

Comparison Of Various Governmental Regulations Defining Riparian And Fish Habitat Buffers.

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Excerpts of regulations from selected governmental entities that have applicability to Kelley Creek in Gresham Oregon.

OREGON STATE FOREST PRACTICES ACT:

The Oregon State Forest Practices Act creates and authorizes the Oregon Board of Forestry to:

- Supervises all matters of forest policy within Oregon
- Appoints the State Forester
- Adopts rules regulating forest practices
- Provides general supervision of the State Forester's duties in managing the Oregon Department of Forestry.

The seven-member citizen Board is appointed by the Governor and confirmed by the state Senate. No more than three members may receive any significant portion of their income from the forest products industry. At least one member must reside in each of the state's three major ODF administrative regions east, south and northwest. The term of office is four years and no member may serve more than two consecutive full terms. The State Forester serves as secretary to the Board.

It is the Mission of the Oregon Board of Forestry to... lead Oregon in implementing policies and programs that promote environmentally, economically, and socially sustainable management of Oregon's 28 million acres of public and private forests.

To achieve our mission, it is the Vision of the Board of Forestry that Oregon will have...

1. Healthy forests providing a sustainable flow of environmental, economic, and social outputs and benefits.
2. Public and private landowners willingly making investments to create healthy forests.
3. Statewide forest resource policies that are coordinated among Oregon's natural resources agencies.
4. A Board of Forestry recognized as an impartial deliberative body operating openly and in the public interest.
5. Citizens who understand, accept, and support sustainable forestry and who make informed decisions that contribute to achievement of the vision of the 2003 Forestry Program for Oregon.
6. Adequate funding for the Department of Forestry to efficiently and cost-effectively accomplish the mission and strategies of the Board of Forestry, and department personnel policies that encourage and recognize employees, allowing them to meet their full potential in providing excellent public service.

Excerpts from the Oregon Administrative Rules adopted by the Oregon Board of Forestry

DIVISION 620: CHEMICAL AND OTHER PETROLEUM PRODUCT RULES

http://arcweb.sos.state.or.us/rules/OARS_600/OAR_629/629_620.html

- Chemicals sprayed from the air will not be sprayed within 60' of a wetland, type F or D streams or large lakes.
- Chemicals sprayed from the ground will not be sprayed within 10' of a wetland, type F or D streams or large lakes.
- Chemical mixing or staging areas will be more than 100' from an F or D stream or lake.

- Fertilizer will not be applied within 100' of a D stream or domestic use of an F stream.
- Fertilizer will not be applied directly to an N stream, wetland, aquatic areas of lakes, or open areas of water > ¼ acres at time of application.
- Operators shall not directly apply fungicides or non-biological insecticides by aircraft within 60 feet of the aquatic areas of Type N streams containing flowing water at the time of application.
- The operator shall make all aerial chemical applications parallel to the edge of the water when applying chemicals within 100 feet of wetland, Significant wetlands, aquatic areas of Type F and Type D streams; aquatic areas of large lakes; aquatic areas of other lakes with fish use; or Other areas of standing open water larger than one-quarter acre at the time of the application.
- Managers of community water systems will be notified if chemicals will be aerially applied within 100 feet, or applied from the ground within 50 feet of domestic portions of Type F or Type D streams, and the water use is by a community water system as designated under section (2) of this rule, the operator shall notify the water system manager of a planned chemical operation at least 15 days before the operation commences.

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DIVISION 623: SHALLOW, RAPIDLY MOVING LANDSLIDES AND PUBLIC SAFETY

http://arcweb.sos.state.or.us/rules/OARS_600/OAR_629/629_623.html

- Protection Along Debris Torrent-Prone Streams: The purpose of this rule is to reduce or eliminate woody debris loading, and to retain large standing trees in locations where they might slow debris torrent movement along debris torrent-prone streams with substantial or intermediate downslope public safety risk.
- Operators shall leave, and during felling and yarding activity, protect large standing trees along the likely depositional reaches of debris torrent-prone streams, as determined by the State Forester, in locations where there is substantial or intermediate downslope public safety risk. Leave trees shall: (a) be larger than 20 inches in diameter breast height; (b) be within 50 feet of the edge of the active channel along both sides of the stream; (c) be left for a distance of 300 feet or the depositional length of the channel, whichever is less, as measured from the beginning of the forested portion of the stream reach above the road or structure;

DIVISION 625: FOREST ROADS Road Construction and Maintenance

http://arcweb.sos.state.or.us/rules/OARS_600/OAR_629/629_625.html

The purpose of the road construction and maintenance rules is to establish standards for locating, designing, constructing and maintaining efficient and beneficial forest roads..... in manners that provide the maximum practical protection to maintain forest productivity, water quality, and fish and wildlife habitat.

Operators shall design and construct stream crossings (culverts, bridges, and fords) to: (b) Allow migration of adult and juvenile fish upstream and downstream during conditions when fish movement in that stream normally occurs.

Stream Protection (1) When constructing stream crossings, operators shall minimize disturbance to banks, existing channels, and riparian management areas. (2) In addition to the requirements of the water protection rules, operators shall keep machine activity in beds of streams to an absolute minimum. Acceptable activities where machines are allowed in streambeds, such as installing culverts, shall be restricted to periods of low water levels. Operators shall submit a written plan to the State Forester for machine activity in Type F or Type D streams, lakes, and significant wetlands. (3) For all roads constructed or reconstructed operators shall install water crossing structures where needed to maintain the flow of water and passage of adult and juvenile fish between side channels or wetlands and main channels. (4) Operators shall leave or re-establish areas of vegetation between roads and waters of the state to protect water quality. (5) Operators shall remove temporary stream crossing structures promptly after use, and shall construct effective sediment barriers at approaches to channels.

