

NOTICE OF DETERMINATION OF NON SIGNIFICANCE (DNS)

NOTICE IS HEREBY GIVEN that the following proposal has been determined to have no probable significant adverse impact on the environment, and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). Written comments on the following proposal, or DNS, may be submitted to the Responsible Official by **November 16, 2017**.

DESCRIPTION:

This is a proposal to amend two critical areas ordinances, CCC Chapter 40.410 and CCC Chapter 40.420. CPZ2017-00025_Critical Areas Update.

Proposed draft amendment to update Clark County Code (CCC) 40.410 Critical Aquifer Recharge Areas (CARAs). This update is a GMA requirement as a periodic review to include best available science.

Proposed draft amendment to Clark County Code 40.420 Flood Hazard Areas would adopt the Federal Emergency Management Agency (FEMA) Flood Insurance Study that produced an updated Flood Insurance Rate Map (FIRM) for the Washougal River that becomes effective January 19, 2018.

ACTION REQUESTED:

It is requested the Clark County Planning Commission recommend to the Clark County Board of County Councilors adoption of the changes to both of these critical areas ordinances.

RESPONSIBLE OFFICIAL:

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

BILL TO:

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

PUBLICATION DATE: **October 31, 2017**

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



DETERMINATION OF NON-SIGNIFICANCE

Description of Proposal: This is a proposal to amend two critical areas ordinances, CCC Chapter 40.410 and CCC Chapter 40.420. Proposed draft amendment to update Clark County Code (CCC) 40.410 Critical Aquifer Recharge Areas (CARAs) is a GMA requirement as a periodic review to include best available science. Proposed draft amendment to Clark County Code 40.420 Flood Hazard Areas would adopt Federal Emergency Management Agency (FEMA) updated Flood Insurance Study that produced an updated Flood Insurance Rate Map (FIRM) for the Washougal and Little Washougal rivers that becomes effective January 19, 2018.

Proponent: *Clark County Community Planning*

Location of proposal, including street address, if any:

Lead Agency: *Clark County, Washington*

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

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.

Comments must be submitted by: November 16, 2017

Responsible Official: Oliver Orjiako
Position/title: Director
Address: **RE: SEPA Comments**
Clark County Community Planning
1300 Franklin Street; 3rd Floor
P.O. Box 9810
Vancouver, WA 98666-9810

Date: 10-26-17 **Signature:** Oliver Orjiako

The staff contact person for questions regarding this review is:
Gary Albrecht, Planner III, (360) 397-2280 ext. 4318.
gary.albrecht@clark.wa.gov

**Clark County SEPA Environmental Checklist
Washington Administrative Code (WAC) 197-11-960**

A. BACKGROUND

- 1. Name of proposed project, if applicable:**
CPZ 2017-00025_Critical Areas Update
- 2. Name of applicant:**
Clark County
- 3. Address and phone number of applicant and contact person.**
Oliver Orjiako; Director
Clark County Community Planning
P.O. Box 9810
Vancouver, WA 98666-9810
(360) 397-2280 extension 4112
- 4. Date checklist prepared:**
October 25, 2017
- 5. Agency requesting checklist:**
Clark County, WA
- 6. Proposed timing or schedule (including phasing, if applicable):**
Approval of proposed zoning code change amendments to be effective January 19, 2018.
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
No, this is a non-project action.
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**
None, this is a non-project action.
- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**
None, this is a non-project action.
- 10. List any government approvals or permits that will be needed for your proposal, if known.**
Federal Emergency Management Agency (FEMA) updated their Flood Insurance Study that produced an updated Flood Insurance Rate Map (FIRM) for the Washougal River and Little Washougal rivers. The effective date is January 19, 2018.
- 11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. CCC 40.410 updates include (see attachment for specific changes):**

- Periodic review as a GMA requirement
- Clarifies statutory requirements and map locations
- Revises text for standards
- Streamlines administration code section
- Deletes outdated practices

CCC 40.420 updates include:

- Adopts FEMA preliminary maps for flood areas along Washougal and Little Washougal rivers
- Adopts updated Flood Insurance Study becomes effective January 19, 2018.

Amends 40.420.010 D. 1 as seen below.

D. Flood Insurance Study and Maps.

1. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a report entitled "Flood Insurance Study, Clark County, Washington and Incorporated Areas" (FIS), effective ~~September 5, 2012~~ January 19, 2018, and accompanying Flood Insurance Rate Maps (FIRMs) and any revisions thereto are hereby adopted by reference. The FIS and the FIRMs are on file with the Public Works Department.

