

Ordinance No. 533, 1993

An Ordinance of the Board of County Commissioners of Clallam County amending C.C.C. 27.12, Interim Critical Areas Ordinance regarding definitions and stream relocation standards.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CLALLAM COUNTY:

(All new material shall be underlined; material deleted shall be struck through within double parenthesis. Places of revision also have a revision bar in the outside margin.)

Chapter 27.12
Interim Critical Areas Ordinance

Section 100 - Definitions

100.6 Alteration: A human-induced action which changes the existing condition of a critical area. Alterations include but are not limited to grading; dredging; channelizing; cutting, clearing, relocating or removing vegetation, except noxious weeds identified by the Washington Department of Agriculture or Clallam County Cooperative Extension~~((Conservation District or Soil Conservation Service))~~; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; modifying for surface water management purposes; or any other human activity that changes the existing vegetation, hydrology, wildlife or wildlife habitat.

100.12 Best management practices: Are conservation practices or systems of practices and management measures that:

- a. Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic substances, pesticides, oil and grease, and sediment; and
- b. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas; and
- c. The Department of Community Development shall keep a list of best management practices for regulated uses acceptable to Clallam County.

100.26 Education and Scientific Research: Any education or scientific research activity unassociated with a development proposal regulated under this Ordinance; provided that, the removal of plant and soil samples through non-destructive ~~((mechanical))~~ means is allowed for education or scientific study unrelated to any future development proposal of the affected area; provided further that such removal is not prohibited by any federal, state or local regulations.

Section 550 -Specific Habitat Protection Standards

Regulated uses within Fish and Wildlife Habitat Conservation Areas shall adhere to the performance standards for regulated uses outlined in Section 540 above and the specific habitat protection standards outlined below.

1. Class I Aquatic Habitat Conservation Areas. All development within and adjacent to designated Class I Aquatic Habitat Conservation Areas shall adhere to the following standards:
 - a. All development shall be consistent with the Clallam County Shoreline Master Program, as now or hereafter amended.
 - b. Drainage and Erosion Control.
 - i. The following developments shall submit and have approved a drainage and erosion control plan as specified in Section 900 of this Ordinance:
 - (a) Any clearing, grading or excavation one acre or greater in area; or
 - (b) All new development that includes the creation or addition of 5,000 square feet of new impervious surface area, or any development which collects or concentrates stormwater from greater than 5,000 square feet of drainage area and discharges to the Class I aquatic area; or
 - (c) Any man-made drainage or stormwater conveyance which is connected and/or discharges to a Class I aquatic area.
 - ii. Development not identified in section (i a-c) above shall follow minimum guidelines established in the Drainage Design Manual for Clallam County and may not require an engineered plan unless otherwise required by other county requirements.
 - c. Buffers Buffers shall be maintained along all Class I Aquatic Areas. Distances shall be measured from the ordinary high water mark (OHWM) or from the top of the bank where the OHWM cannot be identified. Buffers shall be retained in their natural condition. Alteration of buffer areas may be allowed for water dependent and water related activities subject to (d) below, and for development authorized by Section 335 (Reasonable Use Exception), Section 330 (General Exemptions), Section 340 (Nonconforming Development

Standards) or Section 360 (Variances). Minor pruning of vegetation and tree limbs may also be allowed for enhancement of views, provided that such activity is approved by the Review Authority. The distance of the buffer shall be increased to include streamside wetlands which provide overflow storage for stormwaters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the OHWM or Top of Bank shall be defined so as to include the entire stream feature.

i. The depth of the buffer for minor new development shall be based on the Clallam County Shoreline Master Program Environment designation, as now or hereafter amended, and the following standards:

Urban Shoreline:	25 feet
Suburban Shoreline:	35 feet
Rural Shoreline:	35 feet
Conservancy Shoreline:	50 feet
Natural Shoreline:	100 feet

ii. The depth of the buffer for all new major development and all land divisions shall be 150 feet or the 100 year floodplain, whichever is greater. The Review Authority may decrease the buffer to no less than the minimum buffer for minor new development if a Habitat Management Plan (Section 900) approved by the Review Authority provides sufficient mitigation measures to protect the affected habitat.

iii. The depth of the buffer may be increased by the Review Authority, not to exceed 300 feet, whenever a development proposal has known locations of endangered or threatened species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species; or located within landslide or erosion hazard area.

d. Water dependent structures and utilities may alter the required buffer when no other reasonable or practicable alternative exists and the development is consistent with the Clallam County Shoreline Master Program. Any alteration of a buffer shall be the least necessary and shall require, except for approved water dependent uses for minor new development, an approved Habitat Management Plan which adequately protects habitat values.

