Clark Public Utilities
Type II Site Plan Review

Enterprise Transmission Line

Submitted to

City of La Center
305 NW Pacific Highway
La Center, Washington 98629

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Submitted by

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CLARK PUBLIC UTILITIES
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1.0 INTRODUCTION

Clark Public Utilities (CPU) is seeking to construct a new 115-kilovolt overhead electrical transmission line, from the Union Ridge substation in the City of Ridgefield (the City), north through unincorporated Clark County and the City of La Center. The proposed transmission line will eventually tie into a future substation just north of the City of La Center. CPU is seeking to construct this transmission line to improve service reliability and decrease outage time for the north County area during inclement weather.

The project team (CPU and BergerABAM) is now completing the design process and submitting permit applications to the City. This application narrative and package addresses applicable provisions from the City municipal code and other City requirements for the La Center portion of the proposed transmission line alignment.

2.0 EXISTING CONDITIONS

2.1 Project Location

The overall extent of the transmission line route would pass through three different jurisdictions: Clark County, the City of La Center, and the City of Ridgefield; however, only the segment within the City of La Center jurisdiction will be discussed in this narrative. The transmission line will enter city jurisdiction along NW Paradise Park Road approximately 1,900 feet north of NW 299th Street and continue north and intersect with NW 319th Street at Exit 16. The transmission line will continue north along NW Paradise Park Road existing the city's jurisdiction at NW 31st Avenue. The line will turn east and continue north of 324th Street, until reaching the substation site on NW 26th Avenue. The transmission line would be placed within private easements and public rights-of-way.

2.2 Comprehensive Plan and Zoning

Zoning for areas of proposed development primarily consist of utility easements on private land and public rights-of-way. La Center Municipal Code (LCMC) 18.110.030 designates these areas as the same zone as the adjacent property. The adjacent zones to the proposed alignment consists of land zoned Junction Plan (JP). Land zoned JP contains a Junction Plan comprehensive plan designation.

2.3 Surrounding Uses

The proposed transmission line alignment would be located in an area that is primarily used for light industrial, commercial, and residential purposes. The southern portion of

the alignment along NW Paradise Park Road is adjacent to light industrial and residential uses. As the alignment extends north, land uses transition to commercial activities.

2.4 Soils and Topography

The area which the transmission line would pass through can be generally categorized as flat land with little discernable slope. According to the Clark County GIS Online Mapping tool, the project area is dominated by slopes less than 5 percent, with slopes ranging from 5 to 10 percent occurring sporadically along the proposed alignment.

According to the U.S. Department of Agriculture online soil survey, the project site contains six soil types: (1) Gee silt loam 0 to 8 percent slopes (GeB); (2) Gee silt loam 8 to 20 percent slopes (GeD); (3)Hillsboro silt loam 0 to 3 percent slopes (HoA); (4)Hillsboro silt loam 3 to 8 percent slopes (HoB);(5) Odne silt loam 0 to 5 percent slopes (OdB), and, Sara silt loam 0 to 5 percent slopes (SIB).

2.5 Regulated Critical Areas

Based on a review of existing available information, project reports, and site visits, the site contains two critical areas that are subject to regulation by the City; these areas include critical aquifer recharge areas and fish and wildlife habitat conservation areas. Critical areas are regulated under the City's critical areas ordinance (LCMC 18.300).

2.5.1 Fish and Wildlife Habitat Conservation Areas

As defined in LCMC 18.300.090(2), fish and wildlife habitat conservation areas are divided into four basic categories:

- Riparian areas are immediately adjacent to waterways, these areas contain elements of both aquatic and terrestrial ecosystems that mutually influence each other.
- Endangered or threatened areas have a primary association with federally listed endangered or threatened species of fish or wildlife; and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term; or point locations where critical wildlife species are found.
- Local habitat areas, including species of local importance because of their population status or sensitivity to habitat manipulation, or game species. Habitats of local importance include a seasonal range or habitat element in which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and produce over the long term.
- Priority habitat and species (PHS) areas are those areas in which state-listed monitor or candidate species or federally listed candidate species have a primary association, and which if altered may reduce the likelihood that the species will maintain and reproduce over the long term.

Riparian Habitat
The project alignment is mapped to contain 3 type Ns streams which flow east towards McCormick Creek. During a site investigation it was determined that the mapping for the northern and southern streams are inaccurate, as no streams were identified within the corridor in these locations. It is assumed that the headwaters of these streams are located farther east, beyond the project corridor. The mapping of the central stream is also inaccurate as the headwaters are farther west than shown on the mapping; however, this stream was confirmed as a Type Ns. As a Type Ns waterbody, the unnamed stream identified on site is provided with a 75 foot habitat buffer in LCMC Table 18.300.090(2)(f)

Threatened and Endangered Species
According to the WDFW online database (PHS on the Web), there are no threatened or endangered species or habitat in the vicinity of the project area.

Local Habitat Areas
According to the code, local habitat areas include the following.

- **Species of local importance** – species of local concern because of their population status or their sensitivity to habitat manipulation or that are game species.
- **Habitats of local importance** – include a seasonal range or habitat element with which a given species and a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. They might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus, and wetlands.
- **Local habitat areas** – areas specifically identified as local habitat areas on the City's adopted critical areas map and the background maps used to prepare the critical areas maps.