Road Maintenance (8) In order to maintain fish passage through water crossing structures, operators shall: (a) Maintain conditions at the structures so that passage of adult and juvenile fish is not impaired during periods when

fish movement normally occurs. This standard is required only for roads constructed or reconstructed after September 1994, but is encouraged for all other roads; and (b) As reasonably practicable, keep structures cleared of woody debris and deposits of sediment that would impair fish passage. (c) Other fish passage requirements under the authority of ORS 498.268 and 509.605 that are administered by other state agencies may be applicable to water crossing structures, including those constructed before September 1, 1994.

Wet Weather Road Use (1) The purpose of this rule is to reduce delivery of fine sediment to streams caused by the use of forest roads during wet periods that may adversely affect downstream water quality in Type F or Type D streams. (2) Operators shall use durable surfacing or other effective measures that resist deep rutting or development of a layer of mud on top of the road surface on road segments that drain directly to streams on active roads that will be used for log hauling during wet periods. (3) Operators shall cease active road use where the surface is deeply rutted or covered by a layer of mud and where runoff from that road segment is causing a visible increase in the turbidity of Type F or Type D streams as measured above and below the effects of the road.

DIVISION 630: HARVESTING

http://arcweb.sos.state.or.us/rules/OARS_600/OAR_629/629_630.html

The purpose of the harvesting rules is to establish standards for forest practices that will maintain the productivity of forestland, minimize soil and debris entering waters of the state, and protect wildlife and fish habitat

(5) If skid trails are located on steep or erosion-prone slopes, operators shall locate them at least 100 feet from any stream channels.

Landings (2) Operators shall locate landings on stable areas so as to minimize the risk of material entering waters of the state. (3) Operators shall avoid locating landings in riparian management areas. When no feasible alternative landing locations exist, operators shall submit a written plan to the State Forester before locating landings in riparian management areas. (5) Operators shall deposit excess material from landing construction in stable locations well above the high water level.

Drainage Systems (1) The purpose of this rule is to provide and maintain a drainage system for each landing, skid trail, and fire trail that will control and disperse surface runoff to minimize sediment entering waters of the state.

Treatment of Waste Materials (1) Operators shall leave or place all debris, slash, sidecast and other waste material associated with harvesting in such a manner to prevent their entry into waters of the state.

Felling; Removal of Slash (1) Operators shall fell, buck, and limb trees in ways that minimize disturbance to channels, soils and retained vegetation in riparian management areas, streams, lakes and all wetlands greater than one-quarter acre, and that minimize slash accumulations in channels, significant wetlands and lakes.

Yarding; Cable Equipment Near Waters of the State: Operators shall maintain the purposes and functions of vegetation required to be retained in riparian management areas and minimize disturbance to beds and banks of streams, lakes, all wetlands larger than one-quarter acre, and retained vegetation during cable yarding operations.

Yarding; Ground-based Equipment Near Waters of the State (1) Operators shall maintain the purposes and functions of vegetation required to be retained in riparian management areas, and minimize disturbances to beds and banks of streams, lakes, all wetlands larger than one-quarter acre, and retained vegetation during ground-based yarding operations. (7) Machine activity near (generally within 100 feet) streams, lakes, and other wetlands greater than one-quarter acre shall be conducted to minimize the risk of sediment entering waters of the state and preventing changes to stream channels. Operators shall only locate, construct, and maintain skid

trails in riparian management areas consistent with the harvesting rules. (8) Operators shall minimize the amount of exposed soils due to skid trails within riparian management area. Except at stream crossings, operators shall not locate skid trails within 35 feet of Type F or Type D streams. Operators shall provide adequate distances between all skid trails and waters of the state to filter sediment from runoff water.

DIVISION 635: WATER PROTECTION RULES: PURPOSE, GOALS, CLASSIFICATION AND RIPARIAN MANAGEMENT AREAS

http://arcweb.sos.state.or.us/rules/OARS_600/OAR_629/629_635.html

Operators must submit to the State Forester a written plan before conducting any operation if:

- Within 100 feet of an F or D type stream
- Within 300 feet of a significant wetland
- Within 100 feet of a large lake.
- If within 100 feet of the domestic water use (that are not part of community systems), portions of an F or D streams, then operator must describe what methods and practices will be used to prevent sediment from entering waters of the state.
- If within 100 feet of a stream that is used for a community water system, then the channel is considered to run the shortest distance of:
 - The distance upstream of the intake to the furthest point of summer surface flow
 - Half the distance from the intake to the drainage boundary
 - 3000 feet upstream of the intake.

DIVISION 640: WATER PROTECTION RULES: VEGETATION RETENTION ALONG STREAMS

http://arcweb.sos.state.or.us/rules/OARS_600/OAR_629/629_640.html - Division 640

ODF STREAM SIZE CLASSIFICATION:

The ODF has adopted a stream size classification based on the estimated average annual flow of a stream. Average annual flow is estimated by using an empirical equation based on watershed area and average annual precipitation. There are three size classes: (1) large streams have an average annual flow greater than 10 cubic feet per second (cfs); (2) medium streams have an average annual flow between 2-10 cfs; and (3) small streams have an average annual flow less than 2 cfs. Overall, the Forest has similar densities of large and medium streams (0.45 and 0.47 miles per square mile, respectively; Table 2-3). The density of large streams in the Coos region is about twice that found elsewhere in the Forest.

The Forest has about 134 miles of large and medium streams, most of which are important for fish, and 583 miles of small streams, many of which also support fish. The mileage of small streams provided in Table 2-3 is not particularly meaningful since it is dependent on how far uphill the original cartographers extended stream lines and which drainages or draws they chose to include a stream line. Such decisions varied among cartographers and the year in which a map was made.

- Stream length for the small size class is dependent on subjective decisions on how far upstream to extend channels and which channels to include during mapping. No obvious criteria dictated the extent or inclusion of small channels when a map was developed for the Forest using the 1996 orthophotos.

THE NORTHWEST OREGON STATE FORESTS MANAGEMENT PLAN

http://www.oregon.gov/ODF/STATE_FORESTS/nwfm.html

The Oregon Department of Forestry has developed or is developing management plans for the four major regions of the State, North West, South West, Elliot (Coos County), and Sun Pass (Eastern).

