Shoreline Exemption

For Non-residential Use Type II Review

What is the Shoreline Management Act?

Washington's Shoreline Management Act (SMA) was passed by the legislature in 1971 and affirmed by voters in 1972. The SMA governs the use and development of Washington's shorelines and creates a unique partnership between local and state government. The SMA strives to achieve responsible shoreline use and development, environmental protection, and public access. Local governments develop programs based on the SMA and state guidance, and the state ensures local programs consider statewide public interests.

What is the purpose of the Shoreline Review process?

The Shoreline Review process is designed to recognize and protect shoreline areas of local and statewide significance while preserving its natural character, resources and ecology. The shoreline program is designed to focus on long-term vs. short-term benefits. The purpose includes a commitment to increased access, recreational opportunities within publicly owned shoreline areas and no net loss of shoreline ecological functions.

What areas are subject to shoreline review? **Refer to drawing 1**

Under the Shoreline Management Act (SMA), the "shoreline" also includes:

- 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;
- The full extent of floodplains; and
- All wetlands and river deltas associated with the streams and lake, and associated wetlands that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Department of Ecology, as defined by RCW 90.58.

There are seven shoreline designations in the county. They are:

- Aquatic
- Natural
- High Intensity
- Medium Intensity
- Urban Conservancy
- Rural Conservancy - Residential
- Rural-Resource Conservancy

Permitted uses, height, setback requirements, and use regulations are located in Clark County Code, Chapter 40.460.

What is the review process?

First, the applicant submits one copy of the application packet. Permit Center staff will determine whether the application is **Counter Complete** (for example, includes a site plan, signed SEPA and application, etc.)

Once your application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, know as the **Fully Complete** review. This more detailed

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1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/community-development

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

review ensures that **all items** listed under the attached submittal requirements have been submitted. As an example, does the proposed site plan show parking and driveway areas, wells, septic fields, or other utilities, lawn area, 100 year floodplain, etc.).

If required items are missing from your original submittal, you will receive a letter of **Not Fully Complete**, with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

If all of the submittal requirements have been met, the applicant will be sent a **Fully Complete** determination letter. This letter will also direct the applicant to submit four additional copies that contain the revisions and additional information that may have been required to be Fully Complete.

Staff will visit the site within 14 days of the application being deemed fully complete to determine where the OHWM is located and whether additional information is needed. If additional information is needed, staff will set up a meeting with the applicant to discuss what is needed.

In some cases, such as if the new development is located within the 100-year flood plain or over water, a SEPA (State Environmental Policy Act) review is also required. If SEPA is required, within 14 days of the fully complete determination, a Notice of Application and SEPA determination will be mailed to:

- Owners of property located within 300 feet (if within an urban growth boundary), or 500 feet (if outside an urban growth boundary) of the project site,
- Applicant,
- Neighborhood Association (if any); and,
- Listed SEPA agencies.

The notice will invite written comments to be submitted within 15 calendar days of the date of the notice.

An administrative decision by the Shoreline Management Review Committee (SMRC) will then be issued within 78 days.

In making a decision, the SMRC must determine if the proposed development meets the requirements of the applicable sections of the Clark County Code (CCC). This decision is made after reviewing the proposal. Public comment would also be considered if SEPA were required.

The decision can be appealed to Superior Court within 14 days of mailing of the decision. Refer to our *Appeals* handout for more information and fees.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 40.460 Shoreline Overlay District.

Submittal Requirements

1. Application form
The application form shall be completed and original signed in ink by the applicant.

2. Application fee
The required fee shall accompany the application. The check is to be made payable to Clark County Community Development.

3. State environmental review, if applicable
A State Environmental Policy Act Environmental Checklist must be completed, original signed in ink, and submitted. Handout is available at the Permit Center.

4. Narrative
Submit a written narrative that explains the project, states what exemption applies, how this project meets the exemption standard, and how it complies with the general use (CCC 40.460.500) and the applicable specific use (CCC 40.460.600) regulations. A completed *Shoreline Exemption Questionnaire* must also be submitted. See page seven.

5. Legal Lot Determination information
In order to demonstrate that the subject lot(s) has been created legally, the following must be submitted:

- ❒ Current owner's deed if lot determination is not required, or one of the following:
  - o Prior county short plat, subdivision, lot determination, or other written approvals, if any, in which the parcel was formally created or determined to be a legal lot
  - o Sales or transfer deed history dating back to 1969, to include copies of recorded deeds and/or contracts verifying the date of creation of the parcel in chronological order with each deed identified with the Assessor's lot number.