There are no known Local Habitat Areas that occur within the project area.

Priority Habitat and Species Areas
WDFW recognizes priority habitats as having unique or significant value to many species, and that priority species—such as particular fish and wildlife species—require protective measures and/or management guidelines to ensure their perpetuation (Knutson and Naef 1997). A review of WDFW's PHS on the Web indicates that no priority habitat areas are mapped within the study area any.

2.5.2 Wetlands

Wetlands are defined as those areas that are inundated or saturated by surface water 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 (LCMC 18.300.030(76)). Wetlands are regulated under LCMC 18.300.090(6). Neither WDFW's PHS on the Web nor USFWS NWI mapper indicates the presence of wetlands within the study area, and on site investigation by the BergerABAM scientists confirmed that no wetlands are present within the transmission line corridor

2.5.3 Critical Aquifer Recharge Area

Clark County MapsOnline indicates that the majority of the site is within a Category II critical aquifer recharge area, and one small area, associated with the Shell Gas Station at 2814 NW 319th Street, is mapped as a Category I CARA. LCMC 18.300.090(A)(v) lists prohibited land uses in Category I aquifer recharge areas, transmission line utility poles are not included in this list, and though listed under LCMC 18.300.040(2)(b) as a critical area, no special provisions or performance standards are provided for Category II CARAs in the code. Therefore, the project is not subject to CARA provisions, and have not been analyzed in this document.

2.5.4 Geologic Hazardous Areas

According to the Clark County GIS Online Mapping tool, the project alignment has a National Earthquake Hazards Reduction Program (NERHP) rating of a Site Class C, a liquefaction rating of Very Low to Low, and is not located in an erosion or landslide hazard area; therefore, per the geologically hazardous area designation criteria established by the City (LCMC 18.300.090(4) & (5)), there are no designated geologically hazardous areas within the proposed alignment.

2.5.5 Frequently Flooded Areas

Per Federal Emergency Management Agency Flood Insurance Rate Map Panels 53011C0202D and 53011C0204D, the project alignment is located in an area of minimal flood hazard and will not constitute as a frequently flooded area per the LCMC.

3.0 PROJECT DESCRIPTION

The proposed Enterprise Transmission Line would extend approximately 0.85 miles along the City's western jurisdictional boundary. The Applicant has proposed to install a 115 kilovolt overhead transmission line, which will connect the Union Ridge substation in the City of Ridgefield to the site plan approved Enterprise substation, which has yet to be constructed, in Clark County, Washington, just north of the City of La Center. The transmission line will be supported by 76.5-foot-tall wood poles, typically spaced approximately 200 to 250 feet apart and framed in the "trim line

style," which Clark Public Utilities describes as the lowest and most aesthetically pleasing profile. The transmission line alignment will also require a limited number of approximately 78-foot-tall steel poles to support the proposed line. Steel poles will be required at certain areas where tension of the transmission line will be too great for wooden poles. Based on the project's current design 16 poles will be placed within a combination of public road right-of-way and private easements adjacent to the public road right-of-way. 11 poles will be placed within the public right of way, and 5 poles will be placed within private easements. The proposed transmission line poles will follow the alignment of the existing overhead distribution lines along the east side of the unimproved Northwest Paradise Park Road. The purpose of the project is to improve service reliability and decrease outage time for the north County area during inclement weather.

The current design for the project consists of removing the existing distribution poles that parallel Northwest paradise park road, and replace them with new transmission lines and poles. However, distribution and communications lines will be placed underground starting at the south end of the recent Paradise Park Road realignment, until the alignment exits La Center jurisdiction at the NW 31st Avenue/NW 324th Street intersection. Approximately 600 linear feet of distribution line has been proposed for undergrounding within City limits. Transmission lines will remain overhead throughout the entire alignment.

4.0 REQUEST

Based on the information in this project narrative and the accompanying plans and reports, the applicant requests the approval of the applications for a Type II site plan review and critical areas permit.

5.0 REGULATORY COMPLIANCE

The project's compliance with the LCMC is addressed below.

5.1 Establishment of Zoning District and Maps (LCMC Chapter 18.110)

5.1.1 District Boundaries (LCMC 18.110.030)

The district boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply:

1. *Unless otherwise specified, district boundaries are lot lines, the centerlines of streets, and railroad right-of-way, or such lines extended.*
2. *If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot; provided, that if a district boundary divides a lot into two equal portions, the lot shall meet the requirements of both districts to the extent practical.*

3. *Any land or property not specifically identified with a zoning designation shall be considered to be zoned as is the most restrictive zone classification designated on adjoining and/or abutting properties, until such time as it is determined otherwise by a rezone action.*
4. *Where the application of subsections (1) through (3) of this section does not clarify the zone boundary location, the director shall interpret the maps, and by written decision, determine the location of the zoning boundary. Said written descriptions shall be kept on file with the city clerk.*

Response: The project site will consist of utility easements on private land and public rights-of-way, which are designated as the same zone as the adjacent property per LCMC 18.110.030(3). As the adjacent land is entirely within the Junction Plan Zoning District (JP), the project will be subject to the pertinent development standards enumerated under LCMC Chapter 18.158.

