AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, September 2, 2026, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: https://clallamcountywa.gov/meetings

A. **CALL TO ORDER**

B. **PLEDGE OF ALLEGIANCE**

C. **ROLL CALL:** Introduction of new member Brenda McAlice

D. **WELCOME**

E. **APPROVAL OF MINUTES:**

F. **ANNOUNCEMENTS**

G. **PUBLIC COMMENT ON AGENDA ITEMS** – Please limit comments to three minutes

H. **UNFINISHED BUSINESS**

I. **PUBLIC HEARING/COMMISSION ACTION:**

J. **WORK SESSION ITEMS:** Revisions to Critical Area Ordinance – Wetlands, Geohazards, Floodplains, Critical Aquifer Recharge Areas

K. **PUBLIC COMMENT** – Please limit comments to three minutes

L. **DISCUSSION OF PUBLIC COMMENTS**

M. **GOOD OF THE ORDER**

N. **ADJOURNMENT**

Members:

Chair Steve Gale and Vice-Chair Katina Hester;
Warren Billups, Thomas Butler, Jane Hielman,
Ron Long, Brenda McAlice, Kenneth Reandeau, Janice Wilson

Department of Community Development Staff:

Donella Clark, Principal Planner

MINUTES

Clallam County Planning Commission

Meeting of August 19, 2026, 6:00 PM

A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE.

C. ROLL CALL: Members present were Chair Steve Gale, Vice Chair Katina Hester, Ken Reandeau, Ron Long, Thomas Butler, Janice Wilson, and Jane Heilman. Donella Clark, Principal Planner, and Diane Harvey, Code Enforcement Manager, represented staff from the Department of Community Development.

D. WELCOME: Chair Gale welcomed all in attendance.

E. APPROVAL OF MINUTES: Ken Reandeau motioned to approve the July 15, 2026 minutes, and Ron Long seconded with a request for a correction to his name. Motion passed.

F. ANNOUNCEMENTS: None.

G. PUBLIC COMMENT PERIOD: None.

H. UNFINISHED BUSINESS: None.

I. PUBLIC HEARING ITEM: None.

J. WORK SESSION ITEMS: Diane Harvey presented the changes to Title 20. The main goal of Code Enforcement is to gain compliance. Code Enforcement does not issue citations; fees are assessed by the hearing examiner when a case is brought to that level. Voluntary Compliance Agreements (VCA) generally happen before the hearing in order for the property owner to avoid fines. The changes proposed are to add the ability to charge for the internal expense of writing the VCA. Code Enforcement writes 10-12 VCA's per year. The fees for the hearing are also charged to the County's general fund, and proposed change would allow the Code Enforcement to charge the violator for the cost of the hearing. There is also language to create an amnesty program at the discretion of the DCD Director. The Planning Commissioners had questions regarding assessment of the fines and the fee for the VCA. There were concerns how the fees could invite criticism and favoritism if charged differently. There was also discussion about the amnesty program and the need for guardrails or perhaps another entity like the Board of County Commissioners to review the specifics of the program. Planning Commission recommended staff to revise the draft and bring it back for further discussion.

K. PUBLIC COMMENT PERIOD: John Wortington explained the different development councils that exist within Clallam County and commented that the Puget Sound Partnership has put forward development plans to channel growth within the Urban Growth Area.

L. DISCUSSION OF PUBLIC COMMENTS: None.

M. GOOD OF THE ORDER: None.

N. ADJOURNMENT: The meeting adjourned at __7:50 p.m.___

MEMORANDUM

Clallam County Department of Community Development

Date: **August 26, 2026**
To: **Clallam County Planning Commission**
From: **Donella Clark, Principal Planner**
Re: **Critical Area Ordinance Update – Wetlands con't, Geologically Hazardous Areas, Frequently Flooded Areas, Critical Aquifer Recharge Areas**

The national standard for identification of wetlands is currently the 1987 Corps of Engineers (Corps) Wetlands Delineation Manual with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual; Wester Mountain, Valley, and Coast Region Version 2.0, which is not identified in the County's Critical Areas Code. Current County Code classifies wetlands based on a system identified in the code, while the standard has become the Ecology Wetland Rating System for Western Washington. Updates have been made to the Wetland section of the code to identify this best available science for delineation and rating of wetlands and the entire section regarding the County's classification (27.12.210) removed. Under this revision, Clallam County will now require buffers for Category IV wetlands that are less than 10,000 square feet that were currently considered unregulated.

The Department of Ecology provides recommended wetland buffers providing a range of options. Under current code DCD provides buffers for major new development and minor new development, which allows for smaller buffers for single-family residential development that meets certain thresholds. The County's Shoreline Master Program has adopted the concepts in both Option 1 and 2 in CCC 35.35.050, providing a variety of buffers based on score of the wetland habitat and use proposed. The options outlined by Ecology base wetland buffers on habitat score, protection from land uses, or merely a standard buffer. Staff is proposing to adopt the same buffers as were adopted in the Shoreline Master program.

The Department of Ecology has also reviewed our code and provided comments to better effectively protect the County's wetlands. Staff has incorporated these changes as well as recommendations from our Natural Resource staff. According to the Gap Analysis done by Facet, the County's consultant, the use of terminology of no net loss should be incorporated into the statement of purpose within the critical area ordinance and will be moved to the beginning of the chapter. The analysis of the wetlands chapter suggests updating the definitions to reflect current Ecology terminology and update to the use of the delineation manual and ranking system, as well as modify buffer widths. The consultant also recommended modifications to the hazard tree definitions, which has been incorporated. Comments from the Department of Ecology have been provided.

Not many changes were suggested for the Geologically Hazardous Areas. The consultants suggested designation of mines and mineral hazards, but according to the DNR maps there are only three areas in the County with designated hazardous minerals that appear to be on Federal lands. Mining in Clallam County is all done on the surface and does not appear to

impose any unknown hazards. The effects of mining are clear on the landscape, and therefore do not rise to a need for designation within the Critical Areas Code. Locations of mines are available from the DNR and have been integrated within our GIS maps available to staff. Staff reached out to DNR to ask for comments on the Critical Areas Ordinance and have received one email with suggested changes.

For clarity, staff has brought the section regarding geotechnical reports from the "special reports" section since Geotechnical Reports are required when developing within 200-feet of a landslide hazard area. Protection standard for Erosion Hazard was updated regarding land disturbing activities, as well as adding a requirement for the retention of vegetation, which will help reduce the hazard of erosion in these areas. Throughout the codes the reference to Ecology's 1992 stormwater management plan has been replaced to reference the County's Chapter 27.14 regarding Stormwater Management.

The Frequently Flooded Area section was updated June 2025, so requires little update. Language regarding the 2008 Biological Opinion has been added to make this requirement easier for both the public and staff to realize.

Very few changes are proposed in the Critical Aquifer Recharge Area section. Recognition of the Critical Areas Map has been added in this section, and will be added in other sections too. The issues pointed out by the consultant include revisions needed elsewhere, such as in the Stormwater Management sections of the County Codes and do not include changes necessary in this section.

Review and discussion by the Planning Commission is desired regarding the protection of wetlands, proposed changes to Geologically Hazardous Areas, Frequently Flooded Areas, and Critical Aquifer Recharge Areas.

Part Two.
Wetlands

Part Two. Wetlands

~~27.12.200 Applicability and purpose.~~

~~This section applies to all development activities proposed within the jurisdiction for a regulated wetland. The intent of this section is to:~~

~~(1) Maintain and protect regulated wetland acreage and increase the quality, function and values of regulated wetlands within Clallam County;~~

~~(2) Identify hydrologic functions of wetlands and their role within a watershed and provide needed protection of the role of wetlands from a landscape ecology perspective;~~

~~(3) Preserve natural flood control, storm water storage and drainage or stream flow patterns; and~~

~~(4) Prevent turbidity and pollution of wetlands and fish- or shellfish-bearing waters, and maintain wildlife habitat.~~

~~27.12.205 Regulated uses and activities.~~

~~Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, proposals located within the jurisdiction of this chapter as it applies to regulated wetlands shall require:~~

~~(1) A certificate of compliance if proposed within 200 feet of a regulated wetland consistent with Part Seven of this chapter; or~~

~~(2) A variance consistent with Part Seven of this chapter if proposed within a regulated wetland or buffer; or~~

~~(3) A variance consistent with Part Seven of this chapter if the standards and requirements cannot be met.~~

27.12.210 Classification and designation.

~~Regulated w~~Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. ~~Regulated w~~Wetlands generally include~~, but are not limited to~~: swamps, marshes, bogs, ponds, ~~including their submerged aquatic beds~~ 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 ~~(adoption date of Chapter 36.70A RCW, Growth Management Act)~~, 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 to ~~as~~ mitigate~~ion~~ the conversion of wetlands. ~~and wetland modified for approved land use activities shall be considered as regulated wetlands.~~

The primary purpose of wetland regulations is to achieve a goal of no net loss of wetland function ,value, and acreage. Beneficial functions performed by wetlands include, but are not limited to: providing food, breeding, nesting and/or rearing habitat for fish and wildlife; providing habitat for endangered, threatened and sensitive species; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and floodwaters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and the retention and transformation of sediments, nutrients, and toxicants.

Where development is proposed the wetland shall be delineated and rated in accordance with this chapter by a qualified wetland professional that meets the following criteria:

(a) A Bachelor of Science or Bachelor of Arts or equivalent degree in hydrology, soil science, botany, ecology, resource management, or related field, or four years of full-time work experience as a wetland professional may substitute for a degree, and

(b) At least two additional years of full-time work experience as a wetland professional; including delineating wetlands, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans, and

(c) Completion of additional wetland-specific training programs. This could include a more comprehensive program such as the University of Washington Wetland Science and Management Certificate Program or individual workshops on topics such as wetland delineation, function assessment, mitigation design, hydrophytic plant or hydric soil

identification. A person certified as a Professional Wetland Scientist through the Society of Wetland Scientists professional certification program meets the above criteria.

~~The wetland edge shall be established pursuant to the most current version of the Washington State Wetland Delineation Manual adopted under Chapter 90.58 RCW. Wetlands shall be further designated based on classifying the biological, chemical, and physical functions that wetlands perform in the context of both the watershed and landscape as follows:~~

~~(1) *Watershed Functions.* Wetlands shall be classified based on one or more of the hydrology types specified in Table 2. Watershed functions shall be determined based on the wetlands hydrology type and wetland hydrologic functions as specified in Table 3.~~

~~(2) *Landscape Functions.* Wetland landscape functions shall be characterized and assessed based on existing wetland and adjacent upland conditions, landscape position, documented species use, and existing management/modifications pursuant to the criteria in subsections (2)(a) through (2)(i) of this section as they relate to the subject property or within the jurisdiction of this chapter as it applies to regulated wetlands. Based on these criteria, landscape functions shall be further classified into one of four wetland classes, as specified in Table 4, with Class I being the most functional and Class IV being the least functional.~~

~~(a) *Habitat Type.* Classify and delineate wetland habitat types based on the U.S. Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats, dated 1979, as now or hereafter amended. Identify the dominant vegetation communities associated with each classified wetland habitat type.~~

~~(b) *Habitat Diversity.* Calculate both the total number of wetland habitat types and the different wetland habitat types identified in subsection (2)(a) of this section for each wetland.~~

~~(c) *Habitat Size.* Calculate the total wetland acreage and acreage of each individual habitat type identified in subsection (2)(a) of this section for each wetland.~~

~~(d) *Upland Habitat Type.* Classify and delineate all lands into one or more of the following land cover categories: developed lands; agriculture; non-native plant species; water; native upland grasses; native forests less than 20 feet in height; native forest greater than 20 feet in height; and mature conifers.~~

~~(e) *Significant Habitat Features.* Identify and delineate the presence of significant habitat features including, but not limited to: estuaries, snags, islands, rare or unique plant communities, mature conifers, Class I wildlife habitat conservation areas, and/or wetlands~~

classified as exhibiting a high functional value (see Table 3) of water availability for migratory waterfowl or other wildlife species.

(f) *Species Use.* Identify and delineate all known priority habitats for species listed as species of concern or priority species.

(g) *Anadromous Fish Use.* Identify wetlands contiguous to Type 1 – 3 aquatic habitat conservation areas, or other waters containing anadromous fisheries recognized by local or state public agencies.

(h) *Significant Wildlife Movement Corridor.* Identify whether one or more of the following areas is located within:

(i) Land and water areas designated as shorelines in the Shoreline Management Act of 1971 and the Clallam County Shoreline Master Program;

(ii) Lands within the Sequim and Port Angeles Regional Comprehensive Plans, CCC Title 33, designated as significant wildlife movement corridors, open space and greenbelt corridors;

(iii) Federal, state, and local parks, wildlife refuges, and other protected natural areas;

(iv) Lands within the Clallam County Comprehensive Plan, CCC Title 33, designated as public or commercial forest lands;

(v) Type 1 – 4 aquatic habitat conservation areas;

(vi) Wetlands totaling twenty (20) or more acres;

(vii) Easements or other dedicated lands granted to Clallam County or other organizations devoted to protection and management critical areas, open spaces, or wildlife habitat.

(i) *Management and Modification.* Identify existing management and alterations of wetlands, and the impact of such actions on the above classifications. Wetland management activities include, but are not limited to: forestry, livestock grazing, agriculture, commercial recreation (e.g., golf courses), residential (e.g., lawns), public lands (e.g., parks, natural areas), and/or land not managed for any other use. Wetland alterations include, but are not limited to: flooding, impounding of water, excavation, filling, grading, draining, or discharge from irrigation or drainage facilities.

Table 2. Classification of Wetland Hydrology Types

Hydrology Type*	Landscape Position	Water Source**	Water Output*

Type 1	Shallow soils formed on glacial till on hillsides	Perched	Discharges to stream
Type 2	Moderately deep soils found in basins and drainageways formed in depressions in glacial drift on hills	Perched	Initiates streams
Type 3	Very deep soils occurring in basins on low terraces formed in alluvium (i.e., stream deposited materials)	Perched	Enclosed basin
Type 4	Wetlands found in depressions associated with coarse material over glacial till	Unconfined aquifer	Unconfined aquifer
Type 5	Very deep soils on level terraces and in valleys, formed in organic material	Unconfined aquifer	Initiates or supplements streamflow
Type 6	Very deep soils on low level terraces and floodplains formed in alluvium near marine shorelines	Unconfined aquifer, tidally influenced	Lower reaches of streams and marine waters
Type 7	Wetlands formed along the margin of surficial geological units that have a restrictive layer (i.e., glacial till), where they come into contact with unrestricted coarse units	Perched or unconfined aquifer	Unconfined aquifer
Type 8	Wetlands formed within the floodplain of streams	Stream discharges to wetland	Wetland discharges to stream
Type 9	Wetlands (e.g., bogs) located in depressions where water tables are at or near the surface normally year-round	Precipitation	Evapotranspiration
Type 10	Floodplains underlain by glacial till	Perched	Discharges to stream

Type 11	Wetlands associated with lakes	Lake	Lake
Type 12	Wetlands located along marine shorelines behind coastal dunes	Marine, tidally influenced	Marine and evapotranspiration
Other	Define associated landform	Define primary source of water	Define primary receiving body of water output

*Refers to the factors that control the source(s) of water to a wetland and where the water goes after leaving the wetland.

**Refers to natural wetland hydrology (i.e., does not include hydrologic modifications).

(3) *Wetland Hydrologic Functions.* The effect that classified wetland hydrology types have on the overall flow and quality of water in the watershed in comparison to nonwetland areas. For the purposes of this chapter, wetland hydrologic functions are defined as follows:

(a) *Drinking Water.* Ability of a wetland to recharge, maintain, and/or enhance surface or ground water resources that yield potable water in sufficient quantities to be economically useful.

(b) *Floodflow Desynchronization.* Ability of a wetland to retain/detain floodwaters in the upper watershed, reducing the severity of flooding and increasing the time of concentration above that which occurs in adjacent upslope areas.

(c) *Ground Water Recharge.* This wetland function is significant but not in the context that wetlands act as the major locations of ground water recharge to aquifers. Although some wetlands do provide a significant amount of ground water recharge, the large areas of river alluvium and unconsolidated glacial deposits and, in the Sequim-Dungeness Valley, the irrigation network are much more regionally significant. Rather, ground water recharge is significant due to the fact that wetlands in contact with the aquifer are most susceptible to carrying pollutants to the aquifer. Conversely, if managed properly, such wetlands could assist in the treatment of pollutants already carried in the drinking water aquifer.

(i) *Nutrient Removal/Transformation Opportunity.* Ability of a wetland to retain or transform inorganic phosphorus and/or nitrogen into their organic forms, or transform nitrogen into its gaseous form, on either a net annual basis, or during the growing season.

(ii) *Sediment/Toxicant/Bacterial Retention.* Ability of a wetland to retain suspended solids and chemical contaminants such as pesticides, pathogens, and heavy metals absorbed to them, on a net annual basis.

(iii) *Seawater Intrusion Prevention.* These wetlands are the boundary between the unconfined aquifer and the marine environment. Loss of water supply or drainage of wetlands will likely increase seawater intrusion to unconfined aquifers supplying drinking water to coastal inhabitants.

