.4.1 Administrative Interpretations

1. Interpretation, enforcement, and administration of this Program shall be in conformance with the provisions of WAC 173-26-140. The City establishes the following procedures for processing Administrative Interpretations:
 - a. Application. Any person may request in writing the Shoreline Administrator's interpretation of a code provision of this Program when it pertains to a specific property or project by means of a Type I application pursuant to Section 20.210.040 VMC.
 - b. The Shoreline Administrator may independently initiate an interpretation of any conflicting or unclear provisions of this Program.
 - c. Consultation with the Ecology. Prior to issuing an interpretation, the Shoreline Administrator shall formally consult with the Ecology to insure that any formal written interpretations are consistent with the purpose and intent of chapter 90.58 RCW and the applicable guidelines.
 - d. Catalog. To ensure that the Shoreline Administrator's interpretations are applied consistently over time, the Shoreline Administrator shall catalog these interpretations. The Shoreline Administrator shall retain and maintain the catalog of interpretations.

7.4.2 Statement of Exemption

1. Any person requesting an exemption from the substantial development permit review procedures shall submit a completed application for Shoreline Exemption to the Shoreline Administrator.
2. Proposals for Statements of Exemption shall comply with the provisions of Section 2.3.3.
3. Applications for Statements of Exemption under section 2.3.3 are to be processed using the Type I review procedures as set forth in VMC 20.210.040. The Shoreline Administrator shall forward documentation of decisions on Statements of Exemption to Ecology as required by Section ~~7.92.3.3~~ and WAC 173-27-~~050+30~~ or its successor.

7.4.3 Shoreline Substantial Development Permits

1. Applications for Shoreline Substantial Development Permits are to be processed using the Type II review procedures as set forth in VMC 20.210.050, **WITH THE EXCEPTION THAT THE PUBLIC COMMENT PERIOD SHALL BE AT LEAST 30 DAYS (WAC 173-27-110(2)(e))**.
2. Applications shall be reviewed, and shall only be approved if the application conforms with the criteria for approval found in WAC 173-27-150 and this Program, including the provisions of Section 2.2.

3. In addition, upon completion of the local appeal period, the Shoreline Administrator shall forward the application and decision to Ecology in compliance with the provisions of 7.4.9; ~~Ecology~~ and WAC 173-27-130 or its successor.

7.4.4 Shoreline Conditional Use Permits

1. Shoreline Conditional Use Permits are required for any proposed use or development which is listed as a conditional use in this program and for any use not specifically addressed in this program. A Shoreline Conditional Use Permit cannot be used to allow any use or structure specifically prohibited by this program.
2. Shoreline Conditional Use Permit Review Procedures
 - a. Applications for Shoreline Conditional Use Permits are to be processed using the Type III review procedures as set forth in VMC 20.210.060 and VMC 20.210.120 except that the Hearing Examiner shall make a recommendation to Ecology.
 - b. Applications shall be reviewed, and shall only be approved if the application conforms with the criteria for approval found in WAC 173-27-160 and this Program, including the provisions of Section 2.7.
 - c. Upon completion of the local appeal period, the Shoreline Administrator shall forward the application and ~~decision~~ recommendation to Ecology in compliance with the provisions of 7.4.9; ~~Ecology~~ and WAC 173-27-130 or its successor.

7.4.5 Shoreline Variance Permits

1. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
2. Shoreline Variance Permit Review Procedures
 - a. Applications for Shoreline Variance Permits are to be processed using the Type III review procedures as set forth in VMC 20.210.060 and VMC 20.210.120 except that the Hearing Examiner shall make a recommendation to Ecology.
 - b. Applications shall be reviewed, and shall only be approved if the application conforms to the criteria for approval found in WAC 173-27-170 and this Program, including the provisions of Section 2.6.
 - c. In addition, upon completion of the local appeal period, the Shoreline Administrator shall forward the application and ~~decision~~ recommendation to

Ecology in compliance with the provisions of 7.4.9, ~~Ecology~~ and WAC 173-27-130 or its successor.