The riparian management plans are fairly similar between the four regions, and are based on recommendations developed by the Forest Ecosystem Management Assessment Team, (FEMAT).

<http://pnwin.nbio.gov/nwfp/FEMAT/>

The Northwest Forest Plan (NFP)¹ is a primary example of an attempt to implement ecosystem management on a regional scale. In 1993, President Clinton appointed the Forest Ecosystem Management Assessment Team (FEMAT) to formulate and assess the consequences of an array of ecosystem management options for managing federal lands in the range of the Northern Spotted Owl. Their resulting report explained that management "must address issues and concerns generated at spatial scales ranging from regions, where conservation policy is formulated, to physiographic provinces, where management activities and strategies are coordinated, to smaller watersheds/landscapes where site-specific activities are planned and implemented." This represents the first time that two of the largest federal land management agencies, the BLM and Forest Service, have developed and adopted a common management approach to an entire ecological region.

Riparian buffer sizes are largely based on the height of a 100 year old tree, in the FEMAT on the assumption that these are needed to fall into streams to provide large woody debris. Consequently, there is some differences in buffer sizes used in the four regional management plans developed by the Oregon Dept of Forestry. The table below is from the NW region.

Stream bank zone 0-25 ft.

- No harvest.
- Less than 10% vegetative disturbance.
- Full suspension required during cable yarding.
- No ground-based equipment operation.
- Leave any trees damaged or felled from yarding activities.

The Northwest Oregon State Forests Management Plan provides direction for managing the Astoria District, Tillamook District, Forest Grove District, Clackamas-Marion District, West Oregon District and Western Lane District. More than 615,000 acres, located in 12 northwest counties, make up the state forestland covered in the plan.



¹ The Northwest Forest Plan is a plan developed for federally managed forests, where as the Northwest Oregon State Forest Management Plan is a plan developed by the Oregon Dept of Forestry for the Northwest region of the state.

Inner RMA zone 25 to 100 ft.

- Manage for mature forest condition.1
- No management activity where mature forest condition (MFC) exists, or where conditions are suitable for development of MFC in a reasonable time frame without further treatment.
- Actively manage where necessary to achieve the desired future condition in a timely manner.
- Minimum 15-year interval between harvest entries, and minimum number of entries necessary to achieve the desired future condition.
- Partial cutting will maintain a conifer density of at least SDI 25%, and will retain at least 50 TPA.
- No more than 10% vegetative disturbance allowed from cable yarding.
- Full suspension wherever possible, or one-end suspension on all cable-yarded material.
- Ground-based equipment operation limited to area more than 50 ft. from aquatic zone and slopes less than 35%, and allowed on no more than 10% of area.
- Leave any trees damaged or felled from yarding activities and additional felled, girdled or topped trees to contribute toward down wood targets.2
- Retain all dead and down material that was present prior to the operation.

Outer RMA zone 100 to 170 ft.

- Retain at least 10 to 45 conifer trees and snags per acre (15 to 70 trees per 1,000 ft. of RMA). 4
- Retain all snags as safety permits.
- Less than 10% ground disturbance from yarding activities.
- Retain all dead and down material that was present prior to the operation.

WASHINGTON FOREST PRACTICES ACT
SEE "WA FPA EXCERPTS.DOC"

CLARK COUNTY

In Clark County, the major ordinances that define riparian areas and regulate the development within them are the County's Habitat Conservation Ordinance 40.440, Wetlands Protection Ordinance 40.450, and the Flood Hazard Areas Ordinance 40.420.

In designing ordinances for defining habitat buffer zones and conservation guidelines, Clark County assembled and used 24 peer reviewed papers that met Washington State's criteria for best available science, (WAC 365-195-905), consultation with 3 experts, and four additional papers that were of local and regional interest but did not meet the criteria as defined in WAC 365-195-905.

Clark County did not prepare a synopsis or discussion paper of the information they reviewed, and so it is difficult to determine what information was used and how it was used from their various sources.

Generally, Clark County's HCO seeks to restrict new construction inside riparian zones, although certain exemptions are allowed for small lot owners. In those cases, construction is

Clark County is in the process of revising and updating their HCO. The following is excerpted from a draft copy of the new ordinance, and it does differ slightly from what the final version will be.

Definitions excerpted from Clark Counties Habitat Conservation Ordinance 40.100.070 that apply to riparian habitat zones.	
Agriculture or agricultural uses (Effective until July 11, 2007)	"Agriculture" or "agricultural uses" means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.
Agriculture, agriculture uses or agricultural activities (Effective after July 11, 2007)	"Agriculture," "agriculture uses" or "agricultural activities" means the use of the land for agricultural purposes, including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses and structures; provided, however, that the construction and operation of any such accessory use or structure shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals. (Amended: Ord. 2006-07-09; Ord. 2006-08-03)
Altered	"Altered," when referring to wetlands, means a wetland of which at least fifty percent (50%) has been graded, drained, devegetated, or replanted with non-wetland plants.
Anadromous	"Anadromous" means fish that migrate up rivers and streams from the ocean to breed in fresh water.
Applicant	"Applicant" means the person, party, firm, corporation, legal entity, or agent thereof who submits an application for an activity regulated by this title.
Aquifer	"Aquifer" means a groundwater-bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water to wells or springs (source: Chapter 173-100 WAC).
Area of special flood hazard, or flood hazard area	"Area of special flood hazard" or "flood hazard area" means the land in the floodplain subject to the base flood.
Base flood	"Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year and is also referred to as the "100-year flood."
Base flood elevation	"Base flood elevation" means the height in relation to mean sea level expected to be

	reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
Basin	“Basin” means a watershed.
Basin plan	“Basin plan” means a stormwater management plan adopted by the board and meeting the requirements of Chapter 36.94 RCW.
Best management practices (BMPs)	“Best management practices” or “BMPs” means those physical, structural and managerial practices, and prohibitions of practices, that, when used singly or in combination: Prevent or reduce erosion, or Control stormwater runoff peak flow rates and volumes, and Prevent or reduce pollution of surface water or groundwater.
Best management practices (BMP) manuals	“BMP manuals” mean: Stormwater Management Manual for the Puget Sound Basin, (Washington Department of Ecology, February 1992); Stormwater Facility Maintenance Manual (Clark County Public Works, July 2000); Stormwater Pollution Control Manual – Best Management Practices for Businesses and Government Agencies (Clark County Environmental Services Division, November 2000); and Updated errata sheets issued by the director as may be necessary to correct clear and obvious mathematical and technical errors in manual criteria.
Bike lane	“Bike lane” means a line painted on the street that non bicycle riders seem to think satisfy the need for bicycle paths while costing a whole lot less.
Binding site plan	“Binding site plan” means a site plan which provides an alternative means of dividing land for the sale or lease of commercially or industrially zoned property; and placement of manufactured homes or mobile homes on leased sites.
Board	“Board” means Board of Commissioners of Clark County, Washington.
Buffer	“Buffer,” when referring to wetlands, means an area that surrounds and protects a wetland from adverse impacts to the functions of a wetland.
Buffer	“Buffer,” when referring to geologic hazard areas, means an area surrounding a geologic hazard consisting of naturally occurring or reestablished vegetation and having a width adequate to protect the geologic hazard area.
Building	“Building” means a combination of materials to form a structure that is adapted to a permanent or continued occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel.
Classes of forest practices	“Classes of forest practices” means the four (4) classifications of forest practice activities described in WAC 222-16-050. The class of forest practice is determined by considering several factors including but not limited to the type of activity proposed (e.g., harvesting, thinning), its scale, the affected environment, and future use of the site.
Clearing	“Clearing” means the act of removing or destroying trees, brush, groundcover or other vegetation, snags or downed logs, or talus features by manual, mechanical, chemical or any other means.
Comprehensive plan	“Comprehensive plan” means the current comprehensive plan for Clark County.
Conservation covenant	“Conservation covenant” means a signed and recorded agreement between a property owner and Clark County running with the land and stipulating that certain areas of the property be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the county.
Conversion option harvest plan (COHP)	“Conversion option harvest plan (COHP)” means a voluntary plan approved by Clark County indicating the limits of harvest areas, road locations, and open space.
Critical aquifer recharge areas (CARAs)	“Critical aquifer recharge areas” or “CARAs” means: Category I is the highest priority critical aquifer recharge area. Category I is the

	<p>one (1) year time of travel for Group A water wells shown on the map adopted herein.</p> <p>Category II is the primary critical aquifer recharge area. This area consists of the unconsolidated sedimentary aquifer and the Troutdale gravel aquifer.</p>
Critical areas	“Critical areas” means flood hazard areas, wetlands, habitat conservation areas, critical aquifer recharge areas, and geologic hazard areas as regulated under this title.
Critical facility	“Critical facility,” when referring to flood hazards, means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. Critical facilities shall also include essential public facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities.
Crown cover	“Crown cover” means the area within the drip line or perimeter of the foliage of a tree.
Design storm	“Design storm” means the rainfall from a storm of twenty-four (24) hour duration. For example, two (2) year storm means the two (2) year, twenty-four (24) hour storm.
Development	<p>“Development” means any manmade change to improved or unimproved real estate, including but not limited to:</p> <ul style="list-style-type: none"> Construction, reconstruction, installation or modification of a structure; Site altering activities including mining, dredging, filling, grading, construction of earthen berms, vegetative clearing, paving, excavation, or drilling operations and improvements for use such as parking; Commencement of a new use, or the change in existing use of real estate or a structure thereon; or Land divisions, subdivisions, short plats, site plans, conditional use permits, access to public roads, the establishment or termination of rights of access, and any related activities.
Drainage project	“Drainage project” means the excavation or construction of pipes, culverts, channels, embankments or other flow-altering structures in any stream, stormwater facility or wetland in Clark County.
Emergent wetland	“Emergent wetland” means a wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.
Enhancement	“Enhancement” means actions performed to improve the condition of an existing degraded wetland or buffer so that the functions provided are of a higher quality.
Erosion hazard area	“Erosion hazard area” means those areas where slopes are greater than fifteen percent (15%).
Exotic	“Exotic,” when referring to plants and animals, means any species of plants or animals that are not native to the watershed.
Facultative plants	“Facultative plants” means plants that are equally likely (thirty-four percent (34%) – sixty-six percent (66%) probability) to occur in wetlands or non-wetlands. Such groupings are more fully defined in the Wetlands Delineation Manual.
Facultative wet plants	“Facultative wet plants” means plants that usually (sixty-seven percent (67%) – ninety-nine percent (99%) probability) occur in wetlands. Such groupings are more fully defined in the Wetlands Delineation Manual.
Forest land	“Forest land” as defined in the Washington State Forest Practice Act means all land which is capable of supporting a merchantable stand of timber and is not actively used for a use which is incompatible with timber growing.
Forest practices	“Forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber, as defined in Chapter 222-16 WAC .