(iv) *Streamflow/Channel Maintenance.* Wetlands that due to detention or ground water discharge supply a significant proportion of streamflow during summer and fall. These areas regulate the amount and timing of stream energy and therefore are crucial to defining the shape of stream channels since they largely determine the shape of the hydrograph.

(v) *Temperature Maintenance.* Those wetlands that provide thermal refuges during winter and summer months due to influence from springs or contact with the unconfined aquifer. During summer months, wetlands with this function are important as fish habitat for salmonids; during winter months, these wetlands provide waterfowl habitat by maintaining ice-free conditions.

(vi) *Water Availability.* The ability of a wetland to provide surface water for migratory and resident species based on the timing, duration, and depth of surface water availability.

Table 3. Assessment of Wetland Hydrologic Functions

	Wetland Hydrology Types																							
Hydrologic Function	**1**		**2**		**3**		**4**		**5**		**6**		**7**	**8**	**9**	**10**		**11**				**12**		
Flood storage									L		L		L	L		L		L		H	L	L	H	L
Floodflow desynchronization									L		H		L	L		H		L		L	H	L	H	L
Streamflow and channel maintenance									L		H		N	L***		H		N		H	N	L	H	N
Ground water recharge									N		N		L	H		N		L		H	H	H	H	L
Temperature maintenance									L		H		L	H		H		N		L	H	L	L	N
Sediment/bacterial removal									L		H		H	L		H		L		H	H	H	H	N
Nutrient removal opportunity									L		H		L	H*		H		H*		H	H	H	H	H
Toxicant removal opportunity									L		H		L	H		H		H		H	H	H	H	H

Seawater intrusion prevention	N	N	N	N	N**	H	N	N	L	N	N	N
Drinking water	L	H	L	H	H	H	H	H	H	L	H	N
Water availability for migratory waterfowl	L	H	H	H	H	H	L	H	H	H	H	H
Water availability for other wildlife	L	H	H	H	H	H	L	H	H	H	H	L

H – High functional value

L – Performs this function to a limited degree

N – Does not perform function

* – Highest functional value in Sequim Bay Watershed

** – High value if associated with wetland hydrology

Table 4. Landscape Classification

Class I wetlands are those wetlands classified as:

- Estuarine wetland habitat types;
- Greater than or equal to twenty (20) acres, connected to a significant wildlife habitat movement corridor, and contain at least one significant habitat feature;
- Greater than or equal to three (3) acres, dominated by ninety (90) percent native vegetation (excluding contiguous stands of cattails, soft rush, hard hack, and horse tail), containing a forested or scrub-shrub habitat type, containing at least one significant habitat feature, and connected to a significant wildlife habitat movement corridor; and/or
- Wetlands of local significance.

Class II wetlands are those wetlands classified as:

- Greater than or equal to twenty (20) acres and not meeting Class I criteria; or
- Less than twenty (20) acres, dominated by fifty (50) percent native vegetation (excluding contiguous stands of cattails, soft rush, hard hack, and horse tail), containing a forested or scrub-shrub habitat type; containing at least one significant habitat feature, and connected to a significant wildlife habitat movement corridor.

Class III wetlands are those wetlands classified as:

- Wetlands less than twenty (20) acres which do not satisfy Class I, II, or IV criteria.

~~Class IV wetlands are those wetlands classified as:~~

~~• Hydrologically isolated, less than one acre but greater than 10,000 square feet, and dominated by plant cover composed of one of the following native plant species: soft rush, hard hack, horse tail, or cattail, or less than two (2) acres, and dominated by plant cover composed of non-native plant species.~~

27.12.212~~810~~ Wetland Delineation and Rating ~~boundary survey and ranking~~.

(1) ~~When feasible,~~ An evaluation of any regulated wetland is necessary when there is a proposed development or activity to be located within 200-feet of a regulated wetland or regulated wetland buffer. A~~a~~ determination ~~survey~~ of the ~~regulated~~ wetland boundary and distance from development shall be determined using the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual with the Regional Supplement for Western Mountains, Valleys, and Coast Region. ~~and a n evaluation of any unranked regulated wetland may be completed by the Department of Community Development for any minor new development project, unless the applicant wishes to employ a qualified wetland biologist at the applicant's expense. Fees shall be collected for this survey and evaluation as specified in Chapter 3.30 CCC.~~

(2) The ~~Washington State Delineation Manual (Chapter 90.58 RCW)~~ 2014 Washington State Wetland Rating System for Western Washington Version 2, as amended, shall be used to rate and categorize ~~identify and delineate~~ regulated wetland boundaries. The Rating Summary of the wetland shall be used to determine the protection standards defined in 27.12.215 Wetland Buffers below.

(3) The wetland boundary shall be identified and ~~delineated, or evaluation of special reports for regulated wetlands shall be conducted by~~delineated at the applicant's expense by a qualified professional as outlined above. ~~a biologist with wetlands ecology expertise who is knowledgeable of wetland conditions within the North Olympic Peninsula Region and has professional experience in this occupation; or those individuals or firms which have been certified by the Association of Wetland Scientists.~~(moved to above) This person shall field stake the wetland boundary and this line shall be surveyed by a professional land surveyor if the delineation is required for a land division pursuant to CCC Title 29.

(43) ~~An evaluation of any unranked regulated wetland is necessary when there is a proposed development or activity to be located within a regulated wetland or regulated wetland buffer. The site methodology for evaluating any unranked wetland shall follow Part Two of this chapter.~~ The delineation and rating shall be reviewed and approved by

DCD. Approved report shall be valid for five-years from the date of the report. Fees for the report review shall be collected as specified in Chapter 5.100 CCC.

27.12.215 Protection standards for regulated wetlands.

The following standards for the protection of regulated wetlands and buffers shall be required for any development within 200 feet of a regulated wetland.

(1) *Buffers.*

(a) The standard width of the buffer zone shall be determined according to the regulated wetland rating and the type of development as outlined ~~in Table 5~~ below. The buffer shall not be altered except by a general exemption, certificate of compliance, variance, or reasonable use exception approval, as authorized by this chapter; provided, that such alterations meet all other standards for the protection of regulated wetlands. All buffers are measured horizontally from the regulated wetland edge as marked in the field.

~~Table 5.~~ **Wetland Buffers for Low Impact Land Uses**

	~~Major New Development~~	~~Minor New Development~~
~~Class I~~	~~200 feet~~	~~100 feet~~
~~Class II~~	~~150 feet~~	~~75 feet~~
~~Class III~~	~~75 feet~~	~~50 feet~~
~~Class IV~~	~~50 feet~~	~~25 feet~~

Wetland Category	Wetland Characteristics Habitat (H)	Standard Buffer Width
Category I (Total of scores for all functions is 23 points or having "special characteristics" identified in the rating form)	High level of habitat function (H score 8-9 points)	150 feet
	Bogs or wetlands of high conservation value	125 feet
	Estuarine and coastal lagoons	100 feet
	Moderate level of habitat function (H score 5-7 points)	75 feet
	Not meeting any above characteristics	50 feet

Category II (Total of scores for all functions is 20-22 point or having "special characteristics" identified in the rating form)	High level of habitat function (H score 8-9 points)	150 feet
	Estuarine	75 feet
	Moderate level of habitat function (H score 5-7 points)	75 feet
	Not meeting any above characteristics	50 feet
Category III (Total of scores for all functions is 16-19 points)	Moderate level of habitat function (H score 5-7 points)	75 feet
	Low habitat function (H score 3-4 points	40 feet
Category IV (total scores for all functions is less than 16 points)	Score for all basic functions is less than 16 points	25 feet

Wetland Buffers for Moderate Impact Land Uses

Wetland Category	Wetland Characteristics Habitat (H)	Standard Buffer Width
Category I (total of scores for all functions is 23 points or having "special characteristics identified in the rating form	High level of habitat function (H score 8-9 points)	225 feet
	Bogs or wetlands of high conservation value	190 feet
	Estuarine and coastal lagoons	150 feet
	Moderate level of habitat function (H score 5-7 points)	110 feet
	Not meeting any above characteristics	75 feet
Category II (Total of scores for all functions is 20-22 point or having "special characteristics" identified in the rating form)	High level of habitat function (H score 8-9 points)	225 feet
	Estuarine	110 feet
	Moderate level of habitat function (H score 5-7 points)	110 feet
	Not meeting any above characteristics	75 feet
Category III (Total of scores for all functions is 16-19 points)	Moderate level of habitat function (H score 5-7 points)	110 feet
	Low habitat function (H score 3-4 points	60 feet
Category IV (total scores for all functions is less than 16 points)	Score for all basic functions is less than 16 points	40 feet

Wetland Buffers for High Impact Land Uses

Wetland Category	Wetland Characteristics Habitat (H)	Standard Buffer Width
Category I (total of scores for all functions is 23 points or having "special characteristics identified in the rating form	High level of habitat function (H score 8-9 points)	300 feet
	Bogs or wetlands of high conservation value	250 feet
	Estuarine and coastal lagoons	200 feet
	Moderate level of habitat function (H score 5-7 points)	150 feet
	Not meeting any above characteristics	100 feet
Category II (Total of scores for all functions is 20-22 point or having "special characteristics" identified in the rating form)	High level of habitat function (H score 8-9 points)	300 feet
	Estuarine	150 feet
	Moderate level of habitat function (H score 5-7 points)	100 feet
	Not meeting any above characteristics	100 feet
Category III (Total of scores for all functions is 16-19 points)	Moderate level of habitat function (H score 5-7 points)	150 feet
	Low habitat function (H score 3-4 points	80 feet
Category IV (total scores for all functions is less than 16 points)	Score for all basic functions is less than 16 points	50 feet

(b) Required Measures to Minimize Impacts

Lights	• Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides and herbicides within 150 feet of wetland

	• Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use low intensity development techniques (for more information refer to the drainage ordinance and manual)
Change in water regime	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust

(c)Buffers that are in their natural state should not be altered and should remain in their natural condition~~,~~ and enhanced whenever possible. Buffers should be well vegetated with species appropriate to the region and native vegetation, and shall not include plants on the County's noxious weed list.

(d~~c~~) Buffers and associated wetlands that have been altered and have lost ecological functions and values are encouraged to be restored in order to replace the~~se~~ lost functions and values. Clallam County shall provide information or technical expertise, where possible, in facilitating restoration activities, including referring interested property owners to various restoration information, efforts and funds. Prior to issuance of a development permit that is proposed adjacent to degraded critical areas or buffers, the property owner shall agree to undertake restoration activities or authorize such activities to occur, through an appropriate, approved legal device such as a conservation easement that is granted to a conservation program or restoration effort, or by legal, written agreement with restoration agencies or groups.

(e) When a wetland buffer contains an existing legally established public or private (does not include driveways) road, the County may allow development on the landward side of the road; provided, that the development will not have an adverse impact to the wetland. Likewise, in an existing subdivision where there is a legally established residence on a developed lot between the wetland and the proposed lot for development, the buffer shall not extend onto the undeveloped lot. The County shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption.

(fd) *Buffer Averaging or Variances~~Reduction~~*. Buffer widths may be modified or reduced by the review authority though buffer averaging or a variance approval. The buffer at its narrowest point shall never be less than either 75 percent of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater. Such requests shall be processed in accordance with Part Seven of this chapter~~; provided, that buffers cannot be reduced to less than fifty (50) feet at any point except through buffer averaging or a reasonable use exception pursuant to Part Seven of this chapter.~~ Mitigation for buffer averaging, or variance, or reasonable use exception shall include a written plan for the restoration of degraded wetlands and/or associated buffers in order to increase the ecological function of the wetland.

(ge) The review authority may increase buffer zone widths, not to exceed 300 feet, for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values. Such determination shall be based on site-specific and project related conditions which include, but are not limited to: (i) wetland sites with 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; (ii) the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; (iii) the adjacent land on the development proposal site has minimal vegetative cover or slopes greater than fifteen (15) percent; ~~or (iv) the proposed development adjacent to the regulated wetland would be a high intensity land use. High intensity land uses include those land uses associated with moderate or high levels of human disturbance or substantial habitat impacts including, but not limited to residential densities greater than one dwelling unit per five (5) acres (gross density), active recreation, and commercial and industrial land uses.~~ Enhancement of a minimally vegetated buffer to restore buffer functions may be done in lieu of a buffer increase.

(hf) Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the required standard buffer ~~required~~ for the category of the created, restored, or enhanced wetland per the Wetland Buffer Table.

(ig) *Hazard Tree Removal.* Where a threat to human life or property is demonstrated by a report from an arborist or forester, certified by the International Society of Arboriculture (ISA) or American Society of Consulting Arborists (ASCA); or has qualified tree risk assessment training through the Tree Risk Assessment Qualifications (TRAQ) or equivalent, the Administrator may allow the falling of a danger or hazard tree subject to the following criteria: (i) tree removal is the minimum necessary to balance the protection of the critical area and its buffer with protection of life and property; and (ii) planting of a tree as a replacement, and planted in a 2:1 replacement ratio to account for replaced tees that do

not survive, or shrubs when a certified arborist determines replanting a tree will create future hazard scenario; and (iv) where reasonable and safe leaving hazard trees as snags and logs for habitat and/or woody debris recruitment, with preservation of snags as a priority over logs. ~~may be required to assure habitat protection.~~ The 2:1 tree replacement ratio shall be applied to ensure no net loss of critical areas functions.

(2) *Critical Area Delineation and Field Identification*. Clallam County shall require temporary or permanent field markers delineating the critical area boundary and associated buffer prior to issuance of required permits for any development located within the jurisdiction of a regulation wetland. ~~include a condition of all approved development permits that propose alteration of land abutting or adjacent to regulated wetlands which states that the critical area buffer shall be delineated, or field identified in order to maintain the effectiveness of the buffer.~~ Field markers ~~identification of boundaries~~ shall consist of survey flags or equivalent markers composed of one-half (1/2) inch galvanized iron pipe or equivalent monument, at least eighteen (18) inches long, and daylight above the surface at least one inch. Field markers shall be spaced at a minimum of every fifty (50) feet, unless alternative placement or spacing is authorized by the Administrator. The location of field stakes must be shown on all site plans and final plats associated with the development proposal. Field stakes shall remain in place until any required final inspections are completed and approved. Field markers may be waived by the review authority if an alternative to field staking achieves the same objective and is proposed and approved, or if the development activity is located at a sufficient distance so that impacts to the critical area are unlikely to occur.

(34) *Fencing*. Clallam County shall require that all buffer areas for wetlands ~~shall~~ be temporarily fenced between the construction activity and the buffer with a highly visible and durable protective barrier during construction to prevent access and protect the critical area and buffer and recommend a permanent wildlife passable fence established at the wetland buffer for protection. This requirement may be waived by the review authority if an alternative to fencing which achieves the same objective is proposed and approved.

(45) *Forest Practice, Class IV General (Conversion and Urban Growth Area)*. All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands. All forest practices, regardless of class, within designated urban growth areas pursuant to the Growth Management Act, shall comply with the provisions of this section. Those lands harvested and not reforested under a Class I, II, or III permit and which do not meet the standards of this chapter and are later converted to nonforest uses

shall have all local permits withheld for a period of six (6) years, as authorized by the Washington State Forest Practices Act (Chapter 76.09 RCW). This moratorium shall run with the land and be duly noted in the public record. For the purpose of implementing this policy, the conversion of land to nonforest uses shall mean the division of land or the preparation of land for land division or construction. Should a landowner wish to remove the moratorium or convert the land to nonforest uses, the owner shall:

(a) Reforest the land as prescribed by the Department of Natural Resources and/or provide stabilization and protection of the critical area in a manner approved by Clallam County in accordance with this chapter. Said reforestation shall be by planting and not by natural regeneration, unless the Department verifies that natural regeneration has already occurred to such an extent that planting is not necessary. Provide stabilization and protection of the affected critical area through drainage and erosion control measures; and

(b) Submit and have approved by the administrator a conversion harvest plan. The approval of said plan may include conditions and improvement requirements to control erosion, protect or enhance the critical area or buffer, or other conditions which are intended to reduce impacts to the critical area.

(56) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with Chapter 27.14 CCC Stormwater Management ~~the Stormwater Management Manual for the Puget Sound Basin, prepared by the state Department of Ecology, February, 1992~~, as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area.

(~~67~~) *Land Divisions.* All proposed divisions of land which contain regulated wetlands shall comply with the following procedures and development standards:

(a) Only fifty (50) percent of regulated wetlands with permanent open water shall be permitted for use in calculating minimum lot area as required by CCC Title 33, Zoning Code, for the proposed lots. This provision shall not apply to the calculation of maximum residential density.

(b) Regulated wetlands and wetland buffers may be included in the calculation of minimum lot area for proposed lots provided that other standards, including subsection (7)(c) of this section, are met.

(c) All lots within the proposed land division shall contain at least one building site, including access and utility locations, that is suitable for development, is not within the

regulated wetland or its associated buffer and the lot is consistent with the minimum lot area requirements specified by CCC Title 33, Zoning Code.