- e. Land divisions within Class I Aquatic Habitat Conservation Areas shall require a minimum lot frontage along the shoreline of 150 feet, measured in a straight line, and required buffer areas shall be dedicated as open space tracts, or an easement or covenant encumbering the buffer.
 - f. A stream channel or bank, bluff, and shore may be stabilized when their naturally occurring movement threatens existing structures, public improvements, unique natural resources, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish and wildlife habitat, flood control and improved water quality. Bluff, bank and shoreline stabilization shall follow the standards of the Clallam County Shoreline Master Program, the Clallam County Floodplain Management Ordinance, and any floodplain management plan adopted by the Board of Commissioners. The Review Authority may require that bank stabilization be designed by an engineer with sufficient expertise in hydraulic actions of shorelines.
 - g. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be allowed when adhering to the following minimum performance standards:
 - i. The channel, bank and buffer areas should be replanted with native vegetation that((which)) replicates a natural, undisturbed riparian condition((the original in species, size and densities)); and
 - ii. For those shorelands and waters designated as frequently flooded areas pursuant to Section 700 of this Chapter, a((A)) civil engineer provides information which demonstrates that the equivalent base flood storage volume and function will be maintained.
 - h. Prior to approval or issuance of permits for land divisions and major new development, the Review Authority may require the common boundary between a required buffer and the adjacent land be identified using permanent signs as suggested in Exhibit 1. In lieu of signs, alternative methods of aquatic buffer identification may be approved when such methods are determined by the Review Authority to provide adequate protection to the aquatic buffer.
2. Class II Aquatic Habitat Conservation Areas. All development within or adjacent to designated Class II Aquatic Habitat Conservation Areas shall adhere to the following standards:

a. Drainage and Erosion Control.

i. The following developments shall submit and have approved a drainage and erosion control plan as specified in Section 900 of this Ordinance:

- (a) Any clearing, grading or excavation one acre or greater in area; or
- (b) All new development that includes the creation or addition of 5,000 square feet of new impervious surface area, or any development which collects or concentrates stormwater from greater than 5,000 square feet of drainage area and discharges to the Class II aquatic area; or
- (c) Any man-made drainage or stormwater conveyance which is connected and/or discharges to a Class II aquatic area.

ii. Development not identified in section (i a-c) above shall follow minimum guidelines established in the Drainage Design Manual for Clallam County and may not require an engineered plan unless otherwise required by other county requirements.

b. **Buffers** Buffers shall be maintained along all Class II Aquatic Areas. Distances shall be measured from the ordinary high water mark (OHWM) or from the top of the bank where the OHWM cannot be identified. Buffers shall be retained in their natural condition. Alteration of buffer areas may be allowed for water dependent and water related activities subject to (c) below, and for development authorized by Section 335 (Reasonable Use Exception), Section 330 (General Exemptions), Section 340 (Nonconforming Development Standards) or Section 360 (Variances). Minor pruning of vegetation and tree limbs may be allowed for enhancement of views, provided that such activity is approved by the Review Authority. The distance of the buffer shall be increased to include streamside wetlands which provide overflow storage for stormwaters, feed water back to the stream during low flows or provide shelter and food for fish. In braided channels, the OHWM or Top of Bank shall be defined so as to include the entire stream feature.

i. The depth of the buffer for minor new development shall be based on the Clallam County Zoning classification, as now or hereafter amended, and the following standards:

Urban Residential, Commercial & Industrial Zones:

25 feet

Rural Residential Zones:	35 feet
Agricultural-Residential Zones:	35 feet
Forestry Zones:	50 feet

ii. The depth of the buffer for all new major development and all land divisions shall meet the standards for the type of stream as specified below. The Review Authority may decrease the buffer to no less than the minimum buffer for minor new development if a Habitat Management Plan (Section 900) approved by the Review Authority provides sufficient mitigation measures to protect the affected habitat.

Type 2 Waters:	150 feet or the 100 year floodplain, whichever is greater
Type 3 Waters:	100 feet or the 100 year floodplain, whichever is greater
Type 4 Waters:	50 feet or the 100 year floodplain, whichever is greater

iii. The depth of the buffer may be increased by the Review Authority, not to exceed 300 feet, whenever a development proposal has known locations of endangered or threatened species for which a habitat management plan indicates a larger buffer is necessary to protect habitat values for such species; or is located within landslide or erosion hazard area.

- c. Water dependent structures and utilities may intrude into the required buffer when no other practicable alternative exists. Any alteration of a buffer shall be the least necessary and shall require an approved Habitat Management Plan.
- d. A stream channel or bank, bluff, and shore may be stabilized when their naturally occurring movement threatens existing structures, public improvements, ongoing agricultural activities, unique natural resources, or the only feasible access to property, and, in the case of streams, when such stabilization results in improved fish and wildlife habitat, flood control and improved water quality. Bluff, bank and shoreline stabilization shall follow the standards of the Clallam County Shoreline Master Program, the Clallam County Floodplain Management Ordinance, and any floodplain management plan adopted by the Board of Commissioners.

- e. Stream relocations for the purpose of flood protection and/or fisheries restoration shall only be allowed when adhering to the following minimum performance standards:
 - i. The channel, bank and buffer areas should be replanted with native vegetation that((which)) replicates a natural, undisturbed riparian condition((the original in species, size and densities)); and
 - ii. For those shorelands and waters designated as frequently flooded areas pursuant to Section 700 of this Chapter, a((A)) civil engineer provides information which demonstrates that the equivalent base flood storage volume and function will be maintained.

- f. Prior to approval or issuance of permits for land divisions and major new development, the Review Authority may require the common boundary between a required buffer and the adjacent land be identified using permanent signs as suggested in Exhibit 1. In lieu of signs, alternative methods of aquatic buffer identification may be approved when such methods are determined by the Review Authority to provide adequate protection to the aquatic buffer.

This Ordinance shall take effect ten days after the date of adoption.

ADOPTED THIS 30th DAY OF November, 1993.

Board of Clallam County Commissioners

Dave Cameron
Dave Cameron, Chairman

Dorothy Duncan
Dorothy Duncan

Lawrence Gaydeski
Lawrence Gaydeski

ATTEST:

Karen Flores
Karen Flores
Clerk of the Board

cc: Community Development
Minutes
File