Forest practices application or notification	“Forest practices application or notification” means the application or notification required to be submitted to the Washington Department of Natural Resources for the conduct of forest practices or to Clark County for forest conversions, generally, and, within urban growth areas, the harvesting of timber and road building.
Forested wetland	“Forested wetland” means a wetland with at least thirty percent (30%) of the surface area covered by a canopy of woody obligate, facultative wet, or facultative plants greater than twenty (20) feet in height.
Geologic hazard areas	“Geologic hazard areas” means areas having steep slopes; potential, active or previous landslides; or extreme seismic hazard that are defined and regulated by this title.
Groundwater	“Groundwater” means water in a saturated zone or stratum beneath the surface of land or below a surface water body (WAC 173-200-020).
Habitat areas	“Habitat areas” shall include the priority habitats and species (PHS) sites, and locally important habitat (LIH) sites as defined by the UDC.
Hazard tree	“Hazard tree” means any tree which, in the opinion of the responsible official, an expert approved by Clark County (such as, but not limited to, a professional forester or landscape architect), or a similar expert employed by another public agency or utility, has a strong likelihood of causing a hazard to life or property. (Amended: Ord. 2006-06-09)
Hazardous waste	“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010 .
Headwaters	“Headwaters” means springs, lakes, ponds, or wetlands providing significant sources of water to a stream.
High intensity land use	“High intensity land use,” when referring to the regulation of wetlands, means the following uses of land: roadways, commercial, industrial, and multifamily exceeding four (4) units per parcel.
Hydric soil	“Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Wetlands Delineation Manual.
Hydroperiod	“Hydroperiod” means a seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation.
Hydrophytic vegetation	“Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Wetlands Delineation Manual.
Impervious surface	“Impervious surface” means a hard surface area that either prevents or retards the entry of water into the soil. Examples include, but are not limited to, structures, walkways, patios, driveways, carports, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads and soil surface areas compacted by construction operations, and oiled or macadam surfaces. Open, uncovered stormwater facilities are not considered impervious surfaces.
Infill development	“Infill development” means a development qualifying as infill under Section 40.260.110 .
Interchange improvement, significant	For the purposes of Section 40.250.050 , a “significant interchange improvement” shall be the modification of a grade-separated intersection and ramp system that requires a Federal Highways Administration (FHWA) Access Point Decision Report for highways on the federal interstate highway system or that would require such a study for all other highways and county roads if such facilities were subject to such regulation. For example, improvements that are restricted to extending the storage length of a ramp or adding a turn lane at the ramp terminus would not be considered significant; moving or reconfiguring a ramp would be defined as significant for the purposes of Section 40.250.050 . (Amended: Ord. 2004-09-02)

Intermittent stream	“Intermittent stream” means surface streams with no measurable flow during thirty (30) consecutive days in a normal water year.
International Building Code	“International Building Code” means the published International Building Code as adopted by Clark County.
Isolated wetlands	“Isolated wetlands” means those wetlands which are outside of and not contiguous to any one hundred (100) year floodplain of a lake, river (other than the Columbia River), or stream, and are separated from other wetlands by a distance greater than the largest wetland buffers required under Section 40.450.030 (E) for all adjacent wetlands. (Amended: Ord. 2006-05-27)
Land-disturbing activity	“Land-disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling and excavation.
Landfill	“Landfill” means a disposal facility or part of a facility at which solid and demolition waste is permanently placed in or on the land that is not a land-spreading disposal facility (Chapter 173-304 WAC). In addition, “landfill” means all continuous land and structures and other improvements on the land used for the disposal of solid waste, pursuant to Chapter 173-351 WAC.
Landscaping	“Landscaping” means not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.
Landslide	“Landslide” means down-slope movement of a mass of soil, or rock, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, and earth flows.
Landslide protection areas	“Landslide protection areas” means those areas which are to be left permanently undisturbed in a substantially natural state and in which no clearing, grading, filling, building construction or placement or road construction of any kind is allowed except for activities exempted in Section 40.430.030 (B).
Large parcel development	“Large parcel development,” when referring to stormwater and erosion control, means: The creation or addition of five thousand (5,000) or more square feet of new impervious area; or Land-disturbing activities of one (1) acre or more; provided, that the construction of individual detached single-family residences and duplexes shall be treated as small parcel developments.
Large quantity generators	“Large quantity generators,” when referring to critical aquifer recharge areas, means those businesses that generate more than two thousand two hundred (2,200) pounds of dangerous waste per month. They accumulate more than two thousand two hundred (2,200) pounds of dangerous waste at any time. They generate and accumulate more than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.
Level of service (LOS) standard	“Level of service standard” or “LOS standard,” when referring to transportation facilities, means a quantitative standard for the performance of a transportation corridor or intersection of regional significance.
Locally important habitat	“Locally important habitat” means those areas so designated by Clark County by virtue of containing unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators.
Lot	“Lot” means a designated parcel, tract or area of land established by short plat, subdivision, or as otherwise permitted by this title, to be separately owned, leased, used, developed, or built upon.
Lot area	“Lot area” means the computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way.
Lot coverage	“Lot coverage” means that percentage of the total lot area covered by structures, including all projections except eaves.

Lot, through	“Through lot” means an interior lot having a frontage on two (2) streets and/or highways.
Low impact development	“Low impact development” means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated into engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. (Amended: Ord. 2006-06-09)
Maintain	“Maintain” means to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed or required.
Master plan	“Master plan” means a comprehensive, long-range site and/or building plan for a development project. The project may be located on a single parcel or on abutting parcels which are owned by one (1) or more parties and may be implemented in phases. (Amended: Ord. 2006-04-18)
Medium quantity generators	“Medium quantity generators,” when referring to critical aquifer recharge areas, means those businesses that generate more than two hundred twenty (220) pounds, but less than two thousand two hundred (2,200) pounds of dangerous waste per month. They are limited to the accumulation of less than two thousand two hundred (2,200) pounds of dangerous waste at any time. They are limited to the generation of, and accumulation of, less than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.
Mitigation	“Mitigation,” when referring to transportation facilities, means the avoidance or minimization of a proposed development’s impact upon an affected transportation corridor or intersection of regional significance through such means as limiting or altering the proposed uses, intensities, or design of the development, or by compensating for the impact by replacing, enhancing, or providing transportation system improvements which provide additional capacity.
Mitigation	“Mitigation,” when referring to wetlands, means compensating for wetland impacts such that no overall net loss in wetland acreage and functions occurs.
Native	“Native,” when referring to plants or plant communities, means those species or communities which are indigenous to the watershed, including extirpated species.
Natural location	“Natural location,” when referring to surface water, means the location and elevation of those channels, swales, and other non-manmade conveyance systems as defined by the first documented topographic contours existing for the development site, either from maps or photographs.
Nonexempt tree or vegetation	“Nonexempt tree or vegetation” means vegetation that does not meet the definition of exempt tree or vegetation.
Non-forestry use	“Non-forestry use” means an active use of land which is incompatible with timber growing.
Normal water year	“Normal water year” means a twelve (12) month period (October 1st – September 30th) with average precipitation based upon data from the past fifty (50) years.
NPDES	“NPDES” means the National Pollutant Discharge Elimination System.
Nuisance vegetation	“Nuisance vegetation” means noxious weeds such as tansy ragwort, purple loosestrife, poison hemlock, Eurasian milfoil, non-native blackberries, or other plants listed as noxious by the county pursuant to Section 7.14.070 or any plant which when established is highly destructive, competitive or difficult to control by manual, mechanical or chemical practices. (Amended: Ord. 2006-05-01)
Obligate plants	“Obligate plants” mean plants that almost always (ninety-nine percent (99%) probability) occur in wetlands under natural conditions. Such groupings are more fully defined in the Wetlands Delineation Manual.