(d) The critical area and associated buffer shall be surveyed and shown on the final plat. A note shall be provided on the final plat that states that all subsequent development shall comply with critical area protection standards which were required as a part of the plat approval. The critical area and buffer shall be dedicated as open space tract, easement or covenant encumbering the critical area and buffer, for either the use and enjoyment by the general public, use and enjoyment by lot or parcel containing a portion or all of the critical or buffer area, or the use of a homeowners' association. Such dedication or easement shall be recorded together with the land division and shown on the final mylar.

(78) *Livestock Restrictions.* Proposals to allow livestock access to regulated wetlands and associated buffers, or alteration of such areas for livestock use, shall be prohibited unless the Administrator finds that such access and alteration on existing and ongoing agricultural lands is limited and impacts controlled through approval and implementation of a mitigation plan. The Administrator may waive the need for a mitigation plan where the applicant implements a plan and/or project sponsored by the County, Clallam Conservation District, U.S.D.A. Natural Resources Conservation Service, Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or other agency/organization approved by the Administrator, which controls impacts caused by the introduction of livestock. ~~This prohibition shall not apply to Class IV wetlands or those wetlands, or portions thereof, that the Administrator determines meet the definition of grazed wet meadow.~~

~~(9) *Notice to Title.* Any property on which a development proposal is submitted shall have filed with the Clallam County Auditor: (i) a notice to title of the presence of the critical area or buffer, (ii) a statement as to the applicability of this chapter to the property, and (iii) a statement describing possible limitations on actions in or affecting such areas or buffers as approved by the Administrator. Clallam County shall record such documents and will provide a copy of the recorded notice to the property owner of record. Development proposals which are also defined as normal repair and maintenance of existing structures or developments, including but not limited to: roof repair, interior remodeling, wood stove permits, etc., and on-site sewage disposal systems repairs or replacement, are exempt from this requirement.~~

(10) *Roads and Bridges – Repair.* Any private or public road or street repair, maintenance, or expansion within existing right-of-way within a regulated wetland or associated buffer shall obtain a certificate of compliance and mitigation plan approval in accordance with

this chapter shall comply with the following minimum development standards, as applicable:

(a) Public roads or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(b) The road or street repair is the minimum necessary to provide safe roads and streets;

(c) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter; and

(d) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper.

(11) *Roads and Bridges – New Construction.* ~~Any n~~New construction of private or public roads or bridges proposed within the jurisdiction of this chapter ~~but outside of regulated critical areas or their buffers shall comply with the standards below and~~ shall obtain a certificate of compliance or variance ~~a certificate of compliance. Any new road or bridge construction proposed within a critical area or associated buffer requires a variance approval pursuant to Part Seven of this chapter~~ and shall also comply with the following minimum development standards, as applicable:

(a) It shall also be shown that no other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Public roads or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary to provide safe roads and streets;

(d) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter; and

(e) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper.

(12) *Signs.* Prior to issuance of permits for major new development subject to this chapter, Clallam County shall require that the common boundary between a regulated wetland and associated buffer be identified using permanent signs as approved by the Administrator. In lieu of signs, alternative methods of identification may be approved when such methods are determined by the review authority to provide adequate protection to the critical area and buffer.

(13) *Storm Water Management.* The following storm water management standards are required, as they apply:

(a) New development shall utilize best management practices to minimize storm water quantity and quality impacts to critical areas, both during and following construction. This includes locating discharge points as far from the wetland as feasible.

(b) Storm water runoff from new development shall not significantly change the rate of flow, hydroperiod which is the seasonal period and duration of water saturation or inundation, nor decrease the water quality of wetlands.

(c) Authorized modifications of wetlands or wetland buffers for construction of or discharge from drainage facilities shall protect wetland hydrologic functions classified pursuant to this section.

(d) Provide on-site retention or infiltration of summer and spring storm water runoff prior to discharging to wetlands that receive water primarily from a perched water table, which is a saturated zone above a low permeability layer such as glacial till.

(e) Storm water runoff shall not be diverted from the watershed of wetlands whose primary source of water is from a perched water table.

(f) Developments which handle, store, dispose, transport, or generate hazardous substances/wastes defined as "dangerous" or "extremely hazardous~~dangerous~~" wastes under Chapter 173-303 WAC (regardless of quantity) shall not allow direct precipitation or storm water runoff to contact such substances where stored on-site.

(g) Compliance with the Clallam County storm water regulations is required, as applicable.

~~(14) *Temporary or Permanent Field Identification.* Clallam County shall require temporary or permanent field markers delineating the critical area boundary and associated buffer prior to issuance of required permits for any development located within the jurisdiction of a regulated wetland, aquatic habitat conservation area, and landslide hazard area. Field markers shall be composed of one-half (1/2) inch galvanized iron pipe or equivalent monument, at least eighteen (18) inches long, and daylight above the surface at least one inch. Field markers shall be spaced at a minimum of every fifty (50) feet, unless alternative placement or spacing is authorized by the Administrator. The location of field stakes must be shown on all site plans and final plats associated with the development proposal. Field stakes shall remain in place until any required, final inspections are completed and approved. Field markers may be waived by the review authority if an alternative to field staking achieves the same objective and is proposed and approved, or if the development~~

~~activity is located at a sufficient distance so that impacts to the critical area are unlikely to occur.~~ Already above (2)

(15) *Trails and Trail-Related Facilities.* Construction of publicly owned trails on public lands, or privately owned trails for private or public use, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, pedestrian bridges and viewing platforms, may be allowed in regulated wetlands and associated buffers through the issuance of a certificate of compliance pursuant this chapter, subject to the following standards:

(a) Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas. They shall be placed to avoid removal of significant, old growth, or mature trees;

(b) Trails should be generally parallel to the perimeter of the wetland, located only in the outer 25% of the buffer and shall have no adverse impact on water quality;

(c~~b~~) Trails, pedestrian bridges and related facilities within a critical area or buffer shall be planned and aligned to minimize removal of trees, shrubs, snags and important wildlife habitat and critical area functions such that the disturbed area, including that private trail surfaces for private use are a maximum of three (3) foot in width and other trails, either privately or publicly owned that allow public use (with or without fees), the trail surfaces shall be a maximum of five~~ten~~ (5~~10~~) feet in width; except for regional public trails which shall be a maximum of fourteen (14) feet whereby design considerations are made to minimize impacts to critical areas and buffers;

(d~~c~~) Viewing platforms, interpretive centers, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected critical area;

(e~~d~~) Trails shall be limited to nonmotorized use;

(f~~e~~) Trail surfacing shall be comprised of ~~natural~~ pervious materials (e.g., ~~gravel, rock,~~ bark) and that permanent surfacing materials (e.g., bituminous asphalt, ~~or~~ concrete, gravel) require ~~a~~ variance approval pursuant to Part Seven of this chapter; except for regional public trails may have up to ten (10) feet of permanent surfacing materials. Any construction materials shall not significantly alter the existing drainage or negatively affect the critical area;

(g~~f~~) All proposals shall also submit a mitigation plan pursuant to Part Eight of this chapter.

(16) *Utilities.* Placement of utilities within regulated wetlands and associated buffers may be allowed through a variance approval in accordance with Part Seven of this chapter, subject to the following standards:

(a) New utility transmission facilities which carry oil, gas or any other hazardous substances are prohibited within a regulated wetland and associated buffer.

(b) The following performance standards shall apply to any allowed private or public utility expansion or construction authorized under this chapter within a wetland or buffer:

(i) New utilities shall use existing utility corridors whenever possible.

(ii) New utilities should be located to minimize impacts to the wetland and wetland buffer by crossing through the narrowest point and/or locating utilities in the outer portion of the buffer.

(ii) New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve (12) inches in diameter at four and one-half (4.5) feet measured on the uphill side.

(iii) New utility corridors shall be revegetated with appropriate native vegetation at pre-construction densities or greater immediately upon completion of construction or as soon thereafter as possible if due to seasonal growing constraints, and appropriate steps shall be taken to ensure that such vegetation survives.

(17) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall ~~complete~~ identify all critical areas and priority habitats ~~an environmental assessment~~ that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to the Chapter 27.01 CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

~~**27.12.810 Wetland boundary survey and ranking.**~~

~~(1) When feasible, a survey of the regulated wetland boundary and an evaluation of any unranked regulated wetland may be completed by the Department of Community~~

~~Development for any minor new development project, unless the applicant wishes to employ a qualified wetland biologist at the applicant's expense. Fees shall be collected for this survey and evaluation as specified in Chapter 3.30 CCC.~~

~~(2) The Washington State Delineation Manual (Chapter 90.58 RCW) shall be used to identify and delineate regulated wetland boundaries. The wetland boundary shall be identified and delineated, or evaluation of special reports for regulated wetlands shall be conducted by a biologist with wetlands ecology expertise who is knowledgeable of wetland conditions within the North Olympic Peninsula Region and has professional experience in this occupation; or those individuals or firms which have been certified by the Association of Wetland Scientists. This person shall field stake the wetland boundary and this line shall be surveyed by a professional land surveyor if the delineation is required for a land division pursuant to CCC Title 29.~~

~~(3) An evaluation of any unranked regulated wetland is necessary when there is a proposed development or activity to be located within a regulated wetland or regulated wetland buffer. The site methodology for evaluating any unranked wetland shall follow Part Two of this chapter.~~

(16) "Categories of Proposed Land Uses" means the land use types listed per the level of impact as described in this table:

Level of Impact from Proposed Land Use	Land Use Type
High	• Commercial, industrial, and institutional uses • Multifamily residential • Residential (more than one unit per acre) • Conversion to high intensity agriculture (e.g., dairies, nurseries, greenhouse, animal and livestock, and growing and harvesting crips requiring annual tilling) • High intensity recreation (golf courses, sports fields, playgrounds, etc.) • Other uses not listed in the moderate or low impact category, or similar expected levels of impacts to such uses
Moderate	• Residential (parcel size one acre or greater) • Any Land Division

	• Moderate intensity recreational open spaces (e.g., parks with biking, jogging, primitive camping, etc.) • Conversion to moderate intensity agriculture (orchards, hay fields, etc.) • Paved trails • Building of logging roads • Utility corridor right-of-way shared by several utilities and including access/maintenance road
Low	• Forest management • Residential on existing lots of record of parcels five acres (or 1/128 of a standard section) or greater in size • Low intensity recreational open spaces with no or minimal vegetation clearing and management • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

(41) "High Level land use". See definition of Categories of Land Uses.

(49) "Low Level land use". See definition of Categories of Land Uses.

(56) "Moderate level land use". See definition of Categories of Land Uses.

Part Four. Geologically Hazardous Areas

~~27.12.400 Applicability and purpose.~~

~~27.12.405 Regulated uses and activities.~~

27.12.410 Classification and designation.

~~27.12.412 Geotechnical report. Should we move these here?~~

27.12.415 Landslide hazard protection standards.

27.12.420 Erosion hazard protection standards.

27.12.425 Seismic hazard protection standards.

Part Five. Frequently Flooded Areas

27.12.500 Applicability and purpose.

27.12.505 Designation and duties of Floodplain Administrator.

~~27.12.510 Regulated uses and activities.~~

27.12.515 Classification and designation.

27.12.520 Protection standards for certain development proposals.

Part Six. Critical Aquifer Recharge Areas

~~27.12.600 Applicability and purpose.~~

~~27.12.605 Regulated uses and activities.~~

27.12.610 Classification and designation.

27.12.615 Performance standards for certain development activities.

Part Four. Geologically Hazardous Areas

~~27.12.400 Applicability and purpose.~~

~~This section applies to all regulated uses within or adjacent to areas designated as geologically hazardous. The intent of this section is to:~~

~~(1) Provide standards to protect human life and property from potential risks;~~

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(2) Control erosion and siltation, and protect water quality in order to protect habitat for fish and marine shellfish, and allow for natural movements of streams and rivers within a floodplain;

(3) Provide controls to minimize shoreline erosion caused by human activity.

27.12.405 Regulated uses and activities.

Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, proposals located within the jurisdiction of this chapter as it applies to geologically hazardous areas shall require:

(1) A certificate of compliance if proposed within the jurisdiction of landslide, seismic or erosion hazard consistent with Part Seven of this chapter; or

(2) A variance consistent with Part Seven of this chapter if proposed within a landslide hazard or its associated buffer; or

(3) A variance consistent with Part Seven of this chapter if the standards and requirements cannot be met.

27.12.410 Classification and designation.

(1) *Classification*. The following definitions and terms shall be used in classifying geologically hazardous areas:

(a) *Landslide Hazard Areas*. Lands potentially subject to mass movement due to a combination of geologic, topographic, and hydrologic factors. The following classifications shall be designated as landslide hazards and are subject to the requirements of this chapter:

(i) Areas of historic, existing or ongoing landslide activity as evidenced by downslope movement of a mass of materials including rock, soils, fills, and vegetation. They include areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors.

(ii) Glaciolacustrine silt and clays on terraces.

(iii) Slopes fifteen (15) percent or steeper with a combination of: slowly permeable silt and clay interbedded sand and gravel, and sidehill springs or seeps from perched water tables.

(iv) Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of this epoch.

(v) Soils mapped and described by the Soil Survey of Clallam County, Washington, issued February 1987, as amended, classified as having a severe or very severe erosion hazard potential.

(vi) Planar slope forms sixty-five (65) percent or steeper with vertical relief of ten (10) or more feet, except areas composed of consolidated rock.

(vii) Concave slope forms twenty-five (25) percent or steeper with vertical relief of ten (10) or more feet, except areas composed of consolidated rock.

(viii) Any slopes greater than eighty (80) percent subject to rockfall during seismic shaking.

~~(viii) Marine coastlines including marine bluffs potentially unstable due to wave action or mass wasting and littoral dune systems which border the ordinary high water mark.~~

(ix) Areas potentially unstable as a result of rapid stream incision, stream bank erosion.

(x) Areas that show evidence of or are at risk from snow avalanches.

(xi) Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

(xii) Ravines with a vertical relief of ten (10) or more feet in depth except areas composed of consolidated rock.

~~(x) Channel meander hazard. Areas subject to the natural movement of stream channel meanders associated with alluvial plains where long-term processes of erosion and accretion of the channel can be expected to occur. Such meander hazards are characterized by abandoned channels, ongoing sediment deposition and erosion, topographic position, and changes in the plant community, age, structure and composition. These areas do not include areas protected from channel movement due to the existence of permanent levees or infrastructure improvements such as roads and bridges constructed and maintained by public agencies. These areas also do not include areas outside the meander hazard which may be subject to rapid movement of the entire stream channel or avulsion.~~

(xiii) Any area located on or adjacent to an active alluvial fan or debris flow, presently or potentially subject to inundation by debris or deposition of stream-transported sediments.

(xixi) Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems and fault planes in subsurface materials.

(b) *Erosion Hazard Areas.* Lands meeting the following classifications shall be designated as erosion hazard and are subject to the requirements of this chapter:

(i) Landslide hazard areas.

(ii) Areas of existing erosion activity which causes accelerated erosion, sedimentation of critical areas, and/or threatens public health, safety, and welfare.

(iii) Any slope forty (40) percent or steeper with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock.

(iv) Concave slope forms equal to or greater than fifteen (15) percent with a vertical relief of ten (10) or more feet, except areas composed of consolidated rock.

(v) Soils classified by the soil survey of Clallam County as having a moderate, severe, or very severe erosion hazard potential.

(vi) Areas containing soils which, according to the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Soil Survey Program, may experience significant erosion.

(c) *Seismic Hazard Areas.* Lands meeting the following classifications shall be designated as seismic hazard and are subject to the requirements of this chapter.

(i) Landslide hazard areas and materials.

(ii) Artificial fills especially on soils listed in subsection (1)(c)(iii) of this section and areas with perched water tables.

(iii) The following soil types described within the Clallam County soil survey as beaches, Mukilteo muck, Lummi silt loam, Sequim-McKenna-Mukilteo complex, and Tealwhit silt loam.

(iv) Other areas as determined by the Clallam County Building Official pursuant to 1997 Washington State International ~~Uniform~~ Building Code, Chapter 18, as amended.

(2) *Designation.* Lands classified as landslide, erosion, ~~or~~ seismic hazards, or channel migration zones are hereby designated as geologically hazardous areas and are subject to the procedures and standards of this chapter and section. Geologically hazardous areas shall be mapped whenever possible. These maps shall be advisory and used by the Administrator to provide guidance in determining applicability of the standards to a property. Sites which include geologically hazardous areas which are not mapped shall be subject to the provisions of this section and chapter. These maps may be based on the following information sources:

(a) Department of Natural Resources (DNR) GIS Portal;

(b) Sweet Edwards/EMCOM Hazard Rating Maps;

~~(b) Coastal Zone Management Atlas;~~

(c) Soil Survey of Clallam County;

(d) U.S.G.S. Topographic Maps;

(e) Aerial photos; and

(f) Recent geologic events.

27.12.415 Landslide hazard protection standards.

All development within the jurisdiction of designated landslide hazard areas shall provide a Geotechnical report and adhere to the following standards:

(1) *Buffers*.

(a) A minimum buffer of fifty (50) feet shall be established from the top, toe and all edges of landslide hazard areas for major or minor new developments, except as otherwise allowed under this subsection. The buffer shall not be altered except by a general exemption, certificate of compliance, variance, or reasonable use exception approval, as authorized by this chapter; provided, that such alterations meet all other standards for the protection of aquatic habitat conservation areas.