6. Proposed site plan
The proposed site plan shall be drawn to a minimum engineer's scale of 1" = 200' on a sheet no larger than 24" x 36". There is a sample site plan on page six of this handout.

The following information shall be clearly depicted on the proposed site plan:

- ❒ A north directional arrow, scale, and date
- ❒ Location and names of adjacent streets or roads
- ❒ Location of the Ordinary High Water Mark (OHWM) identified as the line of upland vegetation along a shoreline
- ❒ Location of the 100 year flood plain and any wetlands which are associated with the water bodies
- ❒ Boundaries of the site including any adjacent and/or contiguous parcels under the ownership or control of the owner/applicant. Location and length of all property lines enclosing the legal lot
- ❒ Location and use of all proposed and existing:
  - o Buildings/structures, including dimensions and setback distances from all structures to the nearest property lines, OHWM and wetlands
  - o Wells, septic fields or other utilities
  - o Parking areas
  - o Graveled or paved areas

- Location of proposed structures
- Driveways, and turn-arounds
- Identify existing natural features
- Streams, ponds, known wetlands
- Steep slopes
- The general pattern of forested and cultivated areas
- Identify existing and proposed yard areas to be maintained as lawn or in non-native vegetation
- Identify the areas where existing vegetation is to be removed

❒ Provide five-foot contour intervals for proposed land contours if any development involves grading, cutting, filling, or other alterations of existing contours

❒ Typical cross-sections showing:
- Existing ground elevations
- Proposed ground elevations
- Height of existing structures
- Height of proposed structures

7. Archaeology

Documentation that an Archaeological Pre-determination has been sent to the Washington State Department of Historical Preservation in Olympia, Washington must be submitted.

8. Submittal copies

___ One copy of the main submittal, bound by a jumbo clip or rubber band, with original signatures and

___ One copy of any special studies (wetland, floodplain, etc.) bound separately.

After the application is fully complete, the new copies must contain revisions and any additional information required in the fully complete review. The copies must be bound using jumbo clips, stapled or spiral bound. The applicant must select Option A or B below and proceed as follows:

Option A

Submit a CD in PDF format, with a copy of the fully complete application. Any special studies shall also be included on the CD. The CD application shall be organized as follows:

❒ The application submittal shall be organized in the same order as the fully complete application table of contents, with a separate PDF document for each separate item.

❒ The PDF document must be organized into separate files. Each PDF file must be labeled with a number followed by a name (example):

1. Cover Sheet and Table of Contents
2. Application Fee
3. Pre-Application Conference report
4. etc.

If submitting by CD, you will also need to include three full-size sets of paper plans.

Option B

Submit three additional individually bound paper copies of the fully complete application.

Fee schedule

The following fees are required to be paid when the application is submitted.

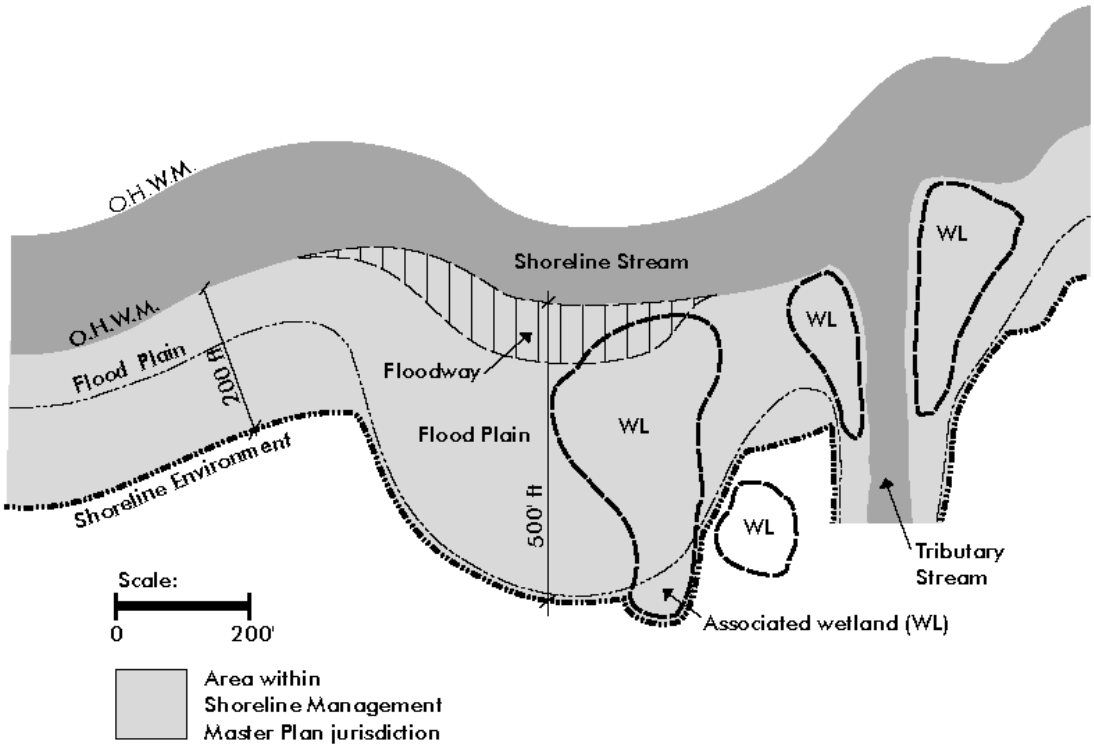
Shoreline Exemption	$421
Issuance	$53
SEPA Checklist, if applicable	$1,222
Issuance	$53
Habitat and OHWM Determination	$489
Issuance	$94
Habitat Review*	$304
Issuance	$94
Site Visit	$230