7.4.7 Hearings

1. Applications which require an open-record hearing shall be considered by the Hearing Examiner. When an open-record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently, including any accompanying environmental appeal, under VMC 20.210. Therefore, in this situation, applications for which the Shoreline Administrator has authority shall be transferred to the jurisdiction of the Hearing Examiner to allow consideration of all land use actions concurrently.
2. Any decision or ruling of the Hearing Examiner ~~on a shoreline substantial development permit not processed in conjunction with an SCUP or SV may be appealed to the State Shorelines Hearing Board~~ may be appealed per Section 7.4.8.
3. The Planning Commission may hold an open-record hearing on ~~amendments to the SMP including map amendments and~~ Type IV quasi-judicial applications including planned developments, forward a recommendation to the City Council. The City Council shall conduct an open-record hearing on same, make a decision on a Shoreline Development Permit or Statement of Exemption and make a recommendation on a Shoreline Conditional Use or Variance, and forward a final recommendation/decision to Ecology. ~~Ecology's decision on an SMP amendment may be appealed to the Growth Management Hearings Board (GMHB) (See Section 7.8.4.5).~~

7.4.8.3 Appeal Review Process

1. General. All complete appeals submitted shall be scheduled for review at a public hearing such that a final decision can be rendered within 60 calendar days for closed-record appeals, and within 90 calendar days for open-record appeals. Further extensions are permitted upon mutual agreement of the appellant, the applicant, and the Shoreline Administrator. If a final decision is not reached within this time, the Shoreline Administrator shall so notify the appellant and shall provide a reason for the delay and an estimated date of final decision issuance.
2. Statement of Exemption
 - a. Venue. Appeals of the Shoreline Administrator's decision on a Statement of Exemption are conducted before the Hearing Examiner in an open record proceeding.
 - b. Notice. At least 10 calendar days prior to the hearing date, notice shall be sent by mail to the appellant.
 - c. Decision Timeline. The Hearing Examiner shall issue a decision within 14 calendar days of the close of the record

- d. Further Local Review. The decision of the Hearing Examiner is the final ~~and may not be appealed~~ local appeal.

3. Shoreline Substantial Development Permit

- a. Venue. Appeals of the Shoreline Administrator's decision on a Shoreline Substantial Development Permit are conducted before the Hearing Examiner in an open record proceeding.
- b. Notice. At least 10 calendar days prior to the hearing date, notice shall be sent by mail to:
 - i. The applicant and all owners of the site that is the subject of the application;
 - ii. All parties of record;
 - iii. Any neighborhood or community organization recognized by the City Council and whose boundaries include the site;
 - iv. Any person who has submitted a written request to be notified; and
 - v. The appellant and all parties to the appeal.
- c. Decision Timeline. The Hearing Examiner shall issue a decision within 14 calendar days of the close of the record
- d. Further Local Review. No additional local review is provided. ~~However, within 21 days of the issuance of the Hearing Examiner's decision, further appeal may be filed with Superior Court and/or the State Shorelines Hearings Board.~~

4. Shoreline Variances, Shoreline Conditional Use Permits, and Substantial Development Permits Processed in Conjunction with Such Permits

- a. Venue. Appeals of the Hearing Examiner's decision on Shoreline Variances, Shoreline Conditional Use Permits and Substantial Development Permits Processed in Conjunction with such permits are conducted before the City Council in a closed record proceeding.
- b. Notice. At least 10 calendar days prior to the hearing date, notice shall be sent by mail to:
 - i. The applicant and/or appellant and all owners of the site that is the subject of the application;
 - ii. All parties of record;
 - iii. Any neighborhood or community organization recognized by the City Council and whose boundaries include the site;