Open water	“Open water,” when referring to wetlands and when not specifically defined by the wetland rating criteria, means a proportion of open water to vegetative cover equal to twenty-five percent (25%) to seventy-five percent (75%) of the total wetland area during a majority of a normal water year.
Ordinary high water mark	“Ordinary high water mark” means the point on the sides of streams or lakes which is historically or normally at water’s edge, as identified by a visible change in vegetation and/or soil.
Peak discharge	“Peak discharge” means the maximum stormwater runoff rate in cubic feet per second determined for the design storm.
Priority habitat and species (PHS)	“Priority habitat and species” (PHS) means the official definitions and all area classifications by that name used by the Washington Department of Fish and Wildlife (WDFW). Known local categories of priority habitat as defined by WDFW include riparian habitat, oak woodlands, old growth/mature forest, urban natural open space, talus rock, and caves.
Priority species sites	“Priority species sites” include all areas within one thousand (1,000) feet of state listed endangered, threatened, sensitive or candidate species.
Recreation space	“Recreation space” means an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.
Restoration	“Restoration,” when referring to habitat areas, means the activities undertaken to re-establish the natural structure or function of habitat area or portion thereof, such as replanting of adequate and appropriate vegetation, soil amendment, or reconstruction of stream banks.
Riparian zone	“Riparian zone” means areas encompassing riparian priority habitat, a subset of priority habitat and as defined by the Washington Department of Fish and Wildlife (WDFW), extending outward from the ordinary high water mark of waters to the one hundred (100) year floodplain or the following distances if greater: Definitions of the Types S, F, Np and Ns waters are found in WAC 222-16-030 (Forest Practices Rules). Type S water, two hundred fifty (250) feet; Type F water, two hundred (200) feet; Type Np water, one hundred (100) feet; Type Ns water, seventy-five (75) feet. Not included are erosion gullies or rills, and irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans. (Amended: Ord. 2006-06-09)
Rural or rural area	“Rural” or “rural area” means land not located within an urban area as designated in the Clark County comprehensive plan.
SEPA Rules	“SEPA Rules” means Chapter 197-11 WAC adopted by the Washington Department of Ecology. [State Environmental Policy Act]
Shorelines of the county	“Shorelines of the county” means those streams and lakes designated for regulatory purposes under the Shoreline Management Act (Chapter 90.58 RCW), together with adjacent land areas generally situated within two hundred (200) feet of the water body, but also including portions of associated floodplain area.
Site	“Site” means that portion of property which is directly subject to development. For the purposes of determining public notice, site means the lot proposed for development and all contiguous lots that are owned by the same person, partnership, association or corporation as the lot, including lots that are in common ownership, but are separated by a public or private right-of-way or easement.
Slope	“Slope” means an inclined ground surface, the inclination of which is expressed as a percent ratio of vertical distance to horizontal distance (v/h).

Small parcel development	<p>“Small parcel development,” when referring to stormwater and erosion control, means:</p> <ul style="list-style-type: none"> Construction of individual, detached, single-family residences and duplexes; or Creation or addition of less than five thousand (5,000) square feet of impervious surface area; and Land-disturbing activities of less than one (1) acre.
Small residential project	<p>“Small residential project,” when referring to stormwater and erosion control, means a single-family residential short plat or subdivision of nine (9) lots or less. (Amended: Ord. 2006-05-01)</p>
Snags	<p>“Snags” means dead, dying or defective trees serving as an important structural element of wildlife habitat.</p>
Standard plans	<p>“Standard plans,” when referring to transportation facilities, means those typical sections and details adopted for road construction in Section 40.350.030(C)(3).</p>
State Environmental Policy Act (SEPA)	<p>“SEPA” means the State Environmental Policy Act (Chapter 43.21C RCW), its implementing rules (Chapter 197-11 WAC), and Chapter 40.570 of the UDC.</p>
Stormwater facility	<p>“Stormwater facility” means the natural or constructed components of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, open channels, culverts, storage basins, infiltration devices, catch-basins, manholes, dry wells, oil/water separators, and sediment basins.</p>
Stormwater utility	<p>“Stormwater utility” means a publicly owned utility responsible for stormwater control in a basin and established pursuant to Chapter 36.89 or 36.94 RCW and in accordance with the BMP manual.</p>
Story	<p>“Story,” when referring to structures, means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such basement or unused under-floor space shall be considered as a story.</p>
Stream or streams	<p>“Stream” or “streams” means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey streams naturally occurring prior to construction. Those topographic features that resemble streams but have no defined channels (i.e., swales) shall be considered streams when hydrologic and hydraulic analyses done pursuant to a development proposal predict formation of a defined channel after development.</p>
Stream bank stabilization	<p>“Stream bank stabilization” means those approved bioengineered projects. The projects can include both passive and active types of methods for stabilizing the stream bank.</p>
Subdivision	<p>“Subdivision” means the division or re-division of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.</p>
Urban or urban area	<p>“Urban” or “urban area” means land located within an urban area or growth boundary as designated in the comprehensive plan.</p>
Urban growth area (UGA)	<p>“UGA” means an urban growth area designated in the comprehensive plan.</p>
Use	<p>“Use” means an activity or purpose for which land or premises, or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.</p>
Use, conditional	<p>“Conditional use” means a use specified by this title, which is permitted when</p>