5.2 La Center Junction Plan Zoning District (LCMC Chapter 18.158)

According to ordinance 2018-5, overhead transmission lines are permitted in all districts within the JP zone, with no limitations. Due to the unique nature of electrical transmission lines, there are no development standards that apply to the proposed overhead transmission lines.

5.3 Site Plan Review (LCMC Chapter 18.215)

5.3.1 Applicability (LCMC 18.215.020)

The provisions of this chapter shall apply to all changes of use, new construction, expansion or alteration of the use of land unless expressly exempted by this title. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved plan which is in conformance with the requirements set out in this title.

Response: Based on the City's response, the scale of the project requires a Type II site plan review where the transmission line is constructed on zoned land. The associated underground utilities are exempt from site plan review (LCMC 18.215.030(4)).

5.3.2 Criteria for Site Plan Approval (LCMC 18.215.060)

1. *In approving site plans, it shall be the responsibility of the planning director or his designee to review each plan for compliance with all provisions of this chapter and any other applicable regulations that may affect the final plan as submitted or revised.*
2. *In reviewing a site plan for approval, the director shall find that all of the following have been met:*

a. The proposed plan shall meet all applicable provisions of this title and other appropriate provisions of the La Center Municipal Code; the following are enumerated to indicate the various requirements under which a plan must be found consistent. Failure to meet any one of these, and other requirements not necessarily specified here, shall be grounds for denial of site plan approval.

Response: This narrative serves as a demonstration of compliance with pertinent provisions from the La Center Municipal Code.

b. The proposed use is permitted within the district in which it is located.

Response: According to Ordinance 2018-5, overhead electrical transmission lines are permitted in the JP zone.

c. The proposal meets the lot, yard, building, height and other dimensional requirements of the district within which it is located.

Response: Overhead transmission lines are not subject to the development standards of the underlying zone that the project site traverses.

d. The proposal meets the screening, buffering and landscape strip requirements, as set forth in LCMC 18.245.060.

Response: The proposed project is not subject to landscaping requirements.

e. Minimum parking and loading space requirements are met, as required by Chapter 18.280 LCMC.

Response: The proposed project is not subject to minimum parking or loading requirements.

f. All applicable conditions and criteria contained in other titles of the La Center Municipal Code are met.

Response: As stated above, this narrative serves as a demonstration of compliance with all pertinent provisions of the City of La Center Municipal Code.

g. Improvement requirements are provided in accordance with the applicable sections of the La Center development code.

Response: The proposed project is not subject to improvement requirements.

h. All conditions of any applicable previous approvals (i.e., CUP) have been met.

Response: The project has not received previous approvals that imposed conditions on the proposed development.

i. Development subject to site plan review has provided underground public and private utility lines including but not limited to those for electricity and communication.

Response: The proposed project seeks to permit and construct an overhead transmission line. No further utilities are required.

j. Public water, sewer and stormwater lines have been installed in conformance with the standards of the city code. Public water, sewer and stormwater lines within or along the frontage of a development have been extended to the extreme property lines of that development unless it can be demonstrated to the city engineer that such extensions are impractical, infeasible or inappropriate.

Response: The proposed project does not require installation of, or connection to public water, sewer or stormwater.

k. Proposed phasing plans do not exceed six years and all required public infrastructure is installed in the first phase of the development.

Response: The proposed project does not include phasing.

5.4 Critical Areas (LCMC Chapter 18.300)

5.4.1 Applicability and Critical Areas Map (LCMC 18.300.040)

1. *Applicability. The provisions of this chapter apply to lands within the La Center corporate limits and urban growth area that are either designated as critical areas and their buffers on the city's official critical areas maps, or are critical areas and buffers which are identified as part of a project specific application and land use review.*
   a. *Properties containing critical areas are subject to this title.*
   b. *Buffers are protected and impacts to buffers are regulated to help improve the functional values of critical areas.*
   c. *When the requirements of this chapter are more stringent than those of other La Center codes and regulations, the requirements of this chapter shall apply.*
   d. *Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this title.*

2. *Critical Areas. Critical areas include:*
    a. *Wetlands;*
    b. *Category I and II aquifer recharge areas;*
    c. *Wellhead protection areas;*
    d. *Fish and wildlife habitat conservation areas;*
    e. *Frequently flooded areas;*
    f. *Geologically hazardous areas; and*
    g. *Slopes with a gradient of 25 percent or greater.*

Response: According to the Clark County GIS online mapping tool, the project site contains fish and wildlife habitat conservation areas and buffers, and critical aquifer recharge areas (categories I and II). As the proposed project is not an activity regulated by the City's CARA provisions, a demonstration of compliance with CARA criteria has not been included in this narrative.

5. *State and Federal Agency Review. Regulated activities subject to this chapter shall be routed to appropriate state and federal agencies for review and comment as required through the SEPA and/or JARPA review process.*

Response: The project does not require any permits subject to federal review. A SEPA determination will be required for the project, with CPU acting as the lead agency. Applicable state agencies will be notified and allowed to review the project during the SEPA comment period.