(b) Buffers that are in their natural state should not be altered and should remain in their natural condition, and enhanced whenever possible.

(c) The buffer may be reduced to not less than twenty (20) feet by the Administrator upon the submittal of a geotechnical report as specified in Part Eight of this chapter; provided further, that vegetation removal, including mature trees, within the buffer area that is reduced is kept to a minimum and a risk assessment is complete.

(d) Any buffer reduction to less than twenty (20) feet, or developments proposed within the landslide hazard shall require a reasonable use exception approval pursuant to Part Seven of this chapter, and shall require a geotechnical report as required by Part Eight of this chapter.

(e) *Hazard Tree Removal*. Where a threat to human life or property is demonstrated by a report from an arborist or forester certified by the International Society of Arboriculture (ISA) or American Society of Consulting Arborists (ASCA); or has qualified tree risk assessment training through the Tree Risk Assessment Qualifications (TRAQ) or equivalent,

the Administrator may allow the falling of a danger or hazard tree subject to the following criteria: (i) tree removal is the minimum necessary to balance the protection of the critical area and its buffer with protection of life and property; and (ii) planting of a tree as a replacement, and planted in a 2:1 replacement ratio to account for replaced tree that do not survive, or shrubs when a certified arborist determines replanting a tree will create a future hazard scenario; and (iv) where reasonable and safe leaving hazard trees as snags and logs for habitat and/or woody debris recruitment, with preservation of snags as a priority over logs. ~~may be required to assure habitat protection.~~ The 2:1 tree replacement ratio shall be applied to ensure no net loss of critical areas functions.

(f) Pre-existing lots or land divisions regulated by CCC Title 29, Clallam County Land Division Code, for which geotechnical plans were previously prepared may be considered to have already complied with this section unless new information such as recent geologic activity warrants a new report to be required; provided, that any new storm water best management practices that were not previously included as a part of the geotechnical report shall be incorporated.

(g) The buffer may be increased by the review authority for development adjacent to a bluff or ravine which is severely unstable based on recent geological events.

(2) *Critical Facilities.* Critical facilities are prohibited within landslide hazard areas.

(3) *Forest Practice, Class IV General (Conversion and Urban Growth Area).* All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands. All forest practices, regardless of class, within designated urban growth areas pursuant to the Growth Management Act, shall comply with the provisions of this section. Those lands harvested and not reforested under a Class I, II, or III permit and which do not meet the standards of this chapter and are later converted to nonforest uses shall have all local permits withheld for a period of six (6) years, as authorized by the Washington State Forest Practices Act (Chapter 76.09 RCW). This moratorium shall run with the land and be duly noted in the public record. For the purpose of implementing this policy, the conversion of land to nonforest uses shall mean the division of land or the preparation of land for land division or construction. Should a landowner wish to remove the moratorium or convert the land to nonforest uses, the owner shall:

(a) Reforest the land as prescribed by the Department of Natural Resources and/or provide stabilization and protection of the critical area in a manner approved by Clallam County in accordance with this chapter. Said reforestation shall be by planting and not by natural regeneration, unless the Department verifies that natural regeneration has already

occurred to such an extent that planting is not necessary. Provide stabilization and protection of the affected critical area through drainage and erosion control measures; and

(b) Submit and have approved by the Administrator a conversion harvest plan. The approval of said plan may include conditions and improvement requirements to control erosion, protect or enhance the critical area or buffer, or other conditions which are intended to reduce impacts to the critical area.

(3) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with Chapter 27.14 CCC Stormwater Management ~~the Stormwater Management Manual for the Puget Sound Basin, prepared by the State Department of Ecology, February, 1992,~~ as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area.

(4) *Land Divisions.* All proposed divisions of land which contain landslide hazards shall comply with the following procedures and development standards:

(a) No lot or parcel shall be created in a landslide hazard area or its required buffer unless a geotechnical report (Part Eight of this chapter) of the property certifies that proposed building sites, including access and utilities will be stable under normal geologic or hydrologic conditions;

(b) Land divisions containing landslide hazard areas are prohibited unless each lot designated for development contains at least one building site (including access and utilities) that is not within a landslide area, and the lot complies with the minimum lot size allowed under CCC Title 33, Clallam County Zoning Code.

(c) The critical area and associated buffer shall be surveyed and shown on the final plat. A note shall be provided on the final plat that states that all subsequent development shall comply with critical area protection standards which were required as a part of the plat approval. The critical area and buffer shall be dedicated as open space tract, easement or covenant encumbering the critical area and buffer, for either the use and enjoyment by the general public, use and enjoyment by lot or parcel containing a portion or all of the critical or buffer, or the use of a homeowners' association. Such dedication or easement shall be recorded together with the land division and shown on the final mylar.

~~(5) *Notice to Title.* Any property on which a development proposal is submitted shall have filed with the Clallam County Auditor: (a) a notice to title of the presence of the critical area or buffer, (b) a statement as to the applicability of this chapter to the property, and (c) a~~

statement describing possible limitations on actions in or affecting such areas or buffers as approved by the Administrator. Clallam County shall record such documents and will provide a copy of the recorded notice to the property owner of record. Development proposals which are also defined as normal repair and maintenance of existing structures or developments, including but not limited to: roof repair, interior remodeling, wood stove permits, etc., and on-site sewage disposal systems repairs or replacement, are exempt from this requirement.

(6) *Roads and Bridges – Repair.* Any private or public road or street repair, maintenance, or expansion within existing right-of-way within a landslide hazards or associated buffer shall obtain a certificate of compliance and mitigation plan approval in accordance with this chapter shall comply with the following minimum development standards, as applicable.

(a) Expansion or new construction of any private or public road within a landslide hazard area or buffer shall only be allowed when there are no significant adverse impacts to the critical area that cannot be mitigated;

(b) Public road or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street repair is the minimum necessary to provide safe roads and streets;

(d) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter;

(e) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper; and

(f) Bridges shall be required for Type I streams which support salmonids unless a habitat management plan and mitigation plan is approved which demonstrates that other alternatives would not result in significant impacts to the aquatic habitat conservation areas.

(7) *Roads and Bridges – New Construction.* Any new construction of private or public roads or bridges proposed within the jurisdiction of this chapter but outside of regulated critical areas or their buffers shall comply with the standards below and obtain a certificate of compliance. Any new road or bridge construction proposed within a critical area or associated buffer requires a variance approval pursuant to Part Seven of this chapter and shall also comply with the following minimum development standards, as applicable.

(a) It shall also be shown that no other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Public road or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary to provide safe roads and streets; and

(d) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter.

(8) *Temporary or Permanent Field Identification.* Clallam County shall require temporary or permanent field markers delineating the critical area boundary and associated buffer prior to issuance of required permits for any development located within the jurisdiction of a regulated wetland, aquatic habitat conservation area, and landslide hazard area. Field markers shall be composed of one-half (1/2) inch galvanized iron pipe or equivalent monument, at least eighteen (18) inches long, and daylight above the surface at least one inch. Field markers shall be spaced at a minimum of every fifty (50) feet, unless alternative placement or spacing is authorized by the Administrator. The location of field stakes must be shown on all site plans and final plats associated with the development proposal. Field stakes shall remain in place until any required, final inspections are completed and approved. Field markers may be waived by the review authority if an alternative to field staking achieves the same objective and is proposed and approved, or if the development activity is located at a sufficient distance so that impacts to the critical area are unlikely to occur.

(9) *Trails and Trail-Related Facilities.* Construction of publicly owned trails on public lands, or privately owned trails for private or public use, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, pedestrian bridges and viewing platforms, may be allowed in the critical area and associated buffers established for wetlands, aquatic habitat conservation areas, frequently flooded area, or landslide hazard areas through the issuance of a certificate of compliance pursuant this chapter, subject to the following standards:

(a) Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas;

(b) Trails, pedestrian bridges and related facilities within a critical area or buffer shall be planned and aligned to minimize removal of trees, shrubs, snags and important wildlife habitat and critical area functions such that the disturbed area, including that private trail surfaces for private use are a maximum of three (3) feet in width and other trails, either privately or publicly owned that allow public use (with or without fees), the trail surfaces shall be a maximum of ten (10) feet in width; except for regional public trails which shall be

a maximum of fourteen (14) feet whereby design considerations are made to minimize impacts to critical areas and buffers;

(c) Viewing platforms, interpretive centers, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected critical area;

(d) Trails shall be limited to nonmotorized use;

(e) Trail surfacing shall be comprised of natural materials (e.g., gravel, rock, bark) and that permanent surfacing materials (e.g., bituminous asphalt or concrete) require a variance approval pursuant to Part Seven of this chapter; except for regional public trails may have up to ten (10) feet permanent surfacing materials. Any construction materials shall not significantly alter the existing drainage or negatively affect the critical area;

(f) Any proposals within a landslide hazard area may be required to submit a geotechnical report pursuant to Part Eight of this chapter;

(g) All proposals shall also submit a mitigation plan pursuant to Part Eight of this chapter.

(10) *Utilities.* Placement of utilities within landslide hazards and associated buffers may be allowed through a variance approval in accordance with Part Seven of this chapter, subject to the following standards:

(a) New utility transmission facilities which carry oil, gas or any other hazardous substances are prohibited within a regulated wetland and associated buffer.

(b) The following performance standards shall apply to any allowed private or public utility expansion or construction authorized under this chapter within a wetland or buffer:

(i) New utilities shall use existing utility corridors whenever possible.

(ii) New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve (12) inches in diameter at four and one-half (4.5) feet measured on the uphill side.

(iii) New utility corridors shall be revegetated with appropriate native vegetation at pre-construction densities or greater immediately upon completion of construction or as soon thereafter as possible if due to seasonal growing constraints, and appropriate steps shall be taken to ensure that such vegetation survives.

(11) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall identify all critical areas and priority habitats ~~complete an environmental assessment~~ that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine

if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to Chapter 27.01 CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

(12) *Storm Water Management.* The following storm water management standards are required, as they apply:

(a) New development shall utilize best management practices to minimize storm water quantity and quality impacts to critical areas, both during and following construction.

(b) Surface drainage shall not be directed across the face of a landslide hazard area. If there is no alternative to discharge across a landslide hazard area, storm water runoff shall be collected above the face of the landslide hazard area and directed across the face of the hazard within a tight line drain and provided with an energy dissipating device at the outlet.

(c) Developments which handle, store, dispose, transport, or generate hazardous substances/wastes defined as "dangerous" or "extremely hazardousdangerous" wastes under Chapter 173-303 WAC (regardless of quantity) shall not allow direct precipitation or storm water runoff to contact such substances where stored on-site.

(d) Compliance with the Clallam County storm water regulations is required, as applicable.

27.12.420 Erosion hazard protection standards.

All development within the jurisdiction of designated erosion hazard areas shall adhere to the following:

(1) *Forest Practice, Class IV General (Conversion and Urban Growth Area).* All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands. All forest practices, regardless of class, within designated urban growth areas pursuant to the Growth Management Act, shall comply with the provisions of this section. Those lands harvested and not reforested under a Class I, II, or III permit and which do not meet the standards of this chapter and are later converted to nonforest uses shall have all local permits withheld for a period of six (6) years, as authorized by the Washington State Forest Practices Act (Chapter 76.09 RCW). This moratorium shall run with the land and be duly noted in the public record. For the purpose of implementing this

policy, the conversion of land to nonforest uses shall mean the division of land or the preparation of land for land division or construction. Should a landowner wish to remove the moratorium or convert the land to nonforest uses, the owner shall:

(a) Reforest the land as prescribed by the Department of Natural Resources and/or provide stabilization and protection of the critical area in a manner approved by Clallam County in accordance with this chapter. Said reforestation shall be by planting and not by natural regeneration, unless the Department verifies that natural regeneration has already occurred to such an extent that planting is not necessary. Provide stabilization and protection of the affected critical area through drainage and erosion control measures; and

(b) Submit and have approved by the Administrator a conversion harvest plan. The approval of said plan may include conditions and improvement requirements to control erosion, protect or enhance the critical area or buffer, or other conditions which are intended to reduce impacts to the critical area.

(2) *Land Disturbing Activities.* ~~*All Critical Areas.*~~ Land disturbing activities located within the jurisdiction of an erosion hazard zone are restricted to May 1st to October 1st unless an erosion and sedimentation control plan is submitted with a drainage plan consistent with Chapter 27.14 CCC Stormwater Management, ~~critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with the Stormwater Management Manual for the Puget Sound Basin, prepared by the State Department of Ecology, February, 1992,~~ as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area.

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(3) *Vegetation Retention.* Vegetation should be retained to the maximum extent practicable. Clearing limits should be identified on all site plans and marked in the field with orange construction barrier fencing to be installed prior to beginning any land disturbing activities.

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(~~4~~3) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall identify all critical areas and priority habitats ~~complete an environmental assessment~~ that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to Chapter 27.01 CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to

deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

27.12.425 Seismic hazard protection standards.

All development within designated seismic hazard areas shall adhere to the following standards in addition to the general standards specified in CCC 27.12.705:

(1) *Critical Facilities.* Critical facilities are prohibited within seismic hazard areas.

(2) *Construction on Artificial Fills.* Construction of major new development on artificial fills shall be certified by a geotechnical report (Part Eight of this chapter) that a significant risk from earthquake damage has been minimized. This provision shall not apply to normal maintenance or repair of existing legal structures not exceeding fifty (50) percent of the fair market value of the existing structure.

(3) *Land Divisions.* No new lot or parcel shall be created in a seismic hazard area without placing a note on the face of the plat which indicates the presence of a potential hazard and encourages the builder to have any structure designed by a civil engineer to withstand potential seismic activity.

(4) *Public Buildings (Commercial, Industrial, Publicly Owned).* Construction of commercial, industrial or any publicly owned buildings, shall submit a geotechnical report in accordance with Part Eight of this chapter. The results or conclusions of the evaluation shall be considered a condition of development approval.

(5) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall identify all critical areas and priority habitats ~~complete an environmental assessment~~ that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to Chapter 27.01 CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

Part Five. Frequently Flooded Areas

27.12.500 Applicability and purpose.

This section applies to all regulated uses within designated frequently flooded areas of Clallam County. The intent of this section is to:

~~(1) Protect the public health, safety and welfare from harm caused by flooding on both private and public properties by reducing the risk of flood damage in areas prone to flooding.~~ Moved to 27.12.010

(2) In addition to the requirements of this section, Clallam County uses the Clallam County Building and Construction Code, Chapter 21.01 CCC, which includes the adoption of International Building Code, Appendix G and International Residential Code, Section R322, which sets forth minimum structural standards required in frequently flooded areas.

(3) This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, when any other provisions, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

27.12.505 Designation and duties of Floodplain Administrator.

(1) The Clallam County Director of Community Development, or their designee, is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions.

(2) Duties and responsibilities of the Floodplain Administrator shall include the review of all development permits to determine that:

(a) The permit requirements of this chapter have been satisfied;

(b) All other required State and federal permits have been obtained;

(c) The site is reasonably safe from flooding;

(d) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of CCC 27.12.520(3) are met.

(e) Notify FEMA when annexations occur in the special flood hazard area.

~~**27.12.510 Regulated uses and activities.**~~

~~Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, proposals located within the jurisdiction of this chapter as it applies to frequently flooded areas shall require:~~

~~(1) A certificate of compliance if within frequently flooded areas;~~

~~(2) A variance consistent with Part Seven of this chapter if the standards and requirements cannot be met.~~

27.12.515 Classification and designation.

(1) *Classification.* Frequently flooded areas shall be classified as floodways, floodplains and special flood hazard areas (SFHA). "Floodway" refers to the channel of a stream, plus any adjacent areas, that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing water surface elevation more than 0.0 feet. "Floodplain" refers to the area of land that would be covered with water during a flood, and includes the floodway and the special flood hazard area. "Special flood hazard area" means the floodway and adjoining land which is subject to a one percent or greater chance of flooding in any given year, as determined by engineering studies accepted by Clallam County. Coastal high hazard areas are located within special flood hazard areas.

(2) *Designation.* All lands classified as floodway, floodplain, or special flood hazard areas in the Federal Emergency Management Agency report titled "The Flood Insurance Study (FIS) for Clallam County, WA and Incorporated Areas" dated April 23, 2025, as now or hereafter amended, with accompanying Flood Insurance Rate and Boundary Maps (FIRM) dated April 23, 2025, are designated as frequently flooded areas. The study and maps are on file at Clallam County. When base flood elevation data has not been provided in the Flood Insurance Study, the Administrator, or his/her designee, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from the U.S. Federal Emergency Management Agency, Washington State Department of Ecology, or other qualified source. Where base flood elevation data and floodway delineation are not available either through the Flood Insurance Study or from a qualified source, historical data, high water marks, photographs of past flooding, etc., shall be used to determine base flood elevations. Special flood hazard areas shall be delineated by engineering studies that meet the specifications of 44 CFR § 65 and approved by FEMA and then adopted by Clallam County. The only method to alter data or maps related to special flood hazard areas is through an officially processed map change, through a physical map revision, a County-wide remapping, or a Letter of Map Change (LOMC) submitted to FEMA and approved. The landowner ~~Qualified professionals~~ may submit these studies to FEMA to alter the location of the special flood hazard areas through the Letter of Map Change (LOMC) process, with the concurrence of the Administrator.