12. Location of the proposal. Draft flood map revisions are in the Washougal River watershed.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site: Flat, rolling, hilly, steep slopes, mountainous, other.

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

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

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

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

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

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

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

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

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

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

Not applicable. This is a non-project action.

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

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

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

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

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

None, this is a non-project action.

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

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

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

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

3. Water

- a. Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

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

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

No. This is a non-project action. No development is associated with this proposal.

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

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

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

None, this is a non-project action.

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

Not applicable. This is a non-project action. No development is anticipated as part of this proposal. This proposal adopts a new FIRM for the flood areas along the Washougal and Little Washougal rivers.

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

Not applicable to this proposal.

b. Ground Water:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.**

This is a non-project action.

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

This is a non-project action.

c. Water Runoff (including storm water):

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

This is a non-project action. Future site development will be reviewed with the applicable county code.

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

This is a non-project action. Future site development will be reviewed with the applicable county code.

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

This is a non-project action. Future site development will be reviewed with the applicable county code.

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

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

4. Plants

a. Check or circle types of vegetation found on the site.

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

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

This is a non-project action. Future development projects will require a development review.

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

This is a non-project action.

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

This is a non-project action.

e. List all noxious weeds and invasive species known to be on or near the site.

This is a non-project action.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other:
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

This is a non-project action.

b. List any threatened or endangered species known to be on or near the site.

This is a non-project action; none known.

c. Is the site part of a migration route? If so, explain.

This is a non-project action; none known.

d. Proposed measures to preserve or enhance wildlife, if any:

This is a non-project action; none known.

e. List any invasive animal species known to be on or near the site.

This is a non-project action; none known.

6. Energy and Natural Resources

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

This is a non-project action; not applicable.

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

This is a non-project action; not applicable.

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

This is a non-project action; not applicable.

7. Environmental Health

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**

None, this is a non-project action.

- 1) **Describe special emergency services that might be required.**

This is a non-project action; not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable. Development projects will require a development review process.

b. Noise

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

Not applicable.

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

Not applicable.

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

Not applicable.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

Not applicable.

b. Has the site been used for agriculture? If so, describe.

Not applicable.

c. Describe any structures on the site.

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

i. Approximately how many people would reside or work in the completed project?

Not applicable.

j. Approximately how many people would the completed project displace?

Not applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable.

c. Proposed measures to reduce or control housing impacts, if any:

Not applicable.

10. Aesthetics

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

Not applicable.

- b. **What views in the immediate vicinity would be altered or obstructed?**

None, this is a non-project action.

- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

None, this is a non-project action.

11. Light and Glare

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

None, this is a non-project action.

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

None, this is a non-project action.

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

None, this is a non-project action.

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

None, this is a non-project action. Any proposed impacts will be addressed during the development review process.

12. Recreation

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

None, this is a non-project action.

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

No, this is a non-project action.

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

None, this is a non-project action.

13. Historic and Cultural Preservation

- a. **Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

This is a non-project action.

- b. **Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.**

This is a non-project action.

- c. **Proposed measures to reduce or control impacts, if any:**

None, this is a non-project action.

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

None, this is a non-project action. Site-specific measures and any mitigation measures will be reviewed during the development review process.

14. Transportation

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

None, this is a non-project action.

- b. **Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

This is a non-project action.

- c. **How many parking spaces would the completed project have? How many would the project eliminate?**

None, this is a non-project action.

- d. **Will the proposals require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).**

No, this is a non-project action.

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

Not applicable, this is a non-project action.

- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

Not applicable for this non-project action.

- g. **Proposed measures to reduce or control transportation impacts, if any:**

This is a non-project action, not applicable.

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

None; this is a non-project action.

15. Public Services

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

This is a non-project action; not applicable.

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

This is a non-project action; not applicable.

16. Utilities

- a. **Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.**

Not applicable.

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

Not applicable.

C. SIGNATURE

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

Signature: 

Name of signee: Gary Albrecht

Position and Agency/Organization Planner III, AICP; Clark County

Date Submitted: 10/26/2017

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?** The proposal is not likely to increase discharge to water, emissions to air, and production of noise or the production storage or release of toxic or hazardous substances.

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

The proposal is not likely to affect plants, animals, fish or marine life.

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

The proposal is not likely to deplete energy or natural resources.

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

This proposal is not likely to impose any impacts to sensitive areas and propose mitigation.