6. *Applicability by Activity. Table 18.300.040 establishes the level of review required for uses or activities under this title.*
    a. *Exempt (E). Activities or uses that are exempt require no review and do not need to meet the standards of this chapter.*
    b. *Review Required (RR). Activities and uses that are categorized as "Review Required" must comply with the standards of this chapter but no special report is needed. Determination of compliance with this chapter shall be determined through the review process required for the underlying development permit application.*
    c. *Critical Area Report (CAR). When a critical area report is required, the applicant must submit a report consistent with this chapter and with the underlying development application and will submit additional application fees consistent with the adopted fee schedule.*
    d. *The director shall have the discretion to determine whether the proposed activity may adversely impact protected critical areas and/or their buffers and shall assign the appropriate level of review: Exempt, Review Required, or Critical Area Report. The decision of the director may be appealed to the hearings examiner.*

e. Critical Aquifer Recharge Area (CARA). See LCMC 18.300.090(1)(a)(v) for a list of uses prohibited in a CARA I area. The director shall exercise discretion to determine whether similar uses not listed therein require additional review and oversight.

LCMC Table 18.300.040

Use/Activity	Fish and Wildlife Habitat Conservation Area
Clearing, filling, grading, and native vegetation removal activities within a critical area or buffer.	Critical Areas Report
Repair of existing: structures, infrastructure improvements, utilities, public or private roads or drainage systems in critical areas or buffers.	Review Required

Response: Project construction will require clearing/grading within a riparian buffer, and existing utilities within critical areas/buffers will be relocated. These project actions will require submission and review of project specific critical areas report, which has been included with this application package as Attachment D.

5.4.2 Allowed Uses (LCMC 18.300.050)

1. *Unless the requirements of this chapter are met, La Center shall not grant any approval or permission to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement regulated through the following: building permit, commercial or residential; binding site plan; franchise right-of-way construction permit; site development permit; right-of-way permit; shoreline permit; short subdivision; use permit; subdivision; utility permit; or any subsequently adopted permit or required approval not expressly exempted by this chapter.*
2. *Compliance with these regulations does not remove an applicant's obligation to comply with applicable provisions of any other federal, state, or local law or regulation.*

Response: The proposed project will meet the standards for state, federal and other local laws and regulations.

3. *The city may approve uses listed in subsection (4) of this section, Allowed Uses, subject to a Type II process, if the proposed development activity meets the standards in LCMC 18.300.110, Development standards, and LCMC 18.300.120, Mitigation.*
4. *Allowed Uses. The city may allow the following uses on critical areas and within buffer areas subject to the development standards of LCMC 18.300.110 and appropriate mitigation standards as described in LCMC 18.300.120:*

    b. *Below or aboveground utilities, facilities and improvements, where necessary to serve development consistent with the La Center comprehensive plan and development code, including: streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, open space, and parks and recreational facilities, where there is no other reasonable alternative, based on topographic and environmental conditions, as determined by the director.*

Response: The proposed project includes both below and aboveground utilities. These improvements are allowed in critical areas and their buffers (in this case riparian buffers) per LCMC 18.300.050(4)(b), if there is no other feasible location to construct them. As the proposed transmission line will be replacing an existing alignment, there is no other location that the project could feasibly be constructed; therefore, the work proposed within a riparian buffer is an allowed use.

5. *Limited Uses. Limited uses, as described in this section, shall avoid critical areas, to the greatest extent reasonable and practicable. Limited uses may be allowed within critical area buffers subject to the mitigation measures and implementation of a monitoring plan as described in LCMC 18.300.090(6)(l). Applications for development within critical areas or buffers shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas and buffers. All limited uses shall be consistent with the provisions of this chapter and shall be subject to SEPA review.*

    b. *Development Subject to Site Plan Review. Any new building or structure affecting critical areas or buffers shall be subject to site plan review, unless otherwise exempted in this chapter.*

Response: The proposed project is subject to site plan review, as the project will impact critical areas buffers, and is not expressly exempt from critical area requirements. A demonstration of the applicant's efforts to avoid, minimize, and mitigate critical area impacts has been provided in the project specific critical areas report (Attachment D).

5.4.3 Critical Lands (LCMC 18.300.090)

1. *Critical Aquifer Recharge Areas. Due to the exceptional susceptibility and/or vulnerability of ground waters underlying aquifer recharge areas to contamination and the importance of such ground waters as sources of public water supply, it is the intent of this chapter to safeguard ground water resources by mitigating or precluding future discharges of contaminants from new land use activities. The provisions of this chapter shall apply to regulated activities specified herein within those portions of the La Center UGA classified as Category I aquifer recharge areas.*

    a. *Category I Aquifer Recharge Areas (CARA I).*

        i. *Areas with a critical recharging effect on aquifers used for potable water are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.*
        ii. *La Center wellheads are owned and operated by Clark Public Utilities.*
        iii. *Development, other than the maintenance of vegetation, shall be prohibited within 50 feet of any wellhead within the UGA.*
        iv. *For purposes of this chapter, critical aquifer recharge areas include lands within the 10-year zone of contribution, as shown on the La Center critical areas map.*
        v. *The following uses are prohibited in Category I aquifer recharge areas:*

            A. *Landfills;*
            B. *Class V injection wells: (I) agricultural drainage wells; (II) untreated sewage waste disposal wells; (III) cesspools; (IV) industrial process water and disposal wells; and (V) radioactive waste disposal;*
            C. *Radioactive disposal sites; and*
            D. *Surface mining operations.*

Response: Although the project alignment will be located within a CARA, the project is not proposing any of the prohibited activities listed under LCMC 18.300.090(1)(a)(v) and will not discharge any potentially harmful materials as a result of the project or its construction. Therefore, no impacts to the CARA are scheduled or anticipated as part of this project.

