



**Clark County Environmental Services
Resource Enhancement & Permitting Division**

**CRITICAL AREA
PRE-DETERMINATIONS/DETERMINATIONS**



What is a pre-determination?

A pre-determination is a service provided by the county to help landowners and applicants determine the extent to which Clark County critical area codes (CCC 40.450 Wetland Protection and CCC 40.440 Habitat Conservation), affect individual properties or apply to a proposed project. The pre-determination provides the applicant with the option to have a county biologist visit a project site without a pending development application, in order to:

- Determine the presence or absence of jurisdictional critical areas and buffers;
- Establish and/or confirm development envelopes proposed under the waiver provisions of CCC 40.450 and 40.440;
- Confirm a wetland delineation (i.e. wetland boundaries, wetland ratings, buffer requirements) or habitat area boundary; or
- Review and comment on project design concepts and conceptual mitigation plans.

What is the difference between a determination and a pre-determination?

A “determination” is the generic term for the process used to determine if a critical area ordinance applies to a site and to review associated critical area reports. A determination is the same as a pre-determination (described above) except that it is received and processed at the same time as development permits.

Why should I request a pre-determination?

A pre-determination can provide critical area information for due diligence before substantial resources are committed to a property purchase or property design. Potential benefits of a pre-determination are:

- Early identification of approximate boundaries, functional assessment, the types and sizes of buffers, and the location of acceptable building envelopes.
- If no critical areas are found or they can be clearly avoided with building envelopes, then the pre-determination report will satisfy submittal requirements for other applications.
- If critical areas are present and cannot be clearly avoided, then the pre-determination report will also specify how to proceed to meet the submittal standards for any associated applications.
- If there is uncertainty about the feasibility of proposing critical area impacts or mitigation options, the pre-determination report can provide guidance on specific questions about how the critical area ordinances apply to a project.

When would I use a determination instead of a pre-determination?

If you have engaged professional critical area consultants it can be more efficient to proceed directly to the permitting process. This can present a risk but can also save time and money if the project is properly prepared for the critical area permitting process.

What indicators are used to decide if a determination is needed?

There are five sources of information that the county relies on to figure out whether or not a determination is warranted on a given site:

- Hydric soils as mapped in the Soil Conservation Service (SCS) Soil Survey. Hydric soils are soils subject to prolonged periods of inundation or saturation with water. Areas of probable hydric soils have been mapped by the SCS (now the Natural Resource Conservation Service) in the Soil Survey of Clark County.
- The county's wetland inventory. The county has developed a predictive model to identify probable locations of wetlands in the most rapidly developing watersheds. The county also maps wetland information generated during the review of development applications.
- The National Wetland Inventory.
- Priority habitat and species mapping data provided by the Washington Department of Fish and Wildlife.
- The county's maps of streams, lakes, rivers, and 100-year floodplains.
- Aerial photographs maintained by the county. Possible wetlands are often apparent on these aerials where the wetland inventory and the hydric soils mapping are absent.

This information is available in the county's Geographic Information System (GIS) along with approximate parcel boundaries. In addition, the county uses staff knowledge and information provided by the public.

What is the application process?

The first step is to submit a completed application form and fee, together with the required submittal items to the Permit Services Center.

Once your application is accepted, your request will be routed to a county biologist for review. The biologist will research county records and databases for existing environmental data on the site, review plans and reports that have been submitted, and conduct an on-site investigation. If you wish to be notified of or be present for the site investigation, please check the box on the application form. Once the research and site investigation are complete, the biologist will issue a staff report summarizing the county's findings for the pre-determination.

What is a staff report and how long will the process take?

The staff report for a determination usually consists of:

- A determination form with the site information, staff findings, and discussion.
- A determination map showing development envelopes or approximate critical area boundaries.

If your application meets all the submittal and technical requirements, Clark County has a decision deadline of no more than 21 calendar days.

Can the decision be appealed?

The pre-determination is subject to appeal only when it has been used in making a decision on a primary application (e.g. a subdivision, short subdivision, site plan, grading permit, home business permit, building permit, or wetland permit). The appeal period, process, and fees are determined by the primary application. Otherwise, to challenge the pre-determination decision, you must hire a professional consultant to perform a full wetland delineation or habitat assessment, which is then presented to staff for review as a new pre-determination. This new pre-determination would be treated as a new review and need a new review fee.

After the pre-determination is completed what is next?

Wetland pre-determinations are legally binding on the County. Clark County Environmental Services generally honors this policy for habitat pre-determinations as well; however, there is no legal requirement to do so.

The pre-determination staff report will usually satisfy the Fully Complete requirements for critical areas submittals on a primary application. If the project can clearly avoid impacts, then standard submittal requirements can be waived.

On the other hand, if the county determines that there are critical areas present on the site that have not been adequately delineated, assessed for function, or are not clearly avoided, a wetland delineation or habitat assessment will be required. These requirements will usually be identified in the pre-determination report or in a Pre-Application Conference Report prepared by the Department of Community Development.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code Chapter 40.450 Wetland Protection and Chapter 40.440 Habitat Conservation.

ENVIRONMENTAL SERVICES PRE-DETERMINATION/DETERMINATION FEE SCHEDULE

Standard determination (up to 40 acre sites):	\$489
Additional fee if both habitat and wetland determinations are combined:	\$177
Standard determination (large/lineal/multi-site projects) Sites over 40 acres in size or multiple non-contiguous sites:	Cost Recovery*
Mapping error review only (once determined an error occurred):	Free (after refund)
Site Inspection fee (for each site visit needed):	\$230
Issuance Fees paid to Community Development for each determination:	\$94

*Per Table 6.110A.040 Note #8 – Applicants will be required to sign an agreement that they will pay salary, benefits, and overhead, for staff or consultant's fees required to complete the work. Clark County will send the applicant an itemized billing.

**Department of Environmental Services
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www.clark.wa.gov**



For other formats, contact the Clark County ADA Office: **Voice** (360) 397-2322;
Relay 711 or (800) 833-6388; **Fax** (360) 397-6165; **E-mail** ADA@clark.wa.gov.

ENVIRONMENTAL SERVICES PRE-DETERMINATION / DETERMINATION SUBMITTAL REQUIREMENTS

The following checklist identifies information required to be included with a pre-determination/ determination request. **All** items on the numbered list under "Required Items" must be submitted before the application will be considered "counter complete". Submit the application and all accompanying documentation to the Clark County Permit Services Center.

REQUIRED ITEMS

1. **APPLICATION FORM** - The application form shall be completed and signed in ink by the applicant.
2. **APPLICATION FEE** - The requisite fee for the pre-determination shall accompany the application. Make checks payable to "Clark County Environmental Services."
3. **VICINITY MAP or PROPERTY INFORMATION SHEET** - Show the location of the site.
4. **SPECIAL REQUESTS AND SPECIFIC QUESTIONS** - Indicate desire to be informed of or present during the site investigation and identify any specific questions or issues you would like to have addressed.

OPTIONAL ITEMS

5. **SITE PLAN AND/OR WETLAND DELINEATION** - If a review of building envelopes and/or a wetland delineation is requested, these items must be included with the request.
6. **DIGITAL SUBMITTAL** - Submit a digital wetland file to comply with CCC 40.450.030(D)(3) so the county can map your wetland delineation in the GIS.
7. **WETLAND RATING FORM** - If a review of the proposed wetland rating is requested.
8. **HABITAT ASSESSMENT** - If required or requested.

This application was determined to be counter complete on:

____/____/____

Community Development Permit Technician: _____