*Habitat review fee is $768 if combined with a Type II application such as a site plan review.

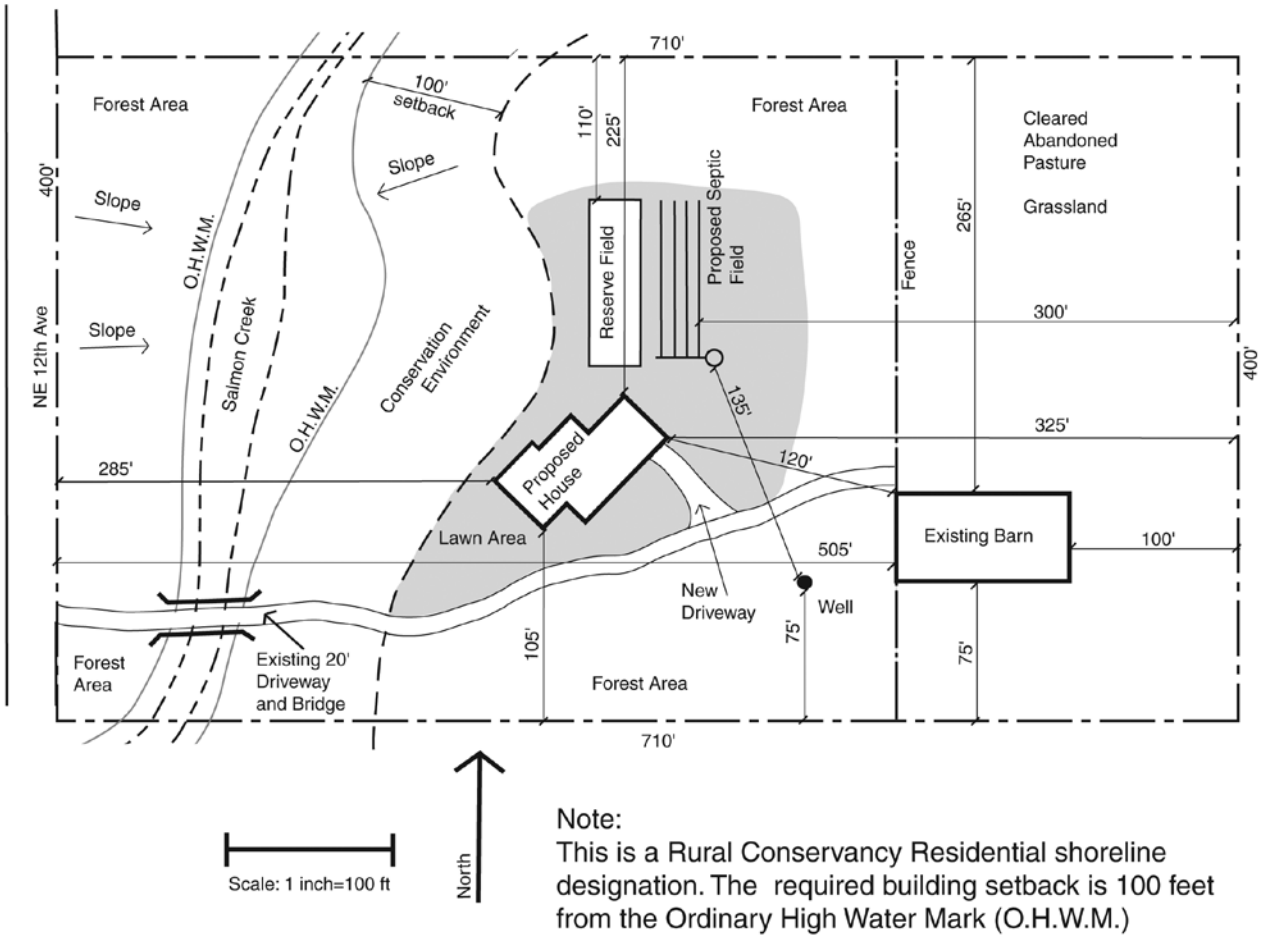
Additional fees may be required if there are wetlands and/or buffers, geotechnical hazard areas and/or buffers, 100 year floodplain or floodway present on the site that will be impacted by the development or grading in excess of that which would require a grading review.