2. *Fish and Wildlife Habitat Conservation Areas.*

    a. *Fish and Wildlife Areas. Identified sensitive fish and wildlife habitat areas shall be preserved or adverse impacts mitigated. Fish and wildlife areas are divided into four basic categories:*

        i. *Riparian.*

A. *Overwhelming evidence exists to support the use of riparian buffers of adequate size to maintain healthy, productive fish and wildlife habitat. Although riparian areas comprise only a small portion of the surface landscape, approximately 90 percent of Washington's land-based vertebrate species prefer, or are dependent upon, riparian habitat for essential life.*
B. *Riparian habitat areas may include frequently flooded areas, critical recharge areas and wetlands. Riparian habitat areas are those areas immediately adjacent to waterways that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. WAC 222-16-020, relating to stream classification, shall be the city's classification system for streams.*

Response: There is one riparian area within the project alignment. According to biologists who conducted a site visit on June 19 and 21, 2017, the stream is classified as a Type Ns and will have a 75-foot buffer. As the project alignment contains a riparian area, the provisions of LCMC 18.300.090(2) applies to the project.

c. *Species and Habitat Assessment Report. A critical area report is required where specifically indicated and when an activity is proposed within a critical area or buffer that is not specifically exempt, or permitted with review. Where a critical area report is required it shall be consistent with the following standards:*

Response: Development activities have been proposed within riparian buffers; therefore, a critical areas report has been prepared for the proposed project (Attachment D).

d. *Best Available Science. Habitat reports and decisions to alter habitat areas shall rely on the best available science to protect the functions and values of critical habitat areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat. Best available science is that scientific information applicable to the critical area prepared by local, state or federal natural resource agencies, a qualified scientific professional or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through 365-195-925.*

Response: The project's critical areas report has been prepared consistent with the submittal requirements of the LCMC 18.300 – Critical Areas. In order to assess the presence or absence of critical areas and the project's potential impacts, BergerABAM scientists visited the site on June 19 and 21, 2017, and analyzed the site through review of pertinent reports, information, and available data. Resources used during the investigation of critical areas included the following.

- Clark County (County) MapsOnline - GIS online database
- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Clark County, Washington, Map Number 53011C0202D
- StreamNet Fish Data for the Northwest - online mapper
- U.S. Environmental Protection Agency (EPA) Troutdale aquifer system map
- Washington Department of Fish and Wildlife (WDFW) Priority Species and Habitat (PHS) PHS on the Web - online database
- WDFW SalmonScape - online database
- Washington Department of Natural Resources (WDNR) Liquefaction Susceptibility and Site Class Maps of Washington State, by County Clark County. (Stephen P. Palmer et al.)
- U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) – online database

e. Habitat Buffers. Fish and wildlife habitat conservation areas and buffers are assigned to the lands regulated by this section according to Table 18.300.090(2)(a). Development activities are restricted within buffer areas as indicated in Table 18.300.090(2)(f).

LCMC Table 18.300.090(2)(f) – Riparian Areas

Fish and Wildlife Habitat Areas RIPARIAN AREAS	Characteristics	Riparian Ecosystem Area (In Feet)
Type Ns stream, high mass wasting potential	Seasonal streams with a defined channel	75

i. Water types are defined and mapped based on WAC 222-16-030 or 222-16-031, whichever is in effect on the date of application. While the WAC definitions control, generally, Type S streams include shorelines of the state and have flows averaging 20 or more cubic feet per second; Type F streams are those that are non-Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). Erosion gullies or rills, and streams which are manmade, or streams less than six inches wide or not having a defined bed and/or bank are not included.

Response: BergerABAM scientists visited the alignment and determined that the riparian area affecting the site is a Type Ns stream, with a 75-foot buffer. Classification of the stream is consistent with the rating system contained in WAC 222-16-030.

f. Riparian Area Ecosystem Buffers. Regulated activities proposed along rivers and streams shall provide for habitat protection.

i. The riparian ecosystem buffer is generally an area of no building, consisting of undisturbed natural vegetation. The buffer shall be required along all streams as classified by the DNR water typing classification system (WAC 222-16-030). The buffer shall extend landward from the ordinary high water mark of the water body.

ii. The buffer of a river or stream shall not extend landward beyond an existing substantial improvement such as an improved road, dike, levee, or a permanent structure which reduces the impact proposed activities would have on the river or stream.

iii. The city identifies the following river and stream segments as being critical to anadromous fish and, therefore, requiring a larger buffer protection:

A. East Fork of the Lewis River within the UGA; and

B. Brezee, McCormick and Jenny Creeks within the UGA.

Response: The project is located within the vicinity of a stream segment associated with McCormick Creek. BergerABAM scientists visited the site and delineated the extent of the Type Ns streams' buffer, consistent with the provisions above. Please see the projects critical areas report (Attachment D) for a detailed account of buffer delineation methods.

g. Mitigation.

i. Approval. City approval of a mitigation plan is a prerequisite for approval of any development activities within a designated habitat area or habitat buffer.

ii. Application. The applicant shall submit a written request describing the extent and nature of the proposed development activity on critical areas and buffers. The request shall include boundary locations of all critical areas and associated buffers.