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

The proposal is not likely to affect land and shoreline use and it is likely to be compatible with existing plans.

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

The proposal is not likely to increase demands on transportation or public services.

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

The proposal would not conflict with local, state or federal laws.

1 Subtitle 40.4

2 CRITICAL AREAS AND SHORELINES

3 **40.410 CRITICAL AQUIFER RECHARGE AREAS (CARAs)**

4
5 **40.410.010 Introduction**

6
7 A. Purpose.

8 This chapter is intended to protect public health, safety, and welfare by preventing
9 degradation, and where possible, enhance the quality and quantity of groundwater which
10 will be, or might likely be, used in the future for drinking water or business purposes. This
11 will be accomplished by limiting potential contaminants within designated critical aquifer
12 recharge areas (CARAs). The requirements of this chapter are intended to fulfill
13 obligations of state law under the Growth Management Act, Chapter 36.70A RCW; the
14 Public Water Systems Penalties and Compliance, Chapter 70.119A RCW; the
15 Washington State Wellhead Protection Program and the Public Water Supplies, Chapter
16 246-290 WAC; the Dangerous Waste Regulations, Chapter 173-303 WAC; the Water
17 Quality Standards for Groundwater of the State of Washington, Chapter 173-200 WAC;
18 the Underground Injection Control Program, Chapter 173-218; and the Regulation of
19 Public Ground Waters, Chapter 90.48 RCW.

20 (Amended: Ord. 2005-04-15)

21 B. Applicability and Exemptions.

22 1. Applicability. This chapter applies to all critical aquifer recharge areas as defined
23 in Section 40.410.010(C). Parcels that are partly within Category I and Category II
24 shall be subject to the Category I provisions in this chapter. Parcels that are partly
25 inside Category II, but outside Category I, shall be subject to the Category II
26 provisions in this chapter.

27 2. Exempt Activities. The following activities do not require a CARA permit:

- 28 a. Existing activities that currently and legally existed on July 31, 1997;
- 29 b. All residential uses other than those having activities covered by Section
30 40.410.020(A);
- 31 c. Group A public water system source development and associated infrastructure;
- 32 d. Public water supply aquifer storage and recovery (ASR) facilities;
- 33 e. Public water pipelines;
- 34 f. Public water supply storage structures;
- 35 g. Other uses not listed in Sections 40.410.020(A), (B) or (C); and
- 36 h. Activities already permitted and regulated by the state and the Clark County
37 Health Department to incorporate best management practices.

38 3. The following underground storage tank (UST) systems, including any piping
39 connected thereto, are exempt from the requirements of this chapter:

- 40 a. Any UST system holding hazardous wastes subject to Subtitle C of the Federal
41 Solid Waste Disposal Act, or a mixture of such hazardous waste and other
42 regulated substances;
- 43 b. Any wastewater treatment tank system that is part of a wastewater treatment
44 facility regulated under Section 402 or 307(b) of the Clean Water Act;

- c. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
 - d. Any UST system whose capacity is one hundred ten (110) gallons or less;
 - e. Any UST system that contains a de minimis concentration of regulated substances;
 - f. Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
 - g. Farm or residential UST systems of one thousand one hundred (1,100) gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);
 - h. UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred (1,100) gallons are subject to the release reporting requirements of WAC 173-360-372;
 - i. Septic tanks;
 - j. Any pipeline facility (including gathering lines) regulated under:
 - (1) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or
 - (2) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or
 - (3) Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in Section 40.410.010(B)(3)(j)(1) or (2) of this definition;
 - k. Surface impoundments, pits, ponds, or lagoons;
 - l. Stormwater or wastewater collection systems;
 - m. Flow-through process tanks;
 - n. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or
 - o. Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.
- (Amended: Ord. 2005-04-15)

C. Definitions.

For the purposes of this chapter, the following definitions shall apply:

1- Category I CARA	"Category I CARA" means the highest priority critical aquifer recharge area, represented by the one-year time-of-travel for Group A water wells.
2- Category II CARA	"Category II CARA" means the primary critical aquifer recharge area, represented by the ten (10) year time-of-travel for Group A water wells. This area also consists of the unconsolidated sedimentary aquifer and the Troutdale gravel aquifer.