(3) If a project will alter the base flood elevation (BFE) or boundaries of the special flood hazard area (SFHA), the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project

proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

27.12.520 Protection standards for certain development proposals.

All development within designated frequently flooded areas shall be in compliance with the Clallam County Building and Construction Code, Chapter 21.01 CCC, as amended, in addition to the following:

(1) *Critical Facilities.* Critical facilities are prohibited within areas designated as frequently flooded.

(2) For new development within designated floodplains in the Puget Sound basin, the Administrator may require additional information as needed to demonstrate that the proposal development is consistent with the National Oceanic and Atmospheric Administration's (NOAA) recommendations in the 2008 Biological Opinion (BiOp) on the Federal Flood Insurance Program to avoid impacts on Endangered Species Act-listed Puget Sound Chinook salmon, Puget Sound steelhead, Hood Canal summer-run chum salmon, and Southern Resident killer whales, and/or designated critical habitat for those species through submittal of the FEMA checklist and a habitat management plan.

(~~3~~2) *Land Divisions.*

(a) New land divisions within a designated frequently flooded area are prohibited, unless each lot designated for development contains at least one building site, including access and utilities, that is not within such areas and is one acre or larger in size, and the lot also complies with the minimum lot size allowed under CCC Title 33, Zoning Code. The buildable area shall be shown on the face of the final plat and/or site plan. Measurements of the buffer shall be from the OHWM, or the outer edge of the special flood hazard area, whichever is greater.

(b) New land divisions containing frequently flooded areas shall be consistent with the requirement to minimize flood damage; shall have utilities and common facilities located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and where base flood elevation data has not been provided or is not available from another authoritative source, it shall be included as part of the application for development proposals which contain at least 50 lots or five acres (whichever is less).

(c) For new land divisions, any designated frequently flooded area and/or critical area buffer located on the development site shall be surveyed by a professional land surveyor. The location of the critical area shall be shown on all required County site plans.

(43) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with Chapter 27.14 CCC, Stormwater Management, as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area, except as follows:

(a) *Frequently Flooded Areas.* Land disturbing activities are prohibited within floodways unless certification by a civil engineer licensed in the State of Washington is provided demonstrating that such activities shall not result in more than a 0.0-foot increase in flood levels during the occurrence of the base flood discharge. In the designated frequently flooded area, the cumulative effect of any land disturbing activity, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. Certification by a civil engineer licensed in the State of Washington who is qualified for flood assessment is required unless the Administrator determines that sufficient information is available to determine compliance.

(b) Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on agricultural lands where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Elevated areas do not relax National Flood Insurance Program standards (NFIP).

(54) *Recreational Vehicles.* Recreational vehicles placed within the special flood hazard area shall comply with all of the following conditions:

(a) The recreational vehicle shall be located on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, be on its wheels or jacking system, be not obstructed (i.e., no blocking or skirting), be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

(b) Any structures temporarily attached to recreational vehicles must comply with applicable provisions of this chapter.

(c) Recreational vehicles shall not be located within critical area buffers required pursuant to this chapter.

~~(5) *Notice to Title.* Any property on which a development proposal is submitted shall have filed with the Clallam County Auditor: (a) a notice to title of the presence of the critical area or buffer, (b) a statement as to the applicability of this chapter to the property, and (c) a statement describing possible limitations on actions in or affecting such areas or buffers as approved by the Administrator. Clallam County shall record such documents and will provide a copy of the recorded notice to the property owner of record. Development proposals which are also defined as normal repair and maintenance of existing structures or developments, including but not limited to: roof repair, interior remodeling, wood stove permits, etc., and on-site sewage disposal systems repairs or replacement, are exempt from this requirement.~~

(6) *Protection Standards for Structures in Frequently Flooded Areas.* In addition to the critical area buffer requirements and other applicable protection standards of this chapter and the standards set forth in Chapter 21.01 CCC, Building and Construction Code, as amended, the following conditions shall apply to structures constructed within designated frequently flooded areas.

(a) *Floodways.* Consistent with RCW 86.16.061(2)(a), as it applies, construction or reconstruction of residential structures is prohibited within designated floodways, except for: (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either (A) before the repair or reconstruction is started, or (B) if the structure has been damaged, and is being restored before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the 50 percent.

(b) *Residential, Commercial and/or Industrial Buildings.* Buildings are prohibited within special flood hazard areas unless constructed or placed on lots or parcels of land platted by a final plat approved and recorded prior to December 10, 1980, for the Dungeness and Elwha Rivers and the effective date of the ordinance codified in this chapter for all other special flood hazard areas. If a portion of the preexisting lot lies outside the flood hazard area, building shall be directed to the nonhazardous portion to the maximum extent feasible.

(~~8~~7) *Roads and Bridges – New Construction.* Any new construction of private or public roads or bridges proposed within the jurisdiction of this chapter but outside of regulated critical areas or their buffers shall comply with the standards below and obtain a certificate of compliance. Any new road or bridge construction proposed within a critical area or

associated buffer requires a variance approval pursuant to Part Seven of this chapter and shall also comply with the following minimum development standards, as applicable:

(a) It shall also be shown that no other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Public road or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary to provide safe roads and streets;

(d) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter;

(e) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper; and

(f) Encroachments, including fill, shall not increase flood levels during the occurrence of the base flood discharge.

(98) *Trails and Trail-Related Facilities.* Construction of publicly owned trails on public lands, or privately owned trails for private or public use, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, pedestrian bridges and viewing platforms, may be allowed in the critical area and associated buffers through the issuance of a certificate of compliance pursuant this chapter, subject to the following standards:

(a) Encroachments, including fill, shall not increase flood levels during the occurrence of the base flood discharge.

(109) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall identify all critical areas and priority habitats ~~complete an environmental assessment~~ that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to Chapter 27.01 CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

Part Six. Critical Aquifer Recharge Areas

27.12.600 Applicability and purpose.

This section applies to all development proposals within designated critical aquifer recharge areas which are land and shorelands that have a critical recharging effect on aquifers used for potable water, as further classified in CCC 27.12.610. The intent of this section is to:

(1) To provide water quality protection associated with aquifer recharge areas through the regulation of land use activities that pose a potential contaminant threat or could increase the vulnerability of the aquifer.

(2) Identify, preserve and protect aquifer recharge areas and prevent degradation of the quality of potable ground water.

(3) Recognize the relationship between surface and ground water resources.

27.12.605 Regulated uses and activities.

Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, development activities regulated by this chapter that are located within a critical aquifer recharge areas shall comply with the standards set forth in CCC 27.12.615, as they apply, and shall also require the one of the following:

(1) A certificate of compliance for those activities listed in CCC 27.12.030 and 27.12.615 when proposed within a critical aquifer recharge area; or

(2) A variance consistent with Part Seven of this chapter if the standards for set forth in this subsection cannot be met.

27.12.610 Classification and designation.

A critical aquifer recharge area is defined as a geographical area which contains hydrogeologic conditions that provide the recharge to an aquifer(s) which is a current or potential potable water source and, due to its geological properties, is highly susceptible to the introduction of pollutants, or because of special circumstances, has been designated as a critical aquifer recharge area in accordance with WAC 365-190-080 by Clallam County and as shown on the County's Critical Areas Map.

(1) *Classification*. All Clallam County lands and shorelands shall be classified as having either a high, moderate or low aquifer recharge potential. At a minimum, classification shall be based on soil permeability and recharge potential as described within the soil survey of Clallam County. Where adequate information is available, aquifer recharge potential shall be further classified based on the recharge potential of surficial geologic materials, presence or absence of restrictive layers, surface and ground water monitoring

data, well head protection areas, depth to ground water, topography (i.e., slopes), and locally adopted ground water protection plans and studies.

Lands classified as having a high, moderate or low aquifer recharge potential shall also be classified as having a high, moderate or low susceptibility to contamination of an underlying aquifer, respectively. Based on these criteria, the potential for recharging aquifers or transmitting contaminants to the underlying aquifer is greatest where the aquifer is close to the ground surface, where ground surface slopes are minimal, and where the recharge potential of the soils and/or surficial geologic material is greatest.

(2) *Designation.* All lands and shorelands classified as high aquifer recharge potential and aquifer susceptibility are hereby designated as areas with a critical recharging effect on aquifers used for potable water. These areas are~~shall be~~ delineated on the County's Critical Areas maps ~~available at the Clallam County Department of Community Development~~. Critical aquifer recharge areas may be designated due to special circumstances, including areas with a high level of susceptibility or vulnerability to contamination, or known well head protection areas for Class A water systems. A well head protection area is the surface and subsurface area surrounding a well or well field that supplies a public water system through which contaminants are likely to pass and eventually reach the water well(s) as designated under the Federal Safe Drinking Water Act.

27.12.615 Performance standards for certain development activities.

The following protection standards shall apply to the regulated uses outlined below in areas designated as critical aquifer recharge area. Projects administered through WIRA and Watershed plans are exempt from provisions of this section. An approved certificate of compliance is required for the following activities:

(1) *Aboveground/Underground Storage Tanks or Vaults.* Aboveground/underground storage tanks or vaults for the storage of hazardous substances, animal wastes, sewage sludge, fertilizers, or other chemical or biological hazards or dangerous wastes as defined in Chapter 173-303 WAC, or any other substances, solids or liquids in quantities identified by the Clallam County Environmental Health Division, consistent with Chapter 173-303 WAC, as a risk to ground water quality, shall be designed and constructed so as to:

(a) Prevent the release of such substances to the ground, ground waters or surface waters; and

(b) Have constructed around and under it, an impervious containment area enclosing or underlying the tank or part thereof. Impervious containment shall be greater than the volume of the storage area to avoid an overflow of the containment area;

(c) Provide for release detection;

(d) Provide written spill response and spill notification procedures to the local fire district;

(e) Use material in the construction or lining of the storage containment area which is compatible with the substance to be stored to protect against corrosion or leakage or otherwise designed in a manner to prevent the release or threatened release of any stored substance;

(f) Comply with Chapters 173-303 and 173-360A WAC.

The Administrator may grant a waiver from one or more of the above requirements upon a finding that the aboveground storage activity would not create a significant risk to ground water quality. Aboveground or underground storage facilities designed and maintained according to an approved plan from the U.S.D.A. Natural Resources Conservation Service or Clallam Conservation District are exempt from these requirements but remain under the jurisdiction of the county to ensure compliance with the protective features of the chapter and for enforcement purposes.

(2) *Agriculture.* New agriculture or hobby farms, shall use best management practices concerning animal keeping, animal waste disposal, fertilizer use, pesticide use, waste water applications, and stream corridor management and seek the technical assistance of the Clallam County Conservation District and Cooperative Extension Agent.

(3) *Land Divisions.* Divisions of land regulated by CCC Title 29, Clallam County Land Division Code, shall be evaluated for their impact on ground water quality for those areas designated as critical aquifer recharge area. The following measures may be required by the Administrator as a part of the review of the proposed land division based on site conditions after consideration of available data:

(a) An analysis of the potential nitrate loading to the ground water shall be required to assess the impact on ground water quality.

(b) Alternative site designs, alternative sewage disposal system design (e.g., denitrification), phased development and/or ground water quality monitoring shall be required to reduce contaminant loading where site conditions indicate that the proposed action will measurably degrade ground water quality.

(c) Open spaces shall be required on development proposals overlying areas highly susceptible for contaminating ground water resources.

(d) Community/public water systems and community drainfields shall be required where site conditions indicate a high degree of potential contamination to individual wells from on-site or off-site sources.

(4) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with ~~the Stormwater Management Manual for the Puget Sound Basin, prepared by the State Department of Ecology, February, 1992;~~ Chapter 27.14 CCC Stormwater Management, as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area by submittal of a hydrologic study.

(5) *Solid or Hazardous Waste Disposal Facilities.* Solid or hazardous waste disposal, discharge, storage, or recycling facilities, including but not limited to: moderate risk facilities, underground injection wells, solid waste and recycling transfer sites, landfills, junk yards, salvage yards, auto wrecking yards, shall demonstrate that such facilities will not significantly impact ground water resources.

(6) *Parks, Schools and Recreation Facilities.* Fertilizer, herbicide and pesticide management practices of schools, parks, and golf courses that maintain large landscaped areas which includes the application of fertilizers, herbicides, pesticides or other chemicals onto an area equal to or larger than five (5) acres shall be evaluated in relation to best management practices to address water quality and supply and shall submit a mitigation plan in accordance with Part Eight of this chapter.

(7) *Storm Water Standards for Commercial and Industrial Uses.* All new commercial and industrial land uses which either: (a) have greater than 5,000 square feet of impervious area; or (b) handle, store, dispose, transport, or generate hazardous substances/wastes defined as dangerous or extremely hazardous ~~dangerous~~ wastes under Chapter 173-303 WAC (regardless of quantity), which may come in contact with storm water runoff including, but not limited to, gas stations and distributors, car washes, trucking companies, and paint shops, shall remove contaminants prior to their point of entry into surface or ground water resources using available and reasonable best management practices as outlined in the Stormwater Management Manual for Puget Sound Basin ~~(Department of Ecology, 1992)~~, as amended, or any drainage design manual for Clallam County or storm water regulations, if applicable. Standard drywells are prohibited except where pretreated using all appropriate and reasonable best management practices. Maintenance of storm water infiltration systems must be assured as a permit condition of the review authority.

(8) *Utility Transmission Facilities.* Utility facilities which carry oil, gas or any other hazardous substance as defined in Chapter 173-303 WAC shall provide hydrologic information in addition to spill prevention measures and an emergency spill management plan.

(9) *Sewage Effluent and Sludge Disposal.* Sewage and sludge disposal, ~~except on-site sewage disposal systems releasing less than 14,000 gallons per day and approved consistent with Chapter 246-272 WAC and local health codes must meet Class A reclaimed water and Class B biosolid requirements,~~ shall be prohibited on lands designated as high or moderate susceptibility except for on-site sewage disposal systems releasing less than 14,000 gallons per day and approved consistent with Chapter 246-272A WAC and local health codes must meet Class A reclaimed water and Class B biosolid requirements.

(10) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall identify all critical areas and priority habitats ~~complete an environmental assessment~~ that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to Chapter 27.01 CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

(11) *Best Management Practices (BMPs).* BMPs are meant to prevent spill and leaks from occurring and potentially infiltrating into the ground. The following resources provide information on pollution prevention:

(a) The Washington State Department of Ecology provides guidance on preventing pollution from dangerous waste. This information also applies to hazardous materials before they become waste, while they are being handled, stored, treated, or transported.

(b) Hazardous waste collection facilities and programs.

(c) The Washington State Department of Ecology Stormwater Manual for Western Washington, Volume IV: Source Control.

(d) Municipal Stormwater General Permit Guidance for Cities and Counties: writing regulations to prohibit illicit discharges, dumping, and illicit connections.

(e) The City of Spokane Critical Materials Handbook includes information about BMPs to prevent pollution of the Spokane Aquifer that can be applied to other areas.

(f) The Thurston County Nonprofit Program has an abundance of information on various pollution prevention practices including floor drains, secondary containment, etc.

Ecology Comments

27.12.845 Wetlands – Special requirements.

(1) Wetland mitigation plans shall be prepared by a person who meets the qualifications pursuant to this chapter, and has demonstrated experience in mitigation plan design, implementation, and monitoring.

(2) The overall goal of any mitigation plan shall be no net loss of wetland functions, acreage and values as determined by the assessment methodology in Part Two of this chapter.

(3) Authorized losses of wetland hydrologic functions classified pursuant to Part Two of this chapter shall be mitigated on the development proposal site, regardless of whether wetland acreage and fish and wildlife habitat functions are replaced off-site.

(4) Mitigation of unavoidable and necessary impacts shall occur based on enhancement and restoration priorities adopted by County Board of Commissioners and/or based on the following order of preference: contiguous to the wetland impacted; contiguous to aquatic habitat conservation areas and wetlands within the same watershed a wetland is part of, and contiguous to other aquatic habitat conservation areas and wetlands.

(5) Those persons proposing or required to compensate for wetland impacts shall show that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces, by accomplishing the following:

(a) Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

(b) Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals;

(c) Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation.

(6) Wetland mitigation plans required by this chapter shall be implemented by the project applicant, be commensurate with the scope of the development proposal and include the following components:

(a) *Baseline Information.* A written assessment and accompanying maps of the:

(i) Impacted wetland including, at a minimum, existing wetland acreage; vegetative, fauna and hydrologic characteristics; soil and substrate conditions; and topographic elevations.