- iv. Any person who provided oral or written testimony entered into the record at the public hearing.
 - v. Anyone who requested in writing a notification of the decision on a particular matter; and
 - vi. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city that includes provision for such notice or which is otherwise entitled to such notice.
- c. **Decision Timeline.** The City Council shall issue a decision within 14 calendar days of the close of the record.
 - d. **Further Local Review.** No additional local review is provided, ~~in the case of Shoreline Conditional Use Permits and Shoreline Variances. The city is making a recommendation to Ecology. Ecology's final decision may be appealed by filing an appeal with Superior Court and/or the State Shorelines Hearings Board.~~
The City Council decision on any Substantial Development Permit processed in conjunction with a Shoreline Conditional Use Permit or Shoreline Variance may be appealed separately to the State Shoreline Hearings Board.

7.4.8.4 State Shoreline Hearings Board

1. Appeals of any final permit decision may be made to the Shorelines Hearing Board as governed by the procedures established in RCW 90.58.180 (Appeals from Granting, Denying, or Rescinding Permits) and WAC 461-08 (Practice and Procedure, Review of the Granting, Denying or Rescinding of Substantial Development Permits, Hearings).
2. Such appeals must be filed within twenty-one (21) days from the date of filing of the permit decision ~~was filed~~.
3. The provisions of this section shall apply to any final order, requirement, permit, decision, or determination on land use proposals made by the Shoreline Administrator, Hearing Examiner or City Council on appeal. These ~~may include, but are not limited to,~~ Shoreline Substantial Development Permits, ~~Statements of Exemption,~~ Shoreline Conditional Use Permits, Shoreline Variances, and Shoreline Revisions.

7.4.9 Notification to Ecology and the Attorney General

1. ~~2.~~ The Shoreline Administrator shall notify Ecology and the Attorney General of any ~~Statement of Exemption,~~ Substantial Development Permit decision and/or recommendation on a, Conditional Use or Variance Permit ~~decisions~~ made by the Shoreline Administrator (or Hearing Examiner or City Council when required), whether it is an approval or denial. The notification shall occur after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed. When a Substantial Development Permit and either Conditional Use or

Variance Permit are required for a development, the submittal of the permits shall be made concurrently. The Shoreline Administrator shall file the following with Ecology and the Attorney General by return receipt requested by mail:

- a. A copy of the complete application per WAC 173-27-180;
 - b. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable Program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);
 - c. The final decision or recommendation of the City;
 - d. The permit data sheet per WAC 173-27-990;
 - e. Affidavit of public notice; and
 - f. Where applicable, the documents required by the State Environmental Policy Act (RCW 43.21C).
2. 4. When the project has been modified in the course of the local review process, plans or text shall be provided to Ecology that clearly indicates the final approved plan.
 3. 5. Ecology shall review the documentation provided by the Shoreline Administrator for completeness. If Ecology determines that the submittal does not contain all of the documents and information required by this section, Ecology shall identify the deficiencies and notify the City and the applicant in writing. Ecology will not act on Conditional Use or Variance Permit submittals until the material requested in writing is received.

7.4.10 Ecology Review

1. Ecology may petition for review of the City's decision on a ~~Statement of Exemption or a~~ Shoreline Substantial Development Permit to the Shorelines Hearings Board. Such petition must be commenced within twenty one (21) days from the date of filing of the City's ~~the final decision was filed~~.
2. Ecology shall make a final decision approving, approving with conditions, or disapproving a Shoreline Conditional Use Permit or Shoreline Variance Permit and convey its decision to the City and the applicant within thirty (30) days of the date of submittal by the City ~~of filing by the City~~. The Shoreline Administrator will notify those interested persons having requested notification of such decision.
3. Ecology shall base its determination to approve, approve with conditions or deny a Conditional Use Permit or Variance Permit on consistency with the policy and provisions of the SMA, the criteria listed in this Program and the provisions of WAC 173-27-160 for

conditional use permits, WAC 173 27-170 for variances and WAC 173-27-210 relating to minimum standards for conditional use and variance permits.