1 (Amended: Ord. 2005-04-15)

2
3 **D. Map.**

4 The map entitled Clark County, Washington Critical Aquifer Recharge Areas as signed by
5 ~~the board~~ is adopted in the 20 Year Clark County Comprehensive Growth Management
6 Plan as best available science, and is on file with the County Auditor. If a conflict exists
7 between the map and on-site conditions, the on-site conditions shall supersede the map.
8 The county will update the CARA map as warranted by new information.

9 (Amended: Ord. 2005-04-15; Ord. 2009-03-02)

10
11 **40.410.020 Standards**

12
13 **A. ~~Permitted Activities~~ requiring a CARA permit in Categories I and II: include the**
14 **following:**

15 ~~The following activities require a CARA permit in both Categories I and II:~~

- 16 1. Above- and below-ground storage tanks (tanks and pipes used to contain an
17 accumulation of regulated substances (see Section 40.100.070);
- 18 2. Facilities that conduct biological research;
- 19 3. Boat repair shops;
- 20 4. Chemical research facilities;
- 21 5. Dry cleaners;
- 22 6. Gasoline service stations;
- 23 7. Pipelines;
- 24 8. Printing and publishing shops (that use printing liquids);
- 25 9. Below-ground transformers and capacitors;
- 26 10. Sawmills (producing over ten thousand (10,000) board feet per day);
- 27 11. Solid waste handling and processing;
- 28 12. Vehicle repair, recycling, and recyclable materials – automotive;
- 29 13. Funeral services;
- 30 14. Furniture stripping;
- 31 15. Motor vehicle service garages (both private and government);
- 32 16. Photographic processing;
- 33 17. Chemical manufactures and reprocessing;
- 34 18. Creosote and asphalt manufacture and treatment;
- 35 19. Petroleum and petroleum products refining, including reprocessing;
- 36 20. Wood products preserving;
- 37 21. Golf course;
- 38 22. Regulated waste treatment, storage, disposal facilities that handle hazardous
39 material;
- 40 23. Medium quantity generators (dangerous, acutely hazardous, and toxic extremely
41 hazardous waste); and
- 42 24. Large quantity generators (dangerous, acutely hazardous, and toxic extremely
43 hazardous waste).

44 (Amended: Ord. 2005-04-15)

45

1 B. Prohibited Activities in Category I.

2 The following activities are considered high-impact uses due to the probability and/or
3 potential magnitude of their adverse effects on groundwater. These activities are
4 prohibited in Category I, and require a permit for Category II:

- 5 1. Landfills;
- 6 2. Class V injection wells;
- 7 3. Agricultural drainage wells;
- 8 4. Untreated sewage waste disposal wells;
- 9 5. Cesspools;
- 10 6. Industrial process water and disposal wells;
- 11 7. Radioactive waste disposal;
- 12 8. Radioactive disposal sites;
- 13 9. Surface mining operations; and
- 14 10. Electroplating activities.

15 (Amended: Ord. 2005-04-15)

16
17 C. Additional Standards.

18 The following additional standards apply in all CARAs:

19 1. Pesticides, herbicides and fertilizers shall be applied in accordance with federal
20 law.

21 2. Vehicle repair and servicing.

22 a. Vehicle repair and servicing must be conducted over impermeable pads and
23 within a covered structure capable of withstanding normally expected weather
24 conditions. Chemicals used in the process of vehicle repair and servicing must
25 be stored in a manner that protects them from weather and provides
26 containment if leaks occur.

27 b. No dry wells shall be allowed in CARAs on sites for vehicle repair and
28 servicing. Dry wells on the site prior to the facility establishment must be
29 abandoned using techniques approved by the Department of Ecology prior to
30 commencement of the proposed facility.

31 (Amended: Ord. 2004-06-11; Ord. 2005-04-15)

32
33 **40.410.030 Administration**

34
35 A. CARA Permit Requirements.

36 1. To receive a CARA permit required by section 40.410.020, the applicant must
37 demonstrate, through a Level 1 site evaluation report, how they will integrate
38 necessary and appropriate best management practices (BMPs) to prevent
39 degradation of groundwater. The applicant must also meet existing local, state,
40 and federal laws and regulations.

41 2. If an applicant wants to avoid implementation of ~~best management practices~~
42 (~~BMPs~~) the standard, they must submit a Level 2 site evaluation report and
43 develop and implement a monitoring program that:

44 a. Demonstrates how the applicant will prevent degradation to groundwater. The
45 applicant must also meet existing local, state and federal laws and regulation;
46 and

- 1 b. Includes quarterly reporting to the department. The department will evaluate
2 the monitoring program and may require periodic changes based on the
3 monitoring results, new technology, and/or BMPs.
4 3. Applicants that agree to implement all relevant BMPs are exempt from preparing a
5 site evaluation report. Applicants will demonstrate how the implementation of
6 BMPs will be used to prevent degradation to groundwater and will submit quarterly
7 monitoring reports to the department.