(ii) Mitigation site, if different from the impacted wetland site, including at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

(b) *Environmental Goals and Objectives.* The report shall identify goals and objectives and include:

Summary of Comments on CCC 27.12.845, Wetlands – Special requirements

Page: 1

Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 1:54:59 PM

Is this qualified wetland professional defined elsewhere in your chapter? We would recommend some criteria for what qualifies as a wetland professional in our guidance:

"**Qualified wetland professional**: A person with professional wetland experience that meets the following criteria:
(a) A Bachelor of Science or Bachelor of Arts or equivalent degree in hydrology, soil science, botany, ecology, resource management, or related field, or four years of full-time work experience as a wetland professional may substitute for a degree, and
(b) At least two additional years of full-time work experience as a wetland professional; including delineating wetlands, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans, and
(c) Completion of additional wetland-specific training programs. This could include a more comprehensive program such as the University of Washington Wetland Science and Management Certificate Program or individual workshops on topics such as wetland delineation, function assessment, mitigation design, hydrophytic plant or hydric soil identification.
A person certified as a Professional Wetland Scientist through the Society of Wetland Scientists professional certification program meets the above criteria."

Number: 2 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 4:27:09 PM

We would recommend updating this section to allow for a watershed approach to wetland mitigation. This approach opens up the possibility for ILF programs and mitigation banks. Though Clallam may be limited on those currently we do suggest "future proofing" in case one becomes available in your region before the next periodic update cycle. On page A-15 of our CAO guidance we provide some sample language on mitigation that you might consider using.

Number: 3 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 1:52:16 PM

We would strongly recommend referencing the mitigation sequence here for consistency with your requirements in 27.12.840(2). However, we would also ask you to update your mitigation sequence in 27.12.840 as you appear to be missing the reduction and monitoring steps in the mitigation sequence as described in SEPA. Example language from our guidance:

"**Mitigation sequence:** A prescribed order of steps taken to reduce the impacts of activities on wetlands. As defined in WAC 197-11-768, mitigation means:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
(c) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment;
(d) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
(f) Monitoring the impact and taking remedial action when necessary."

Number: 4 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:51:37 PM

Comments from page 1 continued on next page

27.12.845 Wetlands – Special requirements.

(1) Wetland mitigation plans shall be prepared by a person who meets the qualifications pursuant to this chapter, and has demonstrated experience in mitigation plan design, implementation, and monitoring.

(2) The overall goal of any mitigation plan shall be no net loss of wetland functions, acreage and values as determined by the assessment methodology in Part Two of this chapter.

(3) Authorized losses of wetland hydrologic functions classified pursuant to Part Two of this chapter shall be mitigated on the development proposal site, regardless of whether wetland acreage and fish and wildlife habitat functions are replaced off-site.

(4) Mitigation of unavoidable and necessary impacts shall occur based on enhancement and restoration priorities adopted by County Board of Commissioners and/or based on the following order of preference: contiguous to the wetland impacted; contiguous to aquatic habitat conservation areas and wetlands within the same watershed a wetland is part of, and contiguous to other aquatic habitat conservation areas and wetlands.

(5) Those persons proposing or required to compensate for wetland impacts shall show that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces, by accomplishing the following:

(a) Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

(b) Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals;

(c) Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation.

(6) Wetland mitigation plans required by this chapter shall be implemented by the project applicant, be commensurate with the scope of the development proposal and include the following components:

(a) *Baseline Information.* A written assessment and accompanying maps of the:

(i) Impacted wetland including, at a minimum, existing wetland acreage; vegetative, fauna and hydrologic characteristics; soil and substrate conditions; and topographic elevations.

(ii) Mitigation site, if different from the impacted wetland site, including at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

(b) *Environmental Goals and Objectives.* The report shall identify goals and objectives and include:

You might consider strengthening this language to note the use of best available science (BAS) as required by the GMA.

Part Two. Wetlands

27.12.200 Applicability and purpose.

This section applies to all development activities proposed within the jurisdiction for a regulated wetland. The intent of this section is to:

(1) Maintain and protect regulated wetland acreage and increase the quality, function and values of regulated wetlands within Clallam County;

(2) Identify hydrologic functions of wetlands and their role within a watershed and provide needed protection of the role of wetlands from a landscape ecology perspective;

(3) Preserve natural flood control, storm water storage and drainage or stream flow patterns; and

(4) Prevent turbidity and pollution of wetlands and fish- or shellfish-bearing waters, and maintain wildlife habitat.

27.12.205 Regulated uses and activities.

Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, proposals located within the jurisdiction of this chapter as it applies to regulated wetlands shall require:

(1) A certificate of compliance if proposed within 200 feet of a regulated wetland consistent with Part Seven of this chapter; or

(2) A variance consistent with Part Seven of this chapter if proposed within a regulated wetland or buffer; or

(3) A variance consistent with Part Seven of this chapter if the standards and requirements cannot be met.

27.12.210 Classification and designation.

Regulated wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include, but are not limited to: swamps, marshes, bogs, ponds, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland 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 (adoption date of Chapter 36.70A RCW, Growth Management Act), that were unintentionally created as a result of the construction of a road, street,

Summary of Comments on Part Two of Chapter 27.12 CCC, Wetlands

Page: 1

Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:50:12 PM

In addition to these sections provided here we have also looked at your current code in other places to see how it relates to how wetlands are regulated under your CAO. We do have some recommends here as well for the County to keep in mind.

In your definitions section (27.12.900(55)(b)) it includes the following language:
"Construction and practices normal or necessary for agriculture, **including agriculture service roads and utilities, construction of an agriculture building less than 4,000 square feet in size used exclusively for agriculture**; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of wetlands or streams by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary agriculture;"

We want to be clear that existing and ongoing agricultural practices should not include new construction of roads or buildings that encroach into existing wetlands. New wetland impacts that are not already part of an existing and ongoing agricultural use should be regulated by your CAO still.

In CCC 27.12.037 you also have alternate standards for existing, ongoing agriculture in and adjacent to aquatic habitat conservation areas (AHCA) and wetlands. This section provides very small buffers for the aforementioned activities that we would recommend making wider.

This is also specifically referenced in your exemptions in CCC 27.12.035(7) through reference of the two code sections above. If changes are made please make sure they are consistent throughout the chapter.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 4:21:09 PM

Some mention of no net loss and use of best available science (BAS) as defined by GMA would be good to mention here.

Number: 3 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:52:25 PM

We would recommend deleting the "regulated" part of "regulated wetlands" from this part of your purpose. All wetlands meeting the GMA definition shall be regulated.

Number: 4 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:59:59 PM

The County has indicated that this section will likely be deleted in your CAO update and the County plans to use Ecology's rating system. We would recommend making sure that any other sections specific to your current classification system are removed from your draft CAO.

However, we have made comments on this section to give some initial recommendations on what could replace this section based on Ecology's guidance.

Number: 5 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 2:16:48 PM

This appears to be a slightly modified version of the wetland definition from the GMA. The GMA requires

Comments from page 1 continued on next page

Part Two. Wetlands

27.12.200 Applicability and purpose.

This section applies to all development activities proposed within the jurisdiction for a regulated wetland. The intent of this section is to:

(1) Maintain and protect regulated wetland acreage and increase the quality, function and values of regulated wetlands within Clallam County;

(2) Identify hydrologic functions of wetlands and their role within a watershed and provide needed protection of the role of wetlands from a landscape ecology perspective;

(3) Preserve natural flood control, storm water storage and drainage or stream flow patterns; and

(4) Prevent turbidity and pollution of wetlands and fish- or shellfish-bearing waters, and maintain wildlife habitat.

27.12.205 Regulated uses and activities.

Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, proposals located within the jurisdiction of this chapter as it applies to regulated wetlands shall require:

(1) A certificate of compliance if proposed within 200 feet of a regulated wetland consistent with Part Seven of this chapter; or

(2) A variance consistent with Part Seven of this chapter if proposed within a regulated wetland or buffer; or

(3) A variance consistent with Part Seven of this chapter if the standards and requirements cannot be met.

27.12.210 Classification and designation.

Regulated wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include, but are not limited to: swamps, marshes, bogs, ponds, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland 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 (adoption date of Chapter 36.70A RCW, Growth Management Act), that were unintentionally created as a result of the construction of a road, street,

that all jurisdictions use the wetland definition from the RCW as written with no modifications or changes. Please update this definition as written below and consider putting this definition in your definitions section as well:

"Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation 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 to mitigate the conversion of wetlands."

or highway. Wetlands created as mitigation and wetland modified for approved land use activities shall be considered as regulated wetlands.

The wetland edge shall be established pursuant to the most current version of the Washington State Wetland Delineation Manual adopted under Chapter 90.58 RCW. Wetlands shall be further designated based on classifying the biological, chemical, and physical functions that wetlands perform in the context of both the watershed and landscape as follows:

(1) *Watershed Functions.* Wetlands shall be classified based on one or more of the hydrology types specified in Table 2. Watershed functions shall be determined based on the wetlands hydrology type and wetland hydrologic functions as specified in Table 3.

(2) *Landscape Functions.* Wetland landscape functions shall be characterized and assessed based on existing wetland and adjacent upland conditions, landscape position, documented species use, and existing management/ modifications pursuant to the criteria in subsections (2)(a) through (2)(i) of this section as they relate to the subject property or within the jurisdiction of this chapter as it applies to regulated wetlands. Based on these criteria, landscape functions shall be further classified into one of four wetland classes, as specified in Table 4, with Class I being the most functional and Class IV being the least functional.

(a) *Habitat Type.* Classify and delineate wetland habitat types based on the U.S. Fish and Wildlife Service Classification of Wetlands and Deepwater Habitats, dated 1979, as now or hereafter amended. Identify the dominant vegetation communities associated with each classified wetland habitat type.

(b) *Habitat Diversity.* Calculate both the total number of wetland habitat types and the different wetland habitat types identified in subsection (2)(a) of this section for each wetland.

(c) *Habitat Size.* Calculate the total wetland acreage and acreage of each individual habitat type identified in subsection (2)(a) of this section for each wetland.

(d) *Upland Habitat Type.* Classify and delineate all lands into one or more of the following land cover categories: developed lands; agriculture; non-native plant species; water; native upland grasses; native forests less than 20 feet in height; native forest greater than 20 feet in height; and mature conifers.

(e) *Significant Habitat Features.* Identify and delineate the presence of significant habitat features including, but not limited to: estuaries, snags, islands, rare or unique plant communities, mature conifers, Class I wildlife habitat conservation areas, and/or wetlands classified as exhibiting a high functional value (see Table 3) of water availability for migratory waterfowl or other wildlife species.

(f) *Species Use.* Identify and delineate all known priority habitats for species listed as species of concern or priority species.

(g) *Anadromous Fish Use.* Identify wetlands contiguous to Type 1 – 3 aquatic habitat conservation areas, or other waters containing anadromous fisheries recognized by local or state public agencies.

(h) *Significant Wildlife Movement Corridor.* Identify whether one or more of the following areas is located within:

Page: 2

Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 2:13:38 PM

This reference to the state delineation manual is out of date. Per the GMA you should be using the federal Army Corps of Engineers wetland delineation manual and applicable supplement. If the state delineation manual is referenced anywhere else in your chapter please remove it and replace it with the correct federal delineation manual.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 4:00:53 PM

If the County is seeking to align with the Department of Ecology's wetland rating system and other guidance then this should be replaced with the use of the Western Washington Rating System. Here is an example of how we reference it in our sample ordinance from the CAO Guidance:

"Rating. Wetlands shall be rated according to the *Washington State Wetland Rating System For Western Washington: 2014 Update, Version 2.0* (Ecology Publication #23-06-009. Wetland ratings are valid for five years; after such date the [City/ County] shall determine whether a revision or additional rating is necessary." (Page A-4)

Table 4. Landscape Classification

scrub-shrub habitat type, containing at least one significant habitat feature, and connected to a significant wildlife habitat movement corridor; and/or • Wetlands of local significance.
Class II wetlands are those wetlands classified as: • Greater than or equal to twenty (20) acres and not meeting Class I criteria; or • Less than twenty (20) acres, dominated by fifty (50) percent native vegetation (excluding contiguous stands of cattails, soft rush, hard hack, and horse tail), containing a forested or scrub-shrub habitat type; containing at least one significant habitat feature, and connected to a significant wildlife habitat movement corridor.
Class III wetlands are those wetlands classified as: • Wetlands less than twenty (20) acres which do not satisfy Class I, II, or IV criteria.
[1]ass IV wetlands are those wetlands classified as: • Hydrologically isolated, less than one acre but greater than 10,000 square feet, and dominated by plant cover composed of one of the following native plant species: soft rush, hard hack, horse tail, or cattail, or less than two (2) acres, and dominated by plant cover composed of non-native plant species.

27.12.215 Protection standards for regulated wetlands.

The following standards for the protection of regulated wetlands and buffers shall be required for any development within 200 feet of a regulated wetland.

(1) *Buffers.*

(a) The standard width of the buffer zone shall be determined according to the regulated wetland rating and the type of development as outlined in Table 5 below. The buffer shall not be altered except by a general exemption, certificate of compliance, variance, or reasonable use exception approval, as authorized by this chapter; provided, that such alterations meet all other standards for the protection of regulated wetlands. All buffers are measured from the regulated wetland edge as marked in the field.

[2]able 5. Wetland Buffers

	Major New Development	[3]inor New Development
Class I	200 feet	100 feet
Class II	150 feet	75 feet
Class III	75 feet	50 feet

Page: 7

Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 2:44:24 PM

While this may change with the update to your classification of wetlands we do want to make it very clear that best available science does not support the exemption of wetlands from being regulated/protected based on size alone. The way this is worded appears to exclude any wetland 10,000 square feet or less from any regulation by your CAO which will likely lead to loss of those wetlands functions and values. We would very strongly recommend that this language is removed in your draft. We do discuss some reasonable flexibility for Western Washington in our guidance document (which is a policy decision) that you might consider but it does still require mitigation of those wetlands. Please see the page 13 of our Wetland Guidance for CAOs for a more thorough discussion on this in the exemptions section.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 2:52:05 PM

These wetland buffers are much smaller than what our BAS indicates is needed to protect the functions and values of wetlands in Washington. Ideally, we would like to see these wider. If you are aligning with Ecology's rating system for category of wetlands then it would be reasonable to use our recommended buffer tables. In the Wetland Guidance for CAOs we offer three different options that local governments can consider using in their CAO. All of them are based on our Wetlands in Washington State Vol 1 and 2 documents. See Appendix C of the guidance for these tables and the recommended buffer widths and criteria. We further discuss the uses of the tables on page 20 and go into the various benefits and uses of the three different options. For Clallam County option 1 and 2 would be reasonable but we would be happy to discuss the buffer tables more with you in a meeting to help figure out which would work best for your jurisdiction.

Number: 3 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:31:09 PM

After looking at your current definition of "minor new development" we want to strongly recommend that buildings, roads, etc. be required to have standard buffers. If you want to provide some kind of flexibility for some minor development projects like small expansions for existing structures that is reasonable and we would be happy to discuss this with the County in more detail.

Table 5. Wetland Buffers

	Major New Development	Minor New Development
Class IV	50 feet	25 feet

1) Buffers that are in their natural state should not be altered and should remain in their natural condition, and enhanced whenever possible.

(c) Buffers and associated wetlands that have been altered and have lost ecological functions and values are encouraged to be restored in order to replace these lost functions. Clallam County shall provide information or technical expertise, where possible, in facilitating restoration activities, including referring interested property owners to various restoration information, efforts and funds. Prior to issuance of a development permit that is proposed adjacent to degraded critical areas or buffers, the property owner shall agree to undertake restoration activities or authorize such activities to occur, through an appropriate, approved legal device such as a conservation easement that is granted to a conservation program or restoration effort, or by legal, written agreement with restoration agencies or groups.

(d) 2*uffer Averaging or Reduction.* Buffer widths may be modified or reduced by the review authority though buffer averaging or a variance approval. Such requests shall be processed in accordance with Part Seven of this chapter; provided, that buffers cannot be reduced to less than fifty (50) feet at any point except through buffer averaging or a reasonable use exception pursuant to Part Seven of this chapter. Mitigation for buffer averaging, variance, or reasonable use exception shall include restoration of degraded wetlands and/or associated buffers in order to increase the ecological function of the wetland.

(e) The review authority may increase buffer zone widths, not to exceed 300 feet, for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values. Such determination shall be based on site-specific and project related conditions which include, but are not limited to: (i) wetland sites with 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; (ii) the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; (iii) the adjacent land on the development proposal site has minimal vegetative cover or slopes greater than fifteen (15) percent; or (iv) the proposed development adjacent to the regulated wetland would be a high intensity land use. High intensity land uses include those land uses associated with moderate or high levels of human disturbance or substantial habitat impacts including, but not limited to residential densities greater than one dwelling unit per five (5) acres (gross density), active recreation, and commercial and industrial land uses.

(f) Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the standard buffer required for the category of the created, restored, or enhanced wetland.

(g) *Hazard Tree Removal.* Where a threat to human life or property is demonstrated, the Administrator may allow the falling of a danger or hazard tree subject to the following criteria: (i) tree removal is the minimum

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 2:54:35 PM

Ecology's buffer recommendations are based on the assumption that the buffer area is well vegetated with native species appropriate to the ecoregion. If the required buffer area does not consist of native vegetation adequate to provide the necessary protection, then either the buffer area should be planted or the buffer width should be increased (i.e., buffers should not be reduced in exchange for planting them). Planting a buffer with sufficient vegetation avoids an increase in buffer width.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 2:58:09 PM

We do not recommend buffer reductions and instead would suggest buffer averaging. In addition, our guidance recommends no less than 75 percent reduction rather than 50. Our guidance represents a moderate-risk approach to our buffers and your buffers here along with the reductions may be insufficient for protecting your wetlands. We provide some buffer averaging language in our guidance to be used in combination with our recommended buffer widths. Discussed on page 25 of the CAO guidance and some sample language can be found on page A-9 through A-10.

necessary to balance the protection of the critical area and its buffer with protection of life and property; and (ii) planting of a tree may be required to assure habitat protection.