	authorized by the review authority and subject to certain conditions.
Use, permitted	“Permitted use” means a use allowed as a matter of right within certain land use districts; provided, that such use is in accordance with the requirements of the particular district and general conditions stated elsewhere in this title, and other applicable provisions of the county code.
Use, prohibited	“Prohibited use” means any use which is not specifically enumerated or interpreted as allowable in that zoning district or which is specifically listed as prohibited.
Utilities	“Utilities” means facilities operated by public or private entities to supply water, electricity, gas, sewer, transportation, or other similar services to the public. (Amended: Ord. 2006-06-09)
Vegetation	“Vegetation” means any and all plant life.
Vegetation removal	“Vegetation removal,” when referring to stormwater or erosion control regulations, means the removal of groundcover, trees, or root systems that bind the soil.
Water-dependent	“Water-dependent” means a use or a portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations.
Watershed	“Watershed” means an area draining to a single surface water system as shown on the Clark County wetland watershed map adopted hereby.
Wetland classes and subclasses	“Wetland classes and subclasses” means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).
Wetlands	“Wetland” or “wetlands” means areas that are inundated or saturated by surface or groundwater 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. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. (Amended: Ord. 2006-05-27)
Wetlands Delineation Manual	“Wetlands Delineation Manual” means the Washington State Wetlands Identification and Delineation Manual (Department of Ecology Publication #96-94) dated March 1997. (Amended: Ord. 2006-05-27)
Zone, zone district or zoning district	“Zone,” “zone district” or “zoning district” means a section or sections of Clark County within which the standards governing the use of land, buildings, and premises are uniform, as provided in this title.

Section 40.240.540 - General Management Area Stream, Pond, Lake and Riparian Area Review Criteria

G. Stream, Pond, and Lake Buffer Zones.

1. Buffer zones shall generally be measured landward from the ordinary high water mark on a horizontal scale that is perpendicular to the ordinary high water mark. On the main stem of the Columbia River above Bonneville Dam,

buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

- a. Streams verified by state or federal resource management agencies as habitat for species recognized to be threatened or endangered by the U.S. Fish and Wildlife Service, Washington Department of Fish and Wildlife, or Washington Department of Natural Resources: one hundred fifty (150) feet.
 - b. Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year round pools, and perennial streams: one hundred (100) feet.
 - c. Intermittent streams, provided they are not used by anadromous or resident fish: fifty (50) feet.
 - d. Ponds and Lakes. Buffer zone widths shall be based on dominant vegetative community as determined by Section 40.240.530(G)(2), substituting the term pond or lake as appropriate.
2. Except as otherwise allowed, buffer zones shall be retained in their natural condition.
 3. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.
 4. Determining the exact location of the ordinary high water mark or normal pool elevation shall be the responsibility of the project applicant. The responsible official may verify the accuracy of, and may render adjustments to, an ordinary high water mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the applicant, the responsible official shall, at the project applicant's expense, obtain professional services to render a final delineation

40.440 HABITAT CONSERVATION (Effective July 11, 2007)

40.440.010 INTRODUCTION

A. Purpose.

The purpose of this chapter is to further the goal of no net loss of habitat functions and values within designated habitat areas by protecting environmentally distinct, fragile and valuable fish and wildlife habitat areas, as defined in Section 40.440.010(C) for present and future generations, while also allowing for reasonable use of private property. This chapter intends to conserve the functional integrity of the habitats needed to perpetually support fish and wildlife populations.

1. These purposes are to be carried out by reviewing impacts of proposed activities within designated habitat areas, and through the development of education, outreach and incentive programs. Review under this chapter shall be based on best available science and the mandates of the Washington Growth Management Act, and shall include consultation with the Washington Department of Fish and Wildlife (WDFW). The county shall emphasize education and voluntary conservation options prior to regulatory enforcement.
2. Within areas designated by this chapter, development or clearing activities which degrade habitat should generally be avoided where possible. However, activities listed as exempt in this chapter can be undertaken in habitat areas without additional review. Activities not listed as exempt can be undertaken following county review if they do not substantially diminish the habitat functions and values present.
3. It is the intent of the board that this chapter be administered with flexibility and attention to site-specific characteristics.
4. The provisions of this chapter dealing with existing agricultural activities are designed to balance conflicting Growth Management Act goals to preserve both agricultural uses and habitat areas, and recognize:
 - a. That the maintenance and enhancement of natural resource-based industries, including agriculture, is a goal of the state Growth Management Act;
 - b. That any regulation should be consistent with the "right to farm" provisions in Chapter 9.26 of this Code;
 - c. That agricultural lands can provide habitat;
 - d. That habitat protection must relate to the baseline of existing functions and values given historic agricultural practices, rather than seeking to restore pre-agricultural conditions;
 - e. That since agricultural activities are dynamic, habitat functions and values can be expected to fluctuate during the course of an agricultural cycle, which fluctuation must be considered in identifying existing functions and values; and
 - f. That it is expected that continuation of existing agriculture will not degrade

existing functions and values unless sediment, nutrients, or chemicals are allowed to enter streams, or existing beneficial canopy in close proximity to streams is significantly degraded;

B. Applicability.

1. General. Review under the standards of this chapter shall apply to any proposed development or non-development clearing activities within designated habitat areas, defined in Section 40.440.010(C), which are not listed as exempt, pursuant to Table 40.440.010-1.
 - a. Development activities are those proposals already subject to existing county land division, building, grading or other review processes.
 - b. Non-development clearing activities are proposals which are not otherwise subject to county review, but involve the alteration or removal of vegetation in designated habitat areas.
2. Activities Adjacent to Certain Designated Habitat Areas. Proposed new single-family residential development occurring immediately outside but within three hundred (300) feet of designated priority species polygons or within one hundred (100) feet of designated non-riparian priority habitat polygons shall require consultation with the Washington Department of Fish and Wildlife (WDFW) prior to issuance of a development permit. In such cases, further review under this chapter is not required unless WDFW finds that there are potential adverse impacts. Agricultural activities adjacent to designated agricultural riparian areas are subject to Section 40.440.040(B). Other proposed land divisions and nonresidential development adjacent to designated wildlife sites shall be subject to SEPA as normally required by Chapter 40.570, (State Environmental Policy Act), and mitigative measures established if there are adverse impacts to the adjacent designated habitat areas.