8 (Amended: Ord. 2005-04-15)

9
10 B. Level 1 Site Evaluation Report/Approval Criteria.

- 11 1. For all proposed activities to be located in a critical aquifer recharge area, the
12 site evaluation report shall include a Level 1 hydrogeological-assessment by an
13 engineer as defined in Section 40.386.010. ~~The site evaluation report and~~
14 ~~assessment shall be done by, or under the direction of, and signed by a~~
15 ~~qualified groundwater professional who is a hydrogeologist, geologist or~~
16 ~~engineer, who is licensed in the state of Washington and who has experience~~
17 ~~in preparing hydrogeologic assessments.~~ The report will identify appropriate
18 BMPs and show how they will prevent degradation of groundwater. Examples
19 of pollution source controls BMPs are described in the ~~guidance documents in~~
20 Section 40.410.040(A)(4), Clark County Stormwater Manual, and WAC
21 173-218, Underground Injection Control Program.
22 2. The report will identify how the applicant will follow the requirements of RCW
23 90.48 (Water Pollution Control), RCW 70.105D the (Model Toxics Control Act),
24 Chapter 173-340 WAC, and the Dangerous Waste Regulations, Chapter
25 173-303 WAC, in the event hazardous material is released onto the ground or
26 into groundwater.
27 3. ~~The report will include site specific hydrogeologic information to support a~~
28 ~~conclusion of no degradation to groundwater. Hydrogeologic information is~~
29 ~~available from existing U.S. Geological Survey reports (A Description of~~
30 ~~Hydrogeologic Units in the Portland Basin, Oregon and Washington,~~
31 ~~Water Resources Investigation Report 90-4196); U.S. Department of~~
32 ~~Agriculture, Natural Resources Conservation Service (Soil Survey of Clark~~
33 ~~County, Washington, 1972); Clark County; the Clark County Health~~
34 ~~Department; and from local purveyors.~~
35 3.4. The report will be reviewed by the department, in consultation with the Clark
36 County Health Department and the local water purveyor, in conjunction with the
37 same process as the primary development permit. If approved, the applicant
38 will receive a CARA permit allowing the activity on the subject property.

39 (Amended: Ord. 2005-04-15)

40
41 C. Level 2 Site Evaluation Report/Approval Criteria.

- 42 1. A qualified groundwater professional as defined in ~~Section 40.420.030(B)(1)~~
43 40.100.070 will determine whether the proposed activity will have any adverse
44 impacts on groundwater in CARAs. This determination must be based upon the
45 requirements of the Safe Drinking Water Act and the Wellhead Protection Area
46 Program, Public Water Supplies, Chapter 246-290 WAC; Groundwater Quality

1 Standards for the State of Washington, Chapter 173-200 WAC; and Dangerous
2 Waste Regulations, Chapter 173-303 WAC. By this reference, Chapters 173-200,
3 173-303, Chapter 173-218 WAC, and 246-290 WAC, as written and hereafter
4 updated, will be part of this chapter. ~~Chapters 173-303, 173-200, and 246-290-~~
5 ~~WAC shall be available for review at the Community Development department,~~
6 ~~Public Works department, and Health department; and at local water purveyors.~~
7 ~~Copies shall be available for a fee at Community Development department and the~~
8 ~~Public Works department. Copies will also be provided to local public libraries.~~

9 2. The Level 2 site evaluation report will include the following:

- 10 a. Identification of the proposed development plan, along with potential impacts
11 (e.g., on-site septic systems and other on-site activities) that may adversely
12 impact groundwater quality underlying or down gradient of the project or project
13 area;
- 14 b. Site plans or diagrams at an appropriate scale (1:2,400 or one (1) inch to two
15 hundred (200) feet) showing the location of abandoned and active wells,
16 springs, and surface water bodies within one thousand (1,000) feet of the
17 project or project area; and
- 18 c. A description of the geologic and hydrologic characteristics of the subject
19 property including the following:
- 20 (1) Lithologic characteristics and stratigraphic relationships;
- 21 (2) Aquifer characteristics including recharge and discharge areas, depth to
22 and static water-flow patterns, and an estimate of groundwater-flow
23 velocity;
- 24 (3) Contaminant fate and transport including probable migration pathways and
25 travel time of a potential contaminant release from the site through the
26 unsaturated zone to the aquifer(s) and through the aquifer(s), and how the
27 contaminant(s) may be attenuated within the unsaturated zone and the
28 aquifer(s);
- 29 (4) Appropriate hydrogeologic cross-sections which depict lithology,
30 stratigraphy, aquifer, units, potential or probable contaminant pathways
31 from a chemical release, and rate of groundwater flow;
- 32 (5) Existing groundwater quality; and
- 33 (6) A proposal for quarterly monitoring of groundwater quality to detect
34 changes and a description of corrective actions that will be taken if
35 monitoring results indicate contaminants from the site have entered the
36 underlying aquifer(s).

37 3. The report will be reviewed by the department, in consultation with the Clark
38 County Health Department and the local water purveyor, in conjunction with the
39 same process as the primary development permit. If approved, the applicant will
40 receive a CARA permit allowing the activity on the subject property.

41 (Amended: Ord. 2005-04-15)

42
43 D. Appeals.

44 Appeals of county decisions under this chapter may be filed under the provisions of
45 Chapter 40.510.

46 (Amended: Ord. 2005-04-15)

1
2 E. Penalties.

3 Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to
4 comply with any of the provisions of this chapter shall be subject to penalties as
5 defined in Chapter 70.119A RCW; Chapters 173-200 and 246-290 WAC; Title 32 of
6 this code; and other local, state, and federal laws.

7 (Amended: Ord. 2005-04-15)
8

9 ~~40.410.040 Incentives, Education, and Technical Assistance~~

10 A. ~~Incentives .~~

11 ~~1. Best Management Practices (BMPs). Individuals who implement BMPs to~~
12 ~~safeguard groundwater may not be required to provide additional geologic and~~
13 ~~hydrologic characteristics of the subject property, pursuant to Sections 40.410.030(B)~~
14 ~~and (C). Individuals shall implement the Washington Department of Ecology's~~
15 ~~Stormwater, Water Quality, Hazardous Waste, Wetland, and Solid Waste Programs~~
16 ~~BMPs; Chapter 13.26A; and BMPs from the Washington Departments of Health,~~
17 ~~Agriculture, Transportation, and State Conservation District Office.~~

18 ~~2. Maintain Open Spaces. An individual may receive a tax reduction for not~~
19 ~~creating impervious surface within Category I. Open space may allow recharge to~~
20 ~~replenish the groundwater supply.~~

21 ~~3. Land Exchange. The purpose of land exchange is to locate high use impacts~~
22 ~~outside Category I. State agencies and local government may convey, sell, lease, or~~
23 ~~trade existing public lands in order to obtain public ownership over all or part of a~~
24 ~~CARA. Such exchanges may occur only upon agreement between the recorded~~
25 ~~landowner and state and local agencies authorized to exchange the subject land.~~
26 ~~(Amended: Ord. 2005-04-15; Ord. 2009-03-02)~~

27 B. ~~Education.~~

28 ~~1. Participation in the County's Business Partners for Clean Water Program. This~~
29 ~~program provides public recognition to businesses that implement BMPs, such as~~
30 ~~safely handling and disposing of chemicals in a CARA.~~

31 ~~2. Provide Free Information (Pamphlets, Fast Facts) to Building Permit Applicants~~
32 ~~About How to Protect Groundwater Inside a CARA. Applicants seeking additional~~
33 ~~information about water quality and resource management issues will be placed on~~
34 ~~the department's mailing list. In addition, owners will be notified if they are in Category~~
35 ~~I and will be placed on the department's mailing list to receive groundwater protection~~
36 ~~newsletters, fact sheets, and pamphlets.~~

37 ~~(Amended: Ord. 2005-04-15)~~

38 C. ~~Technical Assistance.~~

39 ~~To assist applicants in locating existing Group A and Group B public water supply~~
40 ~~wells in CARAs, the Clark County Health Department will provide a list of the physical~~
41 ~~location of all Group A and Group B public water supply wells in CARAs. A record of~~
42 ~~these wells will be available for review at the Clark County Health Department. Copies~~
43 ~~of the current Group A and Group B public water supply wells records may be~~
44 ~~purchased from the Clark County Health Department or Community Development~~
45 ~~department.~~

46 ~~(Amended: Ord. 2005-04-15)~~