4. Appeals of Ecology decisions on Shoreline Conditional Use Permits and Shoreline Variance Permits shall be made to the Shorelines Hearing Board as specified in Section 7.4.8.4.

7.5.2 Requirement for Restoration Plan

1. In the event the City initiates enforcement action under this Program or files a complaint in court, the City may require a restoration plan consistent with the requirements of this Program. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in Chapter 5A, VMC 20.740.090(C). The Shoreline Administrator shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.
2. Minimum Performance Standards for Restoration
 - a. For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
 - i) The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
 - ii) The soil types and configuration prior to violation shall be replicated;
 - iii) The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Shoreline Administrator). ~~If the critical area or buffer is on a site that meets the criteria of Chapter 5A, VMC 20.740.030(B)(1)(f)(1), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Shoreline Administrator; and~~
 - iv) Information demonstrating compliance with the requirements in Chapter 5A, VMC 20.740.050(F) Mitigation Plan Requirements shall be submitted to the Shoreline Administrator.

- b. For alterations to frequently flooded and geologic hazard areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
 - i) The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;
 - ii) The risk of personal injury resulting from the alteration shall be eliminated or minimized;
 - iii) Drainage patterns shall be restored to those existing before the alteration; and
 - iv) The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. ~~If the critical area or buffer is on a site that meets the criteria of Chapter 5A, VMC 20.740.030(B)(1)(f)(1), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Shoreline Administrator.~~
3. As a condition of the restoration plan, the applicant shall grant reasonable access to the property.

7.8 Rescission of Permits

1. This section applies to requests or decisions to rescind Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances.
2. The Hearing Examiner shall have the power to rescind or modify approved Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances in accordance with the Type III procedures of VMC 20.210.060 and VMC 20.210.120.
3. City staff or any other persons who are aggrieved by activities undertaken under a shoreline permit may request in writing that the Hearing Examiner rescind or modify the permit.
4. Upon receipt of a request for rescission, the Shoreline Administrator shall schedule a public hearing for the next Hearing Examiner meeting where the review can be accommodated and the required notice given.
5. Notice of Public Hearing.
 - a. The Shoreline Administrator shall publish a notice of the rescission hearing at least fourteen days before the hearing date.

- b. The Shoreline Administrator shall mail notice of the hearing to the party to which the permit was issued, the owner of the property for which the permit was issued, the person or persons who requested the Hearing Examiner rescind the permit and any persons who requested notice of the hearing in writing at least ten days before the hearing date.
- c. The notice shall include the following information:
 - i. The name of the permit holder and, if applicable, the project name.
 - ii. The street address of the subject property and a description of the property in non-legal terms sufficient to identify the location.
 - iii. A brief description of the issues.
 - iv. The date, time and place of the public hearing.
 - v. A statement of the right of any person to participate in the public hearing by providing written statements before or at the hearing and orally at the hearing.
- 6. The Hearing Examiner shall hold a public hearing before deciding whether to rescind or add conditions to the permit. Any person can submit written statements or speak. At the hearing, the Hearing Examiner may request such additional information as is reasonably necessary to evaluate whether the permit or variance should be rescinded.
- 7. After the public hearing has concluded, the Hearing Examiner shall decide whether to rescind, modify, or add conditions to the permit.
 - a. The decision may be made at the same public meeting as the public hearing or at another public meeting. The Hearing Examiner shall issue a decision within fourteen days of closure of the public record.
 - b. The decision shall be based on the decision criteria in Section 7.8(13).
 - c. If the Hearing Examiner decides to rescind the permit, the Hearing Examiner may require restoration or reclamation of the property and may set time limits for the completion of these activities.
 - d. The Hearing Examiner shall adopt findings of fact and conclusions which support the decision and any required conditions.
- 8. Unless appealed to City Council, the decision of the Hearing Examiner and the findings of fact and conclusions shall be reduced to writing and mailed by the Shoreline Administrator to the permit holder, the property owner, Ecology and the Washington State Attorney General within fourteen days of the date of the decision.
- 9. Effect of Decision.