(2) *Critical Area Delineation.* Clallam County shall include a condition of all approved development permits that propose alteration of land abutting or adjacent to regulated wetlands which states that the critical area buffer shall be delineated, or field identified in order to maintain the effectiveness of the buffer. Field identification of boundaries shall consist of survey flags or equivalent markers composed of one-half (1/2) inch galvanized iron pipe or equivalent monument, at least eighteen (18) inches long, and daylight above the surface at least one inch. Field markers shall be spaced at a minimum of every fifty (50) feet, unless alternative placement or spacing is authorized by the Administrator. The location of field stakes must be shown on all site plans and final plats associated with the development proposal.

1) *Docks.* Construction of a dock, pier, moorage, float or launch facility may be permitted subject to criteria in the Clallam County Shoreline Master Program, and the following criteria:

(a) Only minimal buffer or wetland vegetation would be altered; and

(b) Open water is a significant component of wetland subclasses; and

(c) The materials used in or near surface waters shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper.

(4) *Fencing.* Clallam County shall require that all buffer areas for wetlands shall be temporarily fenced between the construction activity and the buffer with a highly visible and durable protective barrier during construction to prevent access and protect the critical area and buffer. This requirement may be waived by the review authority if an alternative to fencing which achieves the same objective is proposed and approved.

(5) *Forest Practice, Class IV General (Conversion and Urban Growth Area).* All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands. All forest practices, regardless of class, within designated urban growth areas pursuant to the Growth Management Act, shall comply with the provisions of this section. Those lands harvested and not reforested under a Class I, II, or III permit and which do not meet the standards of this chapter and are later converted to nonforest uses shall have all local permits withheld for a period of six (6) years, as authorized by the Washington State Forest Practices Act (Chapter 76.09 RCW). This moratorium shall run with the land and be duly noted in the public record. For the purpose of implementing this policy, the conversion of land to nonforest uses shall mean the division of land or the preparation of land for land division or construction. Should a landowner wish to remove the moratorium or convert the land to nonforest uses, the owner shall:

(a) Reforest the land as prescribed by the Department of Natural Resources and/or provide stabilization and protection of the critical area in a manner approved by Clallam County in accordance with this chapter. Said reforestation shall be by planting and not by natural regeneration, unless the Department verifies that natural regeneration has already occurred to such an extent that planting is not necessary. Provide stabilization and protection of the affected critical area through drainage and erosion control measures; and

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:02:38 PM

This appears to SMP specific language and not relevant to the CAO. We would very strongly recommend removing this permitted allowance as it doesn't appear reasonable for use in wetlands outside of the shoreline and would cause loss of wetland functions and values.

(b) Submit and have approved by the administrator a conversion harvest plan. The approval of said plan may include conditions and improvement requirements to control erosion, protect or enhance the critical area or buffer, or other conditions which are intended to reduce impacts to the critical area.

(6) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with the 1 ormwater Management Manual for the Puget Sound Basin, prepared by the state Department of Ecology, February, 1992, as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area.

(7) *Land Divisions.* All proposed divisions of land which contain regulated wetlands shall comply with the following procedures and development standards:

(a) Only fifty (50) percent of regulated wetlands with permanent open water shall be permitted for use in calculating minimum lot area as required by CCC Title 33, Zoning Code, for the proposed lots. This provision shall not apply to the calculation of maximum residential density.

(b) Regulated wetlands and wetland buffers may be included in the calculation of minimum lot area for proposed lots provided that other standards, including subsection (7)(c) of this section, are met.

(c) All lots within the proposed land division shall contain at least one building site, including access and utility locations, that is suitable for development, is not within the regulated wetland or its associated buffer and the lot is consistent with the minimum lot area requirements specified by CCC Title 33, Zoning Code.

(d) The critical area and associated buffer shall be surveyed and shown on the final plat. A note shall be provided on the final plat that states that all subsequent development shall comply with critical area protection standards which were required as a part of the plat approval. The critical area and buffer shall be dedicated as open space tract, easement or covenant encumbering the critical area and buffer, for either the use and enjoyment by the general public, use and enjoyment by lot or parcel containing a portion or all of the critical or buffer area, or the use of a homeowners' association. Such dedication or easement shall be recorded together with the land division and shown on the final mylar.

(8) 2 *vestock Restrictions.* Proposals to allow livestock access to regulated wetlands and associated buffers, or alteration of such areas for livestock use, shall be prohibited unless the Administrator finds that such access and alteration is limited and impacts controlled through approval and implementation of a mitigation plan. The Administrator may waive the need for a mitigation plan where the applicant implements a plan and/or project sponsored by the County, Clallam Conservation District, U.S.D.A. Natural Resources Conservation Service, Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or other agency/organization approved by the Administrator, which controls impacts caused by introduction of livestock. This prohibition shall not apply to Class IV wetlands or those wetlands, or portions thereof, that the Administrator determines meet the definition of grazed wet meadow.

(9) *Notice to Title.* Any property on which a development proposal is submitted shall have filed with the Clallam County Auditor: (i) a notice to title of the presence of the critical area or buffer, (ii) a statement as to the

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:08:09 PM

This manual has been replaced by newer revisions and is no longer supported by the Department of Ecology. Please see this webpage for the most recent Stormwater Manuals from Ecology: https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/stormwater-permittee-guidance-resources/stormwater-manuals

Number: 2 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:12:49 PM

We do not recommend allowing livestock into wetlands that are not already part of on existing and ongoing agricultural use (such as grazed wet meadows as you reference in your last sentence of this section). This will very likely result in a loss of wetland vegetation.

applicability of this chapter to the property, and (iii) a statement describing possible limitations on actions in or affecting such areas or buffers as approved by the Administrator. Clallam County shall record such documents and will provide a copy of the recorded notice to the property owner of record. Development proposals which are also defined as normal repair and maintenance of existing structures or developments, including but not limited to: roof repair, interior remodeling, wood stove permits, etc., and on-site sewage disposal systems repairs or replacement, are exempt from this requirement.

(10) *Roads and Bridges – Repair.* Any private or public road or street repair, maintenance, or expansion within existing right-of-way within a regulated wetland or associated buffer shall obtain a certificate of compliance and mitigation plan approval in accordance with this chapter shall comply with the following minimum development standards, as applicable:

(a) Public road or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(b) The road or street repair is the minimum necessary to provide safe roads and streets;

(c) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter; and

(d) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper.

(11) *Roads and Bridges – New Construction.* Any new construction of private or public roads or bridges proposed within the jurisdiction of this chapter but outside of regulated critical areas or their buffers shall comply with the standards below and obtain a certificate of compliance. Any new road or bridge construction proposed within a critical area or associated buffer requires a variance approval pursuant to Part Seven of this chapter and shall also comply with the following minimum development standards, as applicable:

(a) It shall also be shown that no other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Public road or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary to provide safe roads and streets;

(d) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter; and

(e) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper.

(12) *Signs.* Prior to issuance of permits for major new development subject to this chapter, Clallam County shall require that the common boundary between a regulated wetland and associated buffer be identified using permanent signs as approved by the Administrator. In lieu of signs, alternative methods of identification may be

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:16:58 PM

How does this provision work? Based on how it appears to be written we're not sure how this would be within the jurisdiction of this chapter but outside of regulated critical areas and their buffers?

approved when such methods are determined by the review authority to provide adequate protection to the critical area and buffer.

(13) *Storm Water Management.* The following storm water management standards are required, as they apply:

(a) New development shall utilize best management practices to minimize storm water quantity and quality impacts to critical areas, both during and following construction.

(b) Storm water runoff from new development shall not significantly change the rate of flow, hydroperiod which is the seasonal period and duration of water saturation or inundation, nor decrease the water quality of wetlands.

(c) Authorized modifications of wetlands or wetland buffers for construction of or discharge from drainage facilities shall protect wetland hydrologic functions classified pursuant to this section.

(d) Provide on-site retention or infiltration of summer and spring storm water runoff prior to discharging to wetlands that receive water primarily from a perched water table, which is a saturated zone above a low permeability layer such as glacial till.

(e) Storm water runoff shall not be diverted from the watershed of wetlands whose primary source of water is from a perched water table.

(f) Developments which handle, store, dispose, transport, or generate hazardous substances/wastes defined as "dangerous" or "extremely dangerous" wastes under Chapter 173-303 WAC (regardless of quantity) shall not allow direct precipitation or storm water runoff to contact such substances where stored on-site.

(g) Compliance with the Clallam County storm water regulations is required, as applicable.

(14) *Temporary or Permanent Field Identification.* Clallam County shall require temporary or permanent field markers delineating the critical area boundary and associated buffer prior to issuance of required permits for any development located within the jurisdiction of a regulated wetland, aquatic habitat conservation area, and landslide hazard area. Field markers shall be composed of one-half (1/2) inch galvanized iron pipe or equivalent monument, at least eighteen (18) inches long, and daylight above the surface at least one inch. Field markers shall be spaced at a minimum of every fifty (50) feet, unless alternative placement or spacing is authorized by the Administrator. The location of field stakes must be shown on all site plans and final plats associated with the development proposal. Field stakes shall remain in place until any required, final inspections are completed and approved. Field markers may be waived by the review authority if an alternative to field staking achieves the same objective and is proposed and approved, or if the development activity is located at a sufficient distance so that impacts to the critical area are unlikely to occur.

15) *Trails and Trail-Related Facilities.* Construction of publicly owned trails on public lands, or privately owned trails for private or public use, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, pedestrian bridges and viewing platforms, may be allowed in regulated wetlands and associated buffers through the issuance of a certificate of compliance pursuant this chapter, subject to the following standards:

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Number: 1 Author: Emily Atkins Subject: Comment on Text Date: 1/20/2026 11:20:08 AM

We recommend keeping trails to the outer 25% of the wetland buffer and not allowing them to be built in wetlands.

(a) Trails and related facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or any other previously disturbed areas;

(b) Trails, pedestrian bridges and related facilities within a critical area or buffer shall be planned and aligned to minimize removal of trees, shrubs, snags and important wildlife habitat and critical area functions such that the disturbed area, including that private trail surfaces for private use are a maximum of three (3) foot in width and other trails, either privately or publicly owned that allow public use (with or without fees), the trail surfaces shall be a maximum of ten (10) feet in width; except for regional public trails which shall be a maximum of fourteen (14) feet whereby design considerations are made to minimize impacts to critical areas and buffers;

(c) Viewing platforms, interpretive centers, picnic areas, benches and their associated access shall be designed and located to minimize disturbance of wildlife habitat and/or critical characteristics of the affected critical area;

(d) Trails shall be limited to nonmotorized use;

(e) Trail surfacing shall be comprised of natural materials (e.g., gravel, rock, bark) and that permanent surfacing materials (e.g., bituminous asphalt or concrete) require a variance approval pursuant to Part Seven of this chapter; except for regional public trails may have up to ten (10) feet of permanent surfacing materials. Any construction materials shall not significantly alter the existing drainage or negatively affect the critical area;

(f) All proposals shall also submit a mitigation plan pursuant to Part Eight of this chapter.

(16) *Utilities.* Placement of utilities within regulated wetlands and associated buffers may be allowed through a variance approval in accordance with Part Seven of this chapter, subject to the following standards:

(a) New utility transmission facilities which carry oil, gas or any other hazardous substances are prohibited within a regulated wetland and associated buffer.

(b) The following performance standards shall apply to any allowed private or public utility expansion or construction authorized under this chapter within a wetland or buffer:

(i) New utilities shall use existing utility corridors whenever possible.

(ii) New utility corridors shall be aligned when possible to avoid cutting trees greater than twelve (12) inches in diameter at four and one-half (4.5) feet measured on the uphill side.

(iii) New utility corridors shall be revegetated with appropriate native vegetation at pre-construction densities or greater immediately upon completion of construction or as soon thereafter as possible if due to seasonal growing constraints, and appropriate steps shall be taken to ensure that such vegetation survives.

(17) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall complete an environmental assessment that shall be approved by Clallam County,

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:22:40 PM

Our guidance recommends that these trails be 5 feet in width to reduce the amount of impacts. Strongly recommend using our language for trails in this section which makes it clear that trails shall be made of pervious materials. Example language from our sample ordinance on exemptions for trails and wetlands: "Walkways and trails, provided that they are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant, old growth, or mature trees. They should be limited to pervious surfaces no more than five (5) feet in width and designed for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable."

Number: 2 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:23:26 PM

Please see the sample language provided in the previous comment regarding trails and materials.

27.12.845 Wetlands – Special requirements.

(1) Wetland mitigation plans shall be prepared by a person who meets the qualifications pursuant to this chapter, and has demonstrated experience in mitigation plan design, implementation, and monitoring.

(2) The overall goal of any mitigation plan shall be no net loss of wetland functions, acreage and values as determined by the assessment methodology in Part Two of this chapter.

(3) Authorized losses of wetland hydrologic functions classified pursuant to Part Two of this chapter shall be mitigated on the development proposal site, regardless of whether wetland acreage and fish and wildlife habitat functions are replaced off-site.

(2) Mitigation of unavoidable and necessary impacts shall occur based on enhancement and restoration priorities adopted by County Board of Commissioners and/or based on the following order of preference: contiguous to the wetland impacted; contiguous to aquatic habitat conservation areas and wetlands within the same watershed a wetland is part of, and contiguous to other aquatic habitat conservation areas and wetlands.

(3) Those persons proposing or required to compensate for wetland impacts shall show that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces, by accomplishing the following:

(4) Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

(b) Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals;

(c) Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation.

(6) Wetland mitigation plans required by this chapter shall be implemented by the project applicant, be commensurate with the scope of the development proposal and include the following components:

(a) *Baseline Information.* A written assessment and accompanying maps of the:

(i) Impacted wetland including, at a minimum, existing wetland acreage; vegetative, fauna and hydrologic characteristics; soil and substrate conditions; and topographic elevations.

(ii) Mitigation site, if different from the impacted wetland site, including at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

(b) *Environmental Goals and Objectives.* The report shall identify goals and objectives and include:

Summary of Comments on CCC 27.12.845, Wetlands – Special requirements

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 1:54:59 PM

Is this qualified wetland professional defined elsewhere in your chapter? We would recommend some criteria for what qualifies as a wetland professional in our guidance:

"**Qualified wetland professional**: A person with professional wetland experience that meets the following criteria:
(a) A Bachelor of Science or Bachelor of Arts or equivalent degree in hydrology, soil science, botany, ecology, resource management, or related field, or four years of full-time work experience as a wetland professional may substitute for a degree, and
(b) At least two additional years of full-time work experience as a wetland professional; including delineating wetlands, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans, and
(c) Completion of additional wetland-specific training programs. This could include a more comprehensive program such as the University of Washington Wetland Science and Management Certificate Program or individual workshops on topics such as wetland delineation, function assessment, mitigation design, hydrophytic plant or hydric soil identification.
A person certified as a Professional Wetland Scientist through the Society of Wetland Scientists professional certification program meets the above criteria."

Number: 2 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 4:27:09 PM

We would recommend updating this section to allow for a watershed approach to wetland mitigation. This approach opens up the possibility for ILF programs and mitigation banks. Though Clallam may be limited on those currently we do suggest "future proofing" in case one becomes available in your region before the next periodic update cycle. On page A-15 of our CAO guidance we provide some sample language on mitigation that you might consider using.

Number: 3 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 1:52:16 PM

We would strongly recommend referencing the mitigation sequence here for consistency with your requirements in 27.12.840(2). However, we would also ask you to update your mitigation sequence in 27.12.840 as you appear to be missing the reduction and monitoring steps in the mitigation sequence as described in SEPA. Example language from our guidance:
"**Mitigation sequence:** A prescribed order of steps taken to reduce the impacts of activities on wetlands. As defined in WAC 197-11-768, mitigation means:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
(c) Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment;
(d) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
(f) Monitoring the impact and taking remedial action when necessary."

Number: 4 Author: eatk461 Subject: Comment on Text Date: 2/6/2026 3:51:37 PM

Comments from page 1 continued on next page

27.12.845 Wetlands – Special requirements.

(1) Wetland mitigation plans shall be prepared by a person who meets the qualifications pursuant to this chapter, and has demonstrated experience in mitigation plan design, implementation, and monitoring.

(2) The overall goal of any mitigation plan shall be no net loss of wetland functions, acreage and values as determined by the assessment methodology in Part Two of this chapter.

(3) Authorized losses of wetland hydrologic functions classified pursuant to Part Two of this chapter shall be mitigated on the development proposal site, regardless of whether wetland acreage and fish and wildlife habitat functions are replaced off-site.

(4) Mitigation of unavoidable and necessary impacts shall occur based on enhancement and restoration priorities adopted by County Board of Commissioners and/or based on the following order of preference: contiguous to the wetland impacted; contiguous to aquatic habitat conservation areas and wetlands within the same watershed a wetland is part of, and contiguous to other aquatic habitat conservation areas and wetlands.