C. The application for development shall include a mitigation plan prepared in compliance with this section.

D. The city may require the applicant to prepare special reports evaluating potential adverse impacts upon critical areas and potential mitigation measures as part of the land use application process. These reports may include, but are not limited to, the following: stormwater management plan; hydrology, geology, and soils report; grading and erosion control plan; native vegetation report; fish and wildlife assessment and impact

report; water quality report; wetlands delineation; and other reports determined necessary by the city.

Response: The project includes buffer impacts to a riparian area. A critical areas application has been submitted to the City as part of this application package. In addition, a critical areas report has been prepared for the project, which addresses critical areas impacts and mitigations associated with this project (Attachment D)

v. All reports recommending mitigation shall include provisions for monitoring of programs and replacement of improvements, on an annual basis, consistent with report recommendations and at years one, three, five, seven, and, if mitigation measures will result in reclassification of the resource to a higher category, year 10 shall be required.

Response: Please see the project's critical areas report for a detailed description of proposed mitigation.

j. No Net Loss.

i. Mitigation efforts, when allowed, shall ensure that development activity does not yield a net loss of the area or function, including fish and wildlife habitat values, of the critical area. No net loss shall be measured by:

A. Avoidance or mitigation of adverse impacts to fish or wildlife; or
B. Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or
C. Avoidance or mitigation of loss of area by habitat type.

Response: No net loss of critical area functions and values will occur, because project activities have avoided, minimized, and mitigated proposed impacts.

The project team has assessed all reasonable alternatives for locating utility poles in such a way as to avoid critical areas while still meeting engineering standards for overhead utility lines, and the proposed locations of the utility poles are located in the least environmentally sensitive areas as practicable, in accordance with development standards in the code (LCMC 18.300.110(2)(a)).

Avoidance of impacts to riparian buffers was not entirely feasible because of site constraints and project requirements. The project design minimizes the impacts of the project to the greatest extent practicable and includes a comprehensive set of best

management practices (BMPs) that will prevent incidental impacts to critical areas within the site during construction and by mitigating for the loss of functions.

As impacts will occur, despite efforts to avoid and minimize buffer impacts, mitigation has been proposed. Please see the response below for a detailed analysis of project impacts and the proposed mitigation.

ii. Mitigation to achieve no net loss should benefit those organisms being impacted.
iii. Where development results in a loss of habitat area, the mitigation plan shall demonstrate that habitat area is replaced at an equal or greater functional value(s).

A. Wherever possible, replacement or enhancement shall occur on site.
B. However, where the applicant can demonstrate that off-site mitigation will provide greater functional values, the city may approve such off-site mitigation.

Response: The overall goal of mitigation as described in the code is to result in no net loss of critical area functions and values. Mitigation sequencing in LCMC 18.300.120 requires first that a project's mitigation plan receive City approval, and next that mitigation plans demonstrate no net loss of function. The project proposes impacts to just one critical area (fish and wildlife habitat conservation area - specifically riparian buffers) that will require mitigation efforts. Impacts will be permanent in nature but overall, there will be no net loss of function or values of critical areas because interrupted or lost functions will be mitigated.

LCMC 18.300.110(2)(c) specifies that all adverse impacts to affected critical areas and buffers be either avoided or fully mitigated. For the proposed project, 2,703 square feet (0.061 acre) of riparian buffer will be permanently impacted by clearing vegetation and installing the transmission line. Impacts to the riparian buffers will occur within the proposed utility corridor on private property, Clark Public Utilities does not own the property or the land adjacent to the impacts; therefore, on-site buffer enhancements and buffer averaging are not feasible in accordance with LCMC 18.300.120(2)(c)(i).

LCMC 18.300.120(2)(c)(ii) states that "where the applicant can demonstrate that an off-site location is in the same drainage basin, and that greater biological and hydrological values will be achieved, the city may approve such off-site mitigation." The code requires off-site mitigation to be within the same drainage basin, but the City code does not define what constitutes a basin. However, the code does rely on best available science (LCMC 18.300.100). The U.S. Geological Survey (USGS) defines

a drainage basin as "a part of the surface of the earth that is occupied by a drainage system, which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water." According to WAC Chapter 173-500, the state identifies 62 water resource inventories (WRIA) that cover the entire state. One of the 62 WRIAs is the Lewis River watershed, which includes the East Fork Lewis River, McCormick Creek, and the project site. The WAC and USGS definition indicate that that a basin comprises a larger drainage system, not smaller sub-basins; in this case, the proposed use of a mitigation bank would occur within the same basin. Furthermore, the definition of a "service area" as defined by the WACs for mitigation banks is defined as "the designated geographic area in which a bank can reasonably be expected to provide appropriate compensation for unavoidable impacts (WAC 173-700-104)." The service area as determined by Ecology, USACE, and the EPA for the East Fork Lewis River mitigation bank includes McCormick Creek. Therefore, it is reasonable to assume that the use of the East Fork Lewis River Mitigation Bank (bank) would be within the same basin.