- a. Unless appealed to the City Council, the decision of the Hearing Examiner is the final decision of the City.
 - b. If the Hearing Examiner rescinds the permit, all activity authorized by the Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, or Shoreline Variance Permit shall immediately cease, unless the decision maker grants a period of time to complete the activity or reclaim the site or a court authorizes continued operation during an appeal.
10. Appeal of decision to City Council. The City Council shall hold a public hearing before deciding whether to uphold or overturn a Hearing Examiner's decision to rescind or add conditions to the permit. Any person can submit written statements or speak. At the hearing, members of the City Council may request such additional information as is reasonably necessary to evaluate whether the permit should be rescinded.
- a. After the public hearing has concluded, the City Council shall decide whether to uphold or overturn the Hearings Examiner's decision to rescind, modify, or add conditions to the permit. The City Council shall also have the authority to modify the decision of Hearings Examiner.
 - b. The decision may be made at the same public meeting as the public hearing or at another public meeting. The City Council shall issue its decision within 90 days of the filing of an appeal of a rescission,
 - c. The decision shall be based on the decision criteria in Section 7.8(13).
 - d. If the City Council upholds or modifies the Hearing Examiner decision to rescind the permit, the City Council may require restoration or reclamation of the property and may set time limits for the completion of these activities.
 - e. In its decision on the appeal of the Hearing Examiner decision, the City Council shall adopt findings of fact and conclusions which support the decision and any required conditions.
11. The decision of the City Council on the appeal of the Hearing Examiner decision shall include the findings of fact and conclusions shall be reduced to writing and mailed by the Shoreline Administrator to the permit holder, the property owner, Ecology and the Washington State Attorney General within twelve days of the date of the decision.
12. Effects of Decision.
- a. The decision of the City Council on the appeal of a Hearing Examiner decision on the rescission may be appealed to the Washington State Shorelines Hearings Board as provided in RCW 90.58.180 and Chapter 461-08 WAC.
 - b. If, on appeal, the City Council rescinds the permit, all activity authorized by the

Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Or Shoreline Variance Permit shall immediately cease, unless the City Council grants a period of time to complete the activity or reclaim the site or a court authorizes continued operation during an appeal.

13. Criteria for ~~Reeission~~ Rescission.

- a. The Hearing Examiner or City Council, on appeal, may rescind or modify a permit upon finding that one or more of the following criteria are met.
 - i. The permit approval was obtained by fraud or through the provision of misleading application material.
 - ii. The permit is being exercised contrary to the terms or conditions of approval or in violation of law.
 - iii. The use or activity for which approval was granted is being exercised so as to be detrimental to the public health, safety, or welfare.

14. Ecology may initiate permit rescission. Under the provisions of RCW 90.58.140(8), if Ecology is of the opinion that noncompliance exists, Ecology shall provide written notice to the City and the permittee. If Ecology is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the City has taken no action to rescind the permit, Ecology may petition the Shoreline Hearings Board for a rescission of the permit upon written notice of the petition to the City and the permittee if the request by Ecology is made to the Hearings Board within fifteen days of the termination of the thirty-day notice to the City.

Section 9. The City of Vancouver Shoreline Master Program, Chapter 8, Definitions, adopted by Ordinance M-3995 and as amended, are hereby amended to read as follows:

D

- 46. Date of Filing** – means the date of actual receipt by Ecology of the City’s decision on a substantial development permit. For a variance or conditional use permit, the date of filing is the date Ecology’s decision is transmitted to the City. For a variance or conditional use permit decision in conjunction with a shoreline substantial development permit decision, the date of filing is the date Ecology’s decision is transmitted to the City.
- 47. Development** - a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Program at any state of water level. “Development” does not include

dismantling or removing structures if there is no other associated development or re-development.

