

Cumulative Effects Fund Meeting Questions Raised at the Meeting

**April 8, 2009
6:30 to 8:30 pm
1300 Franklin
Training room, 6th floor
Vancouver WA**

Meeting purpose

The purpose is to review preliminary requirements for applicants who want to use a Cumulative Effects Fund. Feedback to staff will be used to refine the program.

Questions are presented in the calibri typestyle. Staff will research these questions.

Preliminary concepts

1. Geographic Scope:
 - a. Applicants for land use permit review within unincorporated Clark County may ask to use the Cumulative Effects Fund (CEF) to satisfy mitigation requirements.
 - b. Applicants shall donate funds into the CEF for the WRIA¹ in which they are located. Recipients shall expend funds within the same WRIA.
 - c. If a watershed defined in Clark County code is split by a WRIA designation, the funds shall be used in the WRIA that contains the majority of the land in the watershed.
 - d. Recipients of CEF dollars shall implement mitigation projects within Clark County or within cities and towns of the county.
 - i. If projects are implemented in a city, does the city need to give permission? Is an interlocal agreement required? Staff notes that all city permitting requirements must be followed if a mitigation project is undertaken in a city. The cumulative Effects fund helps finance the project. The rules for recipients require that all local permits be obtained.
2. Eligible Applicants
 - a. Applicants must be subject to a habitat or wetland review by the county. The CEF may be used for SEPA mitigation upon the request of the applicant, with the concurrence of county legal counsel and county biologists.
 - b. Land use permit applicants may request use of the Cumulative Effects Fund as compensatory mitigation during the preliminary land division stage of the development project. Applicants in the final land use process must request a post decision review in order to use the Cumulative Effects Fund.

¹ Regarding the use of watersheds in this program; as a convenience, this draft refers to WRIAs.

- c. Parties with an identified code violation may request use of the Cumulative Effects fund as a remedy for the violation.
 - i. Are all code enforcement violations eligible? Staff notes that the violation must involve a wetland or habitat permit to be eligible for CEF. Staff will check with code enforcement to see if this should be clarified in some way.
 - d. Building permit applicants may request use of the Cumulative Effects Fund at the time of building plan review.
3. Determination of Fees
- a. Wetland
 - i. The applicant's voluntary contribution is calculated based on the average price of a wetland credit in Clark County. To determine the average credit price, the county will periodically survey all wetland banks with a service area in the county and calculate the average cost of a credit available from these banks. The applicant shall contribute on a per acre of impact basis, based on the impact after mitigation ratios are applied.
 - ii. Contributions may be adjusted by the Planning Manager or Hearing Examiner based on concerns about reasonable use and\or proportionality. The applicant must request the adjustment and must document the reasonable use or proportionality concerns.
 - b. Wetland buffer
 - i. The applicant's voluntary contribution is calculated based on the credit ratio between wetland creation and buffer enhancement for wetland credits in Clark County. For example, if the ratio of wetland creation to buffer enhancement is 1:5, the buffer fee will be 20 percent of a wetland banking credit. The county will periodically survey all wetland banks with a service area in the county and calculate the average credit ratio between wetland creation and buffer enhancement from these banks. The applicant shall contribute on a per acre of impact basis, based on the impact after mitigation ratios for buffers are applied
 - 1. This is confusing. How is this calculated?
 - ii. Contributions may be adjusted by the Planning Manager or Hearing Examiner based on concerns about reasonable use and\or proportionality. The applicant must request the adjustment and must document the reasonable use or proportionality concerns.
 - c. Habitat
 - i. The voluntary contribution for habitat is calculated using the methodology developed to calculate fees for wetland buffers. The applicant shall contribute on a per acre of impact basis.
 - ii. Contributions may be adjusted by the Planning Manager or Hearing Examiner based on concerns about reasonable use and\or proportionality. The applicant must request the adjustment and must document the reasonable use or proportionality concerns
 - d. Administrative
 - i. Review of offsite mitigation is conducted with permit review. Community Development will monitor the time and expense of the reviews and adjust fees to recover additional costs resulting from the CEF option. The fee shall be comparable to any new fee imposed to recover the costs of referring applicants to wetland banks or to off site mitigation found under their own processes.

- ii. Fees shall be paid no later than the time of building permit issuance.
- iii. Because CEF is a voluntary contribution, no refunds are available if a project is cancelled.

4. County\Applicant Documentation

- a. The documentation will be included in the preliminary land division decision, e post decision review, building plan review or code enforcement case.
 - i. Staff conclusion that off site mitigation via CEF is appropriate.
 - ii. Mitigation Marketplace report on options, if applicable.
 - iii. Documentation of land area, site characteristics, values and functions in area subject to CEF.
 - iv. Fees required.