The permanent impacts to the riparian buffer will result in a loss of water quality and habitat functions. The existing vegetation consists of a combination of grass species and shrubs. These communities slow the downhill movement of water from precipitation events and provide nutrient uptake and habitat functions (biological functions). To ensure no net loss of buffer functions or values, the 2,703 square feet (0.061 acre) of riparian buffer impacts will be mitigated through the purchase of mitigation credits at the bank. The portion of the bank that has been released by the governing agencies for the sale of buffer credits has been planted with native trees and shrubs and has been maintained and monitored for at least 4 years. The biological value of the bank credits has had 4 years to become established and provide greater biological functions to the ecosystem than those of the project area. Because the bank has been certified by state and federal agencies and has already restored a variety of aquatic and terrestrial habitats, there will be no temporal loss of functions as a result of the project. Located in the East Fork Lewis River watershed, the mitigation bank will provide high-quality riparian habitats and functions in the same watershed in which impacts are proposed. The consolidated nature of mitigation banks promotes greater ecological and habitat diversity than small, isolated mitigation efforts, and helps to create a more sustainable ecosystem. The bank will provide the same types of ecological and habitat functions that are currently present at the project site, including water storage, nutrient uptake, and habitat functions. Therefore, the bank provides greater biological and hydrological values than could be achieved at the project site.

Mitigation ratios for purchasing credits at the mitigation bank vary based on the resource impacted and the quality of that resource. Therefore, riparian buffer mitigation ratios for this project were determined in cooperation with WDFW, and have been explained in the project's critical areas report (Attachment D). The table below depicts the amount of bank credits proposed for purchase as mitigation for critical area impacts as a result of this project.

Critical Area	Permanent Impacts (acres)	Acre-Credit Ratio	Credits Proposed for Use
Inner Riparian Buffer – Shrubs/trees <12" DBH	0.036	0.75:1	0.027
Outer Riparian Buffer – Shrubs/trees <12" DBH	0.025	0.5:1	0.0125
Total	**0.061**	**–**	**0.04**

k. Mitigation Plan. A mitigation plan shall provide for the design, implementation, maintenance, and monitoring of mitigation measures.

Response: The applicant has decided to purchase wetland mitigation credits rather than implement on-site mitigation through a mitigation plan. On-site mitigation was deemed infeasible, as the applicant is a public utility provider who is purchasing easement or utilizing public right-of-way for the project corridor. Neither the purchased easements nor public right-of-way were considered suitable for onsite mitigation. Therefore, mitigation credits will be purchased from the East Fork Lewis River Mitigation Bank. Mitigation credit purchase is detailed in the critical areas report (Attachment D).

5.4.4 Development Standards (LCMC 18.300.110)

Within critical areas, the city shall prohibit soil excavation, grading, removal of native vegetation species, draining, intentional burning, planting of invasive or nuisance vegetation, placement of structures and new construction on critical areas unless otherwise authorized in this chapter.

1. These development standards apply to uses on critical areas and within buffers unless otherwise exempted in this title.

Response: The proposed activities are not exempt and will meet the development standards of this section.

2. *In order to approve application for development on lands subject to this chapter, the mayor or his or her designee shall find that the following standards have been met:*

    a. *All reasonable alternatives for locating the development activity in such a way so as to avoid critical areas have been considered and the development activity will be located in the least environmentally sensitive area as practicable and the purpose of this chapter, as described in LCMC 18.300.010, is fulfilled. If avoidance is not practicable, as determined by the city, development shall minimize adverse impacts to critical areas and buffers consistent with the mitigation sequencing measures and mitigation and enhancement measures prescribed in this chapter.*

Response: The project team has assessed all reasonable alternatives for locating utility poles in such a way as to avoid critical areas while still meeting engineering standards for overhead utility lines, and the proposed locations of the utility poles are located in the least environmentally sensitive areas as practicable, in accordance with development standards in the code (LCMC 18.300.110(2)(a)). Though total avoidance is not feasible because of the elements of the project and the constraints of the landscape, the proposed project includes minimization and mitigation measures to ensure no net loss of function of critical areas. The project design minimizes the impacts of the project to the greatest extent practicable and includes a comprehensive set of BMPs that will prevent incidental impacts to critical areas within the site during construction and by mitigating for the loss of functions.

    b. *The city has approved the vegetation removal methods and the removal of native plants has been avoided.*

Response: The project will employ City-approved vegetation removal methods and avoid, where practicable, the removal of native vegetation.

    c. *All adverse impacts to all affected critical areas and buffers are either avoided or fully mitigated.*

Response: the project design avoids and minimizes the impacts to critical areas and critical area buffers to the greatest extent practicable. Unavoidable impacts to riparian buffers will be fully mitigated through purchase of 0.04 mitigation credits as described in section 5.4.3 above.

    d. *The plan minimizes cuts and fills.*

Response: Within the City's jurisdiction, excavation is proposed for an approximately 600 linear-foot portion of the distribution line that would be placed

underground. To complete the undergrounding of the communication and distribution lines, CPU intends to utilize open-cut trenching. It is anticipated that approximately 533 cubic yards of material will be temporarily displaced during the trenching process. Once the distribution lines are installed, the spoils will be backfilled into the trench to cover the undergrounded distribution lines.

e. Soils are not exposed during the rainy season (November 1st through April 30th) and construction activity is limited to the dry season (May 1st through October 31st).