N

126a. Non-conforming Lot - A nonconforming lot may be developed if permitted by other land use regulations of the city and so long as such development conforms to all other requirements of this Program and the Act.

S

185. Substantial Development - "Substantial development" shall mean any development of that the total cost or fair market value ~~exceeds five thousand seven hundred and eighteen dollars (\$5,718)~~ seven thousand forty-seven dollars (\$7,047), or as adjusted by the State Office of Financial Management, or any development that materially interferes with the normal public use of the water or shorelines of the state, except as specifically exempted pursuant to RCW 90.58.030(3)(e).

Section 10. The City of Vancouver Shoreline Master Program, Appendix A Unofficial Shoreline Designation Maps, adopted by Ordinance M-3995 and as amended, are hereby amended as shown in Exhibit 1.

Section 8. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 9. Effective Date. This ordinance shall take effect fourteen days from the date of Ecology's approval and written notice of final action to the City, in accordance with RCW 90.58.090.

Read first time:

Ayes: Councilmembers

Nayes: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nayes: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

EXHIBITS

Exhibit 1: City of Vancouver Shoreline Master Program Appendix A: New Unofficial Shoreline Designation Maps

ORDINANCE - 134

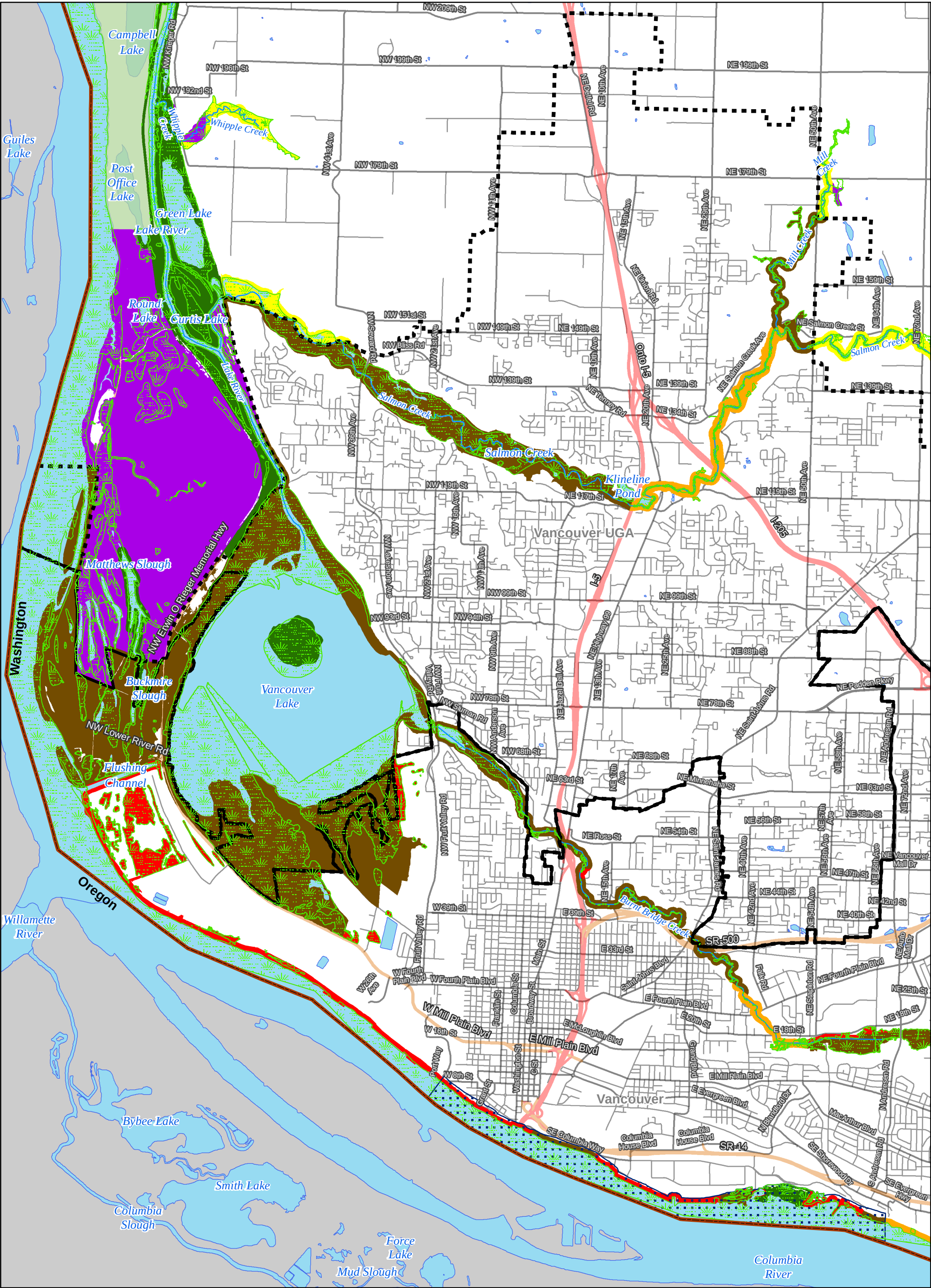
SUMMARY

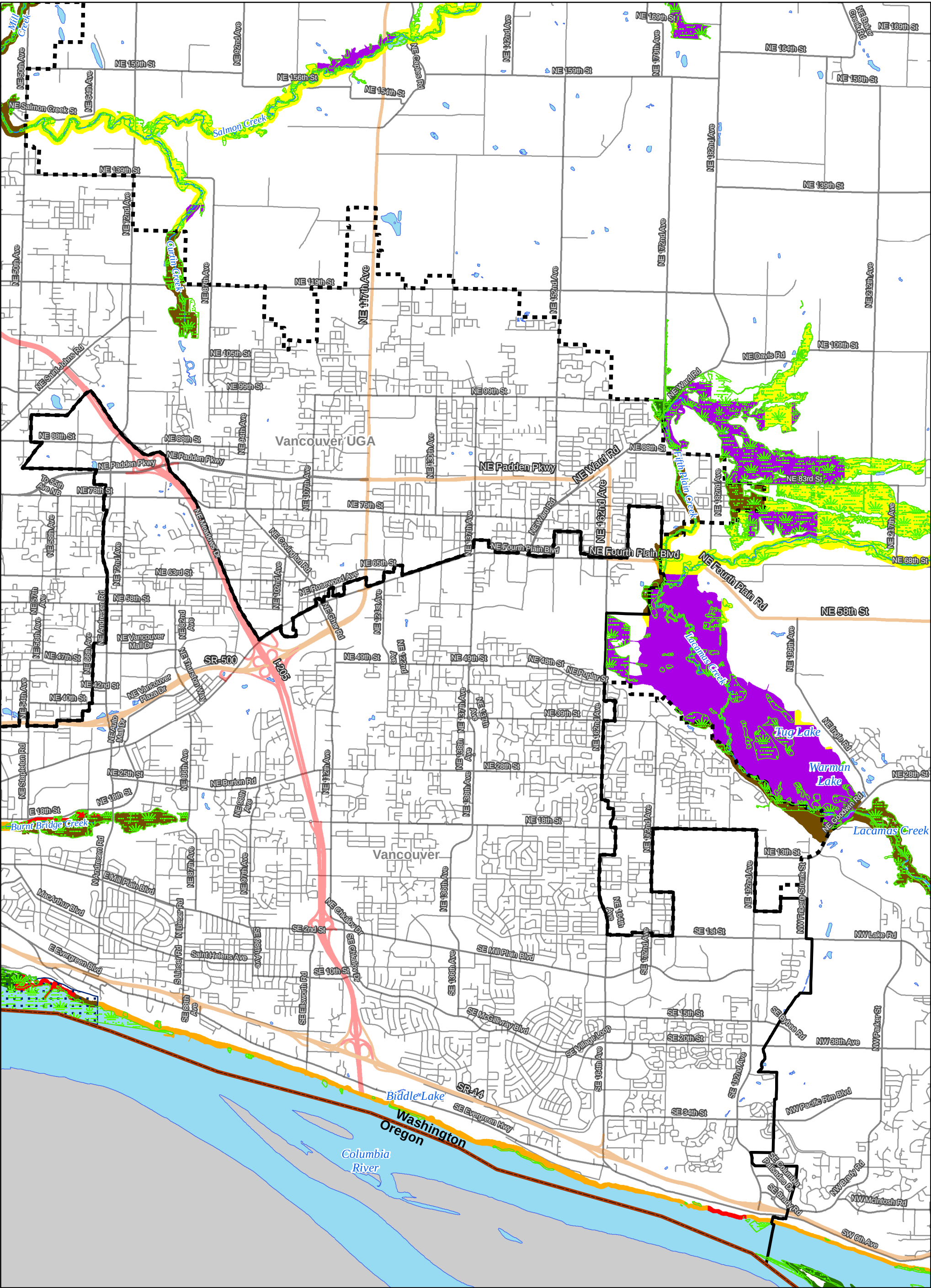
ORDINANCE NO. _____

AN ORDINANCE relating to the Shoreline Master Program periodic review as required by Revised Code of Washington (“RCW”) Chapter 90.58, the Shoreline Management Act; amending the City of Vancouver Shoreline Master Program (SMP) Chapter 2 Applicability, Shoreline Permits and Exemptions, Section 2.1 Applicability; Section 2.3 Exemptions from a Shoreline Substantial Development Permit; Chapter 3, Shoreline Master Program Goals and Policies, Section 3.6 Flood Prevention and Flood Damage Minimization; Chapter 4 Shoreline Designations, Section 4.3 Shoreline Designations; Chapter 5 General Shoreline Use and Development Regulations, Section 5.1 General Shoreline Use and Development Regulations; Section 5.3 Critical Areas Protection; Section 5.4 Public Access; Section 5.6 Site Planning and Development; Section 5.7 Vegetation Conservation; Section 5.9 Water Quality and Quantity; Chapter 5A VMC 20.740, Critical Areas Protection; Chapter 6 Specific Shoreline Use Regulations, Section 6.2 Shoreline Use, Modification, and Standards Table 6-1; Section 6.3 Use-specific Development Regulations; Section 6.4 Shoreline Modification Regulations; Chapter 7 Administration and Enforcement, Section 7.1 General Provisions; Section 7.2 Administrative Authority and Responsibility; Section 7.3 Master Program Amendments; Section 7.4 Permitting Procedures; Section 7.5 Enforcement; Section 7.8 Rescission of Permits; Chapter 8, Definitions; and Appendix A Unofficial Shoreline Designation maps; subject to approval by the Washington State Department of Ecology (Ecology); providing for severability; and providing for an effective date.

ORDINANCE - 135

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 360-487-8799, or via www.cityofvancouver.us (Go to City Government and Public Records).





Shoreline Designations

- Aquatic
- Natural
- Urban Conservancy
- Medium Intensity
- High Intensity
- Rural Conservancy Residential
- Rural Conservancy Resource Land
- USFWS National Wildlife Refuges*

 Associated Wetlands**

 City Limits

 Urban Growth Areas

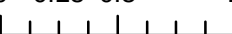
 Columbia River Shoreline Enhancement Plan District

 County Boundary

* Private development in RNWR is regulated under the Rural Conservancy Residential provisions of this SMP

** Definitive presence will be determined on a project basis.

0 0.25 0.5 1 Miles



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