A Legal Lot Determination may be required if a previous legal review has not been completed. Please see our *Legal Lot Determination* handout for more information and fees.

Drawing 1
Shoreline Review Areas



Sample Shoreline Site Plan



Note:
This is a Rural Conservancy Residential shoreline designation. The required building setback is 100 feet from the Ordinary High Water Mark (O.H.W.M.)

Shoreline Exemption Questionnaire

General

- ❒ Some or all of the proposed clearing or construction is in areas previously cleared or developed:
  - o Landscaping, gardens, septic
  - o Pasture, crops
  - o Structures, driveways, paving, concrete, gravel
- ❒ I cannot avoid clearing trees or native shrubs.
- ❒ I am not clearing any trees that are 20 years old or older.
- ❒ I have minimized the clearing on the site to the least disturbance necessary to build the proposed project.
- ❒ I have prepared a mitigation or restoration plan for the proposed project. Attach plan.
- ❒ I have prepared a JARPA for the proposed project. Attach document.
- ❒ An Archaeological Pre-determination has been completed by an archeologist and submitted to the Department of Archaeology and Historic Preservation in Olympia.
- ❒ There will be no fill placed for the construction of the structure.
- ❒ Grading of the area within shoreline jurisdiction has been minimized by:

  _____

- ❒ Visual access/views from public right-of-ways and view corridors will be maintained.
- ❒ I have a stormwater and erosion control plan. Attach plan.
- ❒ Parking and driveway areas will not be located between a structure and the water body.
- ❒ Fencing, walls, hedges, and other similar features will not be located within shoreline jurisdiction.

Habitat

- ❒ I have a valid Habitat Pre-determination. Case No._____
- ❒ There are other seasonal or perennial streams on the property.
- ❒ Work is proposed in the water or below the Ordinary High Water Mark.
- ❒ There are other priority habitats or species mapped or known to be present. Refer to wdfw.wa.gov/conservation/phs/.

  List:_____

Wetlands

- ❒ The property and nearby areas are always dry except for streams or rivers.
- ❒ I am avoiding grading in or near wetlands.
- ❒ There are mapped wetland indicators on or near the property. Refer to maps.clark.wa.gov. Go to the "Soils, Wetlands and Natural Resources" map, activate the "Hydric Soils" layer, and find your property using the "Find Parcel" tab in the yellow button bar above the map.
- ❒ There are springs, seeps, or areas of seasonal ponding on or near the property.
- ❒ There are areas on or near the property where the ground surface seems saturated with water in the winter or spring.
- ❒ I have a valid Wetland Pre-determination. Case No._____
- ❒ I have a valid Jurisdictional Determination from the US Army Corps of Engineers. Attach document.
- ❒ I have an associated Wetlands Determination from the Washington Department of Ecology. Attach document.

100 Year Floodplain

- ❒ The development is within the 100 year floodplain/floodway fringe. Refer to maps.clark.wa.gov. Go to the "Soils, Wetlands and Natural Resources" map, activate the "Flood Plain" and "Base Flood Elevation" layers and find your property using the "Find Parcel" tab in the yellow button bar above the map.
- ❒ This a new structure.
- ❒ This is an addition or alteration of an existing structure.
- ❒ This is a relocation of an existing structure.

Grading

- ❒ My property is in rural Clark County.
- ❒ My property is in urban Clark County.
- ❒ My property is _____ Acres.
- ❒ I intend to move _____ cubic yards of earth.
- ❒ I will alter the existing drainage.
- ❒ I am adding _____ square feet of impervious surface.
- ❒ I am clearing or grading an area of _____ square feet.