Response: Ground disturbance will be minimal during installation of the utility poles in critical areas, likely only the result of auguring for pole installation; therefore, soil exposure will be limited.

The intent of the rainy season restriction is to prevent water quality issues associated with construction that could impact downstream waters. The proposed construction activities within critical areas are not anticipated to substantially expose soils that may adversely impact water quality in the area.

f. The mayor or his or her designee has reviewed and approved an erosion control plan, grading plan, and vegetation removal and replanting plan prior to construction activity.

Response: City review and approval of the submitted erosion control plans, grading plans, and vegetation removal and landscaping plans will occur prior to the initiation of ground disturbing activities related to this project.

g. All activities have received applicable state and federal permits, and comply with SEPA requirements if the lead agency makes a threshold determination of significance (DS), or a mitigated determination of nonsignificance (MDNS).

Response: The project does not require any permits subject to state or federal review. A SEPA determination will be required for the project, with CPU acting as the lead agency. Applicable state agencies will be notified and allowed to review the project during the SEPA comment period.

h. Hydraulic permits are required for any activity occurring within the ordinary high water mark of any state-regulated Class I or Class II stream.

Response: The project does not include work within, or under any state-regulated streams, and while project transmission lines will be located overwater, the project

will not use, divert, obstruct, or change the natural flow or bed of freshwaters of the state, and a hydraulic permit approval is not necessary (RCW 77.55.011(11)).

i. Compliance with this chapter does not constitute compliance with state and federal environmental standards. The applicant shall be responsible for demonstrating such compliance.

Response: The applicant has demonstrated compliance with state and federal environmental standards as mentioned above and has fulfilled this development standard.

5.5 Environmental Policy (LCMC Chapter 18.310)

Submission of a SEPA checklist is required for the project as the proposal includes impacts to critical areas. Per LCMC 18.310.080, which adopts WAC 197-11-310, a threshold determination is required as the proposal meets the definition of an action and is not categorically exempt. The SEPA checklist is required to address projects holistically; therefore, the project's SEPA checklist addresses portions of the project alignment in all three jurisdictions (La Center, Clark County, and Ridgefield). The SEPA checklist will be subject to review by CPU, who will assume the role of lead agency while making a SEPA determination.

5.6 Archaeological Resource Protection (LCMC Chapter 18.360)

5.6.1 Applicability (LCMC 18.360.030)

2. General. The provisions of this chapter shall apply to all applications for ground-disturbing actions or activities for which a permit or approval is required:

a. Where any portion of the disturbance area is within predictive class 5 (high probability).

Response: The proposed route within La Center is partially within an area classified as predictive class 5 (high probability) defined by Archaeological Predictive Model and as shown on MapsOnline; therefore, the archaeological provisions of the LCMC apply to the proposed project.

5.6.2 Development Review Applications (LCMC 18.360.040)

1. A development application shall not be determined counter complete until any required predetermination has been completed and the predetermination report has been submitted to DAHP and the city planner.

Response: Included with this submittal package is an archaeological predetermination, and evidence that the predetermination report was submitted to DAHP. Please see Attachment E.

5.6.3 Predetermination Process (LCMC 18.360.080)

1. *Predetermination Required. A predetermination is an archaeological study similar to, but of less intensity and lower cost than, an archaeological resource survey. Its purpose is to determine whether the existence of an archaeological site within a disturbance area is probable. A predetermination is required as follows:*

    a. *For any nonexempt ground-disturbing action or activity for which a permit or approval is required where any portion of the disturbance area is at least partially within predictive class 5 (high probability).*

Response: The project alignment requires permit approval and is partially within a high probability area for archaeological artifacts; therefore, an archaeological predetermination will be required. Please see Attachment E for the projects archaeological predetermination.

5.6.4 Discovery Principle (LCMC 18.360.100)

1. *Uncovering Archaeological Items. In the event that any item of archaeological interest is uncovered during the course of a permitted or approved ground-disturbing action or activity:*

    a. *Cessation of Activity. All ground-disturbing activity shall immediately cease.*
    b. *Notification. The applicant shall immediately notify the city planner and DAHP.*

Response: The project contractor will adhere to the inadvertent discovery principle as mandated by State law.

6.0 CONCLUSION

As demonstrated in this narrative and the materials that together comprise the submittal package, the proposed project has been designed to comply with the applicable provisions of the LCMC. Therefore, Clark Public Utilities respectfully requests City approval of this request for a Type II site plan review and critical areas permit.