C. Habitat Areas Covered by This Chapter.

1. Categories. This chapter shall apply to nonexempt activities as defined in Table 40.440.010-1 that are proposed within the following habitat areas:
 - a. Riparian Priority Habitat. Areas extending outward on each side of the stream (as defined in section 40.100.070, Definitions) from the ordinary high water mark to the edge of the one hundred (100) year floodplain, or the following distances, if greater:
 - (1) DNR Type S waters, two hundred fifty (250) feet;
 - (2) DNR Type F waters, two hundred (200) feet;
 - (3) DNR Type Np waters, one hundred (100) feet.
 - (4) DNR Type Ns waters, seventy five (75) feet.

Water types are defined and mapped based on WAC 222-16-030, (Forest Practices Rules). 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 not Type S but still provide fish habitat; and type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). All streams are those areas where surface waters flow sufficiently to produce a defined channel or bed as indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. Ns streams must connect to another stream above ground. Seasonal or intermittent streams are surface streams with no measurable flow during thirty consecutive days in a normal water year.

- b. Other Priority Habitats and Species (PHS). Areas identified by and consistent with the Washington Department of Fish and Wildlife WDFW priority habitats and species criteria, including areas within one thousand (1,000) feet of individual species point sites. The county shall defer to the Washington Department of Fish and Wildlife WDFW in regards to classification, mapping and interpretation of priority habitat species.
- c. Locally Important Habitats and Species. Areas legislatively designated and mapped by the county because of unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. This subsection shall not apply to areas which have not been designated on official mapping. The criteria for mapping of these areas are that they possess unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. Recommendations for mapping areas meeting these criteria may be submitted by any person or group, and shall be reviewed annually by the county in conjunction with the plan amendments docket process as specified by Section 40.560.030, (Amendments Docket). Notice of any such recommendations deemed to merit formal consideration shall be provided to impacted property owners pursuant to Section 40.510.030(E)(3), (Type III Process). Such recommendations will not be reviewed as part of individual development requests.

2. Mapping.
 - a. The above habitat areas are mapped on a countywide basis in the adopted "Priority Habitats and Species Map." Maps are on file in the department and are available for public viewing and circulation. Further distribution of mapped information and notification to potentially impacted property owners will be completed as indicated in Sections 40.440.020(D)(1) and (E)(1).
4. Determining Site Specific Applicability. In the event of inconsistencies, official habitat area definitions shall prevail over countywide maps in determining applicability of this chapter. The county shall follow the recommendations of the Washington Department of Fish and Wildlife WDFW in the interpretation of site-specific conditions as they relate to the definition of priority habitat and species.

Table 1. Exempt and Reviewed Activities. The Habitat Conservation Ordinance allows certain activities within habitat zones without review, and others require a review.	
Proposal	Is a clearing review required?
Remolding and rebuilding of existing homes providing expansion does not exceed 25% of buildings 1997 footprint. Replacement of mobile homes.	Exempt
New home or other construction in habitat areas.	Review required
Vegetation for certain purposes including: agriculture, forestry, emergencies, utilities, nuisance vegetation, fencing, well, utilities, road maintenance, stream restoration, conservation projects, and surveying. Conditions and restrictions apply.	Exempt
Vegetation clearing for other purposes.	Review required

- C. The following regulatory alternatives or incentives shall apply in implementing the standards of this chapter:
 2. Required riparian zone widths on clearing proposals on existing lots may be varied through the use of internal riparian zone averaging. Subject to review under this chapter, for clearing proposals on existing lots, portions of the riparian zone can be reduced up to fifty percent (50%) from the normal standards of this chapter if riparian zone widths are correspondingly increased elsewhere within the applicant parcel, such that the overall size and function and values of the riparian zone are maintained in the parcel. Riparian zone averaging proposals must clearly identify the existing riparian functions and values on the parcel and any impacts that the proposed averaging may have upon them.
- D. Individual Stewardship Plans.
 1. To encourage educational and voluntary conservation measures, the county shall notify property owners potentially impacted by wildlife habitat area regulations, and shall assist any owners interested in developing individual stewardship plans which will establish parameters and guidelines for future on-site activities in designated habitat areas. In addition, property owners may consult with WDFW and other agencies or private groups or individuals to develop the scientific information for their stewardship plans.
 2. The county shall provide information on best management practices and other educational and explanatory materials to property owners. The county shall coordinate with the Washington Department of Fish and Wildlife WDFW and other agencies or private groups with expertise in wildlife or land management in the development and distribution of these materials.
 3. The county shall work cooperatively with interested property owners to establish and record a notice of stewardship plan. Stewardship plans should at a minimum include the following:
 - a. Mapping of existing structures, roads, driveways and known utilities, and property lines;
 - b. Mapping of existing designated habitat areas, water bodies, known wetlands, vegetation and wildlife types, and yards or cultivated areas;
 - c. Identification of functions and values associated with the habitat areas, water bodies, wetlands and vegetation and wildlife;

- d. Mapping and written description of future activities on the site including time frame; and
- e. Mapping and description of the protective and mitigative measures, if any, for the identified functions and values to be undertaken as part of plan.
- f. Provide cooperative outreach to individual property owners in critical areas who wish to develop stewardship plans to establish parameters for future activities involving clearing on their property.