(5) Those persons proposing or required to compensate for wetland impacts shall show that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces, by accomplishing the following:

(a) Demonstrate sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

(b) Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals;

(c) Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation.

(6) Wetland mitigation plans required by this chapter shall be implemented by the project applicant, be commensurate with the scope of the development proposal and include the following components:

(a) *Baseline Information.* A written assessment and accompanying maps of the:

(i) Impacted wetland including, at a minimum, existing wetland acreage; vegetative, fauna and hydrologic characteristics; soil and substrate conditions; and topographic elevations.

(ii) Mitigation site, if different from the impacted wetland site, including at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

(b) *Environmental Goals and Objectives.* The report shall identify goals and objectives and include:

You might consider strengthening this language to note the use of best available science (BAS) as required by the GMA.

(8) Identify hydrologic functions of wetlands and their role within a watershed and provide needed protection of the role of wetland from a landscape 1cology perspective.

(~~9~~8) Preserve, protect, manage, or regulate critical areas that have either a direct or indirect effect on conserving fish, wildlife, other natural resources, and values.

(~~10~~9) Protect water quality by controlling erosion, by providing guidance in the siting of land uses and activities to prevent or reduce the of release chemical or bacterial pollutants into waters of the State, ~~and~~ allowing the natural movements of streams and rivers within a floodplain, and by maintaining stream flows and habitat quality for fish and marine shellfish.

(~~11~~10) Conserve drainage features that function together or independently to collect, store, purify, discharge and/or convey waters of the State.

(~~12~~1) Preserve natural flood control, storm water storage, and drainage or stream flow patterns and prevent turbidity and pollution of wetlands and fish- or shellfish-bearing waters, and maintain wildlife habitat.

(13) Control siltation, protect nutrient reserves and maintain stream flows and stream quality for fish and marine shellfish.

(14) Maintain ground water recharge and prevent the contamination of ground water resources to ensure water quality and quantity for public and private uses and critical area functions through the regulation of land use activities that pose a potential contaminant threat or could increase the vulnerability of the aquifer.

(**) Identify, preserve, protect aquifer recharge areas and prevent degradation of the quality of potable ground water and recognize the relationship between surface and ground water resources.

(~~13~~2) Protect areas with potential for marine aquaculture activities from degradation by other types of uses.

(~~14~~3) Protect and conserve unique, fragile, irreplaceable and valuable elements of the natural environment for the enjoyment of present and future generations and to support viable populations of native wildlife in Clallam County.

(14) Reduce cumulative adverse environmental impacts to water availability, water quality, wetlands, aquatic and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

Summary of Comments on ECYComments_CombinedReviewedSections.pdf

Page: 3

Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:16:05 PM

What does "landscape Ecology perspective" mean? You might consider something along the lines of: "Protect and restore wetland hydrologic processes at the site and watershed scale" or some other kind of clarification on intent of this goal.

(15) Protect the public health, safety, and welfare from harm caused by flooding on both private and public properties by reducing the risk of flood damage in areas prone to flooding.

(165) Implement the policies of the Environmental Policy Act, Chapter 43.21C RCW; the Growth Management Act, Chapter 36.70A RCW; the Floodplain Management Code, Chapter 86.16 RCW; the Water Pollution Control Act, Chapter 90.4890.47 RCW; the Groundwater Quality Standards, Chapter 173-200 WAC; 1e Clallam County Shoreline Master Program and State Shoreline Management Act, Chapter 90.58 RCW; the Clallam County Charter; the Clallam County Code and all adopted County functional and community plans.

(176) Provide the regulatory framework to supplement adopted policies in the Clallam County Comprehensive Plan, CCC Title 31, and the Zoning Code, CCC Title 33, which set forth land use designations, open space preservation, natural resource protection, wildlife migration corridor preservation, fish and wildlife habitat protection, wetland protection and, overall, protects the natural features in Clallam County by promoting wise use of lands within Clallam County.

(187) Maintain and enhance local control of resources in Clallam County in order to effectively respond to the challenges of Federal Endangered Species Act listings, Growth Management Act requirements and other mandates through wise land stewardship, protection of critical areas and increased knowledge of natural systems and the functions that they perform.

(198) 2omote harmonious co-existence between the ongoing use of pre-existing development sites in critical areas, and the functional protection of those critical areas.

(2019) Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(2120) Promote the restoration of degraded critical areas and their buffers in order to regain lost ecological functions and values and improve the economic health and stability of Clallam County.

27.12.025 Applicability.

(1) This chapter classifies and designates critical areas in Clallam County and establishes controls for the protection of each critical areas. The jurisdiction and applicability of this chapter includes the critical area and adjacent areas, as set forth in Table 1 below. Unless otherwise exempt by this chapter or by State statute, all alterations of the natural

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 10:51:58 AM

SMP Related Comment: The county's SMP Chapter 7 explicitly states that CCC 27.12 does not apply within shoreline jurisdiction. Per RCW 36.70A.480, the SMA doesn't apply outside the county's shoreline jurisdiction; the CAO does not implement the SMP or SMA. Please consider deletion.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 10:52:32 AM

Is this definable? You might consider referring back to the goals of the planning goals of GMA instead that task counties and cities with meeting the goals of planning. It is important to note that the goals are not listed in order of priority and the environmental protection and enhancement is just as important as urban growth and all other goals.

environment and all development activity within the jurisdictional areas of this chapter shall be conducted in compliance with the provisions of this chapter. 1terations and land disturbing activities within and adjacent to critical areas within the shoreline jurisdiction or associated with shoreline function shall comply with the provisions within the County's Shoreline Master Program, CCC 35.

(2) *Permitted Uses.* Those land uses and development activities described in CCC Title 33, Zoning Code, are also recognized under this chapter, and are subject to the performance standards and other requirements of this chapter. Compliance with this chapter is demonstrated by the issuance of a certificate of compliance, variance or reasonable use exception. Clallam County shall not grant any permit, license or other development approval that is inconsistent with the provisions of this chapter.

(32) The Growth Management Act, Chapter 36.70A RCW, requires the protection of the following critical areas which are classified and designated for protection under this chapter: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) aquatic and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. Table 1 below lists the categories of critical areas regulated under this chapter.

Table 1. Categories of Critical Areas and Jurisdiction of This Chapter

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Critical Area	Jurisdiction
Wetlands	Within 2200 feet of regulated wetlands
Aquatic habitat conservation areas ~~(Type 1-5 waters, Shorelines of the State)~~	3~~Type 1/~~Shorelines of the State:. Equivalent to the Clallam County Shoreline Master Program Type F, Np, Ns~~2-5~~: Within 200 feet
Wildlife habitat conservation areas	Class 1: Within 200 feet or equivalent to critical habitat designations for threatened or endangered species under the federal Endangered Species Act, or Washington State law Class 2: Within 200 feet

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 10:53:52 AM

SMP Related Comment: The SMA, WAC and the SMP clearly establish definitions/criteria regarding shoreline jurisdiction so that the clause "associated with shoreline function" confounds the determining factor of location within/outside of shoreline jurisdiction. Edit suggested for more precise language: "critical areas located within the shoreline jurisdiction or associated with shoreline function shall comply"

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 10:57:54 AM

With your wetland buffer table widths updated your widest possible buffer is now 300 feet. We would recommend updating that here as well.

Number: 3 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 10:58:42 AM

SMP Related Comment: RCW 36.70A.480(5) specifies that shorelines of the state are not considered critical areas in & of themselves. As addressed in .025 Applicability, critical areas located within shoreline jurisdiction are regulated by the SMP. Please delete or edit to rephrase as "Shorelines of the State: Equivalent to Regulated solely by the Clallam County Shoreline Master Program"

Geologically hazardous areas	1 sociated with Shoreline: Equivalent to the Clallam County Shoreline Master Program All others: Within 200 feet of a landslide, erosion or seismic hazard area
Frequently flooded areas	Designated special flood hazard areas (floodway and floodplain)
Critical aquifer recharge	Designated critical aquifer recharge areas

(3) Buffers are required between those development activities specified under CCC 27.12.030 and designated wetland, aquatic habitat conservation areas, wildlife habitat conservation areas and landslide hazard areas which are further outlined in this chapter.

(4) The provisions of this chapter are in addition to the land use controls set forth by CCC Title 33, Zoning Code. While additional permits are not generally required, those activities regulated by the Zoning Code are also subject to critical area requirements such as buffers and other performance standards. The development standards and other requirements of this chapter shall be incorporated into the review or approval process for other development permits administered by Clallam County.

(5) Nonproject actions, such as rezones, code and plan adoption, and annexations shall be reviewed for consistency with this chapter.

(6) When any provision of other chapters of the Clallam County Code conflicts with this chapter, that provision which provides the most protection to the critical area shall apply.

(7) This chapter recognizes legally established, pre-existing land uses and developments. Maintenance, expansion or change to pre-existing land uses and developments shall be consistent with CCC 27.12.040.

(8) *Vesting.* Nothing contained in this chapter shall require any change in plans, construction, alteration, or permitted use of a structure specified in a complete application for a Clallam County development permit submitted prior to the effective date of this chapter. Improvements and uses authorized by resolution of the Board of County Commissioners, or any valid permit issued by the County or the State of Washington prior to the effective date of this chapter may be developed as set forth in said permit unless the

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 10:59:32 AM

SMP Related Comment: Similar to above, the location of GeoHaz areas inside/outside shoreline jurisdiction determines SMA vs. GMA authority, not "association". These two sub categories confounds the issue. Please delete.

For comparison, note that FFAs and CARAs identified below can also occur within or outside of shoreline jurisdiction so the existing language is accurate.

The following developments are exempt from the requirements of this chapter and do not require a certificate of compliance; provided, that best management practices are incorporated where practicable and necessary in order to avoid impacts to critical areas:

(1) Outdoor recreation such as bird watching, boating, bicycling, canoeing, fishing, hiking, horseback riding, hunting, jogging, photography, swimming, and similar activities not requiring clearing or grading.

1) Emergency work when done to protect life or property and authorized by the County Board of Commissioners. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. The work completed may require after-the-fact permitting if intended to be permanent and must meet the standards within this code.

(3) Construction of wildlife nesting structures not involving clearing or grading.

(4) Education and scientific research projects which will have no damaging effect upon the environment.

(5) Site investigation work (e.g., soil surveys, soil logs) or other related activities necessary for designating critical areas.

(6) The placement of temporary or permanent field stakes or monuments for survey purposes, delineating critical areas and buffers, or marking of property lines or corners pursuant to CCC Title 29.

(7) Existing, ongoing agriculture as defined in CCC 27.12.900 including related development and activities which do not result in expansion into a critical area or its buffer and which also do not result in significant adverse impacts to a critical area or its buffer; provided, that such activities comply with the provisions of CCC 27.12.037. New agricultural activities, expansion of existing agricultural activities, or development not meeting the definition of existing, ongoing agriculture (CCC 27.12.900) shall comply with both the substantive and procedural provisions of this chapter.

(8) Normal repair and routine maintenance and operation of residences, landscaping, utilities, roads, trails, irrigation and drainage ditches, and fish ponds which were lawfully constructed, approved, or established prior to the effective date of this chapter; provided, that no expansion results. Changes to culverts will require a certificate of compliance in accordance with CCC 27.12.315.

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(9) Operation and maintenance of all electric facilities, lines, equipment or appurtenances, water and sewer lines; natural gas, cable communications and telephone facilities, lines, pipes, mains, equipment or appurtenances, except for power, water, and

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 11:01:18 AM

For wetlands, the exemption for emergencies should not eliminate the need for later mitigation to offset the impacts of emergency activity. Once the immediate threat has been addressed, any adverse impacts on critical areas should be minimized and mitigated.

Ecology also recommends including a time limit for restoration, rehabilitation, or replacement of a critical area damaged or altered by emergency activities; for example, the restoration must be initiated within one year of the date of the emergency and completed in a timely manner.

~~Class IV wetlands are those wetlands classified as:~~

~~• Hydrologically isolated, less than one acre but greater than 10,000 square feet, and dominated by plant cover composed of one of the following native plant species: soft rush, hard hack, horse tail, or cattail, or less than two (2) acres, and dominated by plant cover composed of non-native plant species.~~

27.12.212~~810~~ Wetland Delineation and Rating ~~boundary survey and ranking~~.

(1) ~~When feasible,~~ An evaluation of any regulated wetland is necessary when there is a proposed development or activity to be located within 200-feet of a regulated wetland or regulated wetland buffer. Aa1etermination ~~survey~~ of the ~~regulated~~ wetland boundary and distance from development shall be determined using the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual with the Regional Supplement for Western Mountains, Valleys, and Coast Region. ~~and a n evaluation of any unranked regulated wetland may be completed by the Department of Community Development for any minor new development project, unless the applicant wishes to employ a qualified wetland biologist at the applicant's expense. Fees shall be collected for this survey and evaluation as specified in Chapter 3.30 CCC.~~

(2) The ~~Washington State Delineation Manual (Chapter 90.58 RCW)~~ 2014 Washington State Wetland Rating System for Western Washington Version 2, as amended, shall be used to rate and categorize ~~identify and delineate~~ regulated wetland boundaries. The Rating Summary of the wetland shall be used to determine the protection standards defined in 27.12.215 Wetland Buffers below.

(3) The wetland boundary shall be identified and ~~delineated, or evaluation of special reports for regulated wetlands shall be conducted by~~delineated at the applicant's expense by a qualified professional as outlined above. ~~a biologist with wetlands ecology expertise who is knowledgeable of wetland conditions within the North Olympic Peninsula Region and has professional experience in this occupation; or those individuals or firms which have been certified by the Association of Wetland Scientists.~~(moved to above)~~-~~This person shall field stake the wetland boundary and this line shall be surveyed by a professional land surveyor if the delineation is required for a land division pursuant to CCC Title 29.

(43) ~~An evaluation of any unranked regulated wetland is necessary when there is a proposed development or activity to be located within a regulated wetland or regulated wetland buffer. The site methodology for evaluating any unranked wetland shall follow Part Two of this chapter.~~ The delineation and rating shall be reviewed and approved by

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:25:52 PM

It might be more appropriate to say this is delineation and not a determination.

DCD. Approved report shall be valid for five-years from the date of the report. Fees for the report review shall be collected as specified in Chapter 5.100 CCC.

27.12.215 Protection standards for regulated wetlands.

The following standards for the protection of regulated wetlands and buffers shall be required for any development within 200 feet of a regulated wetland.

(1) *Buffers.*

(a) The standard width of the buffer zone shall be determined according to the regulated wetland rating and the type of development as outlined ~~in Table 5~~ below. The buffer shall not be altered except by a general exemption, certificate of compliance, variance, or reasonable use exception approval, as authorized by this chapter; provided, that such alterations meet all other standards for the protection of regulated wetlands. All buffers are measured horizontally from the regulated wetland edge as marked in the field.

~~Table 5.~~ **Wetland Buffers for Low Impact Land Uses**

	~~Major New Development~~	~~Minor New Development~~
~~Class I~~	~~200 feet~~	~~100 feet~~
~~Class II~~	~~150 feet~~	~~75 feet~~
~~Class III~~	~~75 feet~~	~~50 feet~~
~~Class IV~~	~~50 feet~~	~~25 feet~~

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Wetland Category	Wetland Characteristics Habitat (H)	Standard Buffer Width
Category I (Total of scores for all functions is 23 points or having "special characteristics" identified in the rating form)	High level of habitat function (H score 8-9 points)	150 feet
	Bogs or wetlands of high conservation value	125 feet
	Estuarine and coastal lagoons	100 feet
	Moderate level of habitat function (H score 1 7 points)	75 feet
	Not meeting any above characteristics	50 feet

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:37:05 PM

Ecology in 2018 updated the moderate habitat score to 6-7 and the low habitat score to 3-5. Please note the changes in the guidance. We will note where the ranges have changed in our guidance in your table.

Category II (Total of scores for all functions is 20-22 point or having "special characteristics" identified in the rating form)	High level of habitat function (H score 8-9 points)	150 feet
	Estuarine	75 feet
	Moderate level of habitat function (H score 1 7 points)	75 feet
	Not meeting any above characteristics	50 feet
Category III (Total of scores for all functions is 16-19 points)	Moderate level of habitat function (H score 2 7 points)	75 feet
	Low habitat function (H score 3 4 points	40 feet
Category IV (total scores for all functions is less than 16 points)	Score for all basic functions is less than 16 points	25 feet

Wetland Buffers for Moderate Impact Land Uses

Wetland Category	Wetland Characteristics Habitat (H)	Standard Buffer Width
Category I (total of scores for all functions is 23 points or having "special characteristics identified in the rating form	High level of habitat function (H score 8-9 points)	225 feet
	Bogs or wetlands of high conservation value	190 feet
	Estuarine and coastal lagoons	150 feet
	Moderate level of habitat function (H score 4 7 points)	110 feet
	Not meeting any above characteristics	75 feet
Category II (Total of scores for all functions is 20-22 point or having "special characteristics" identified in the rating form)	High level of habitat function (H score 8-9 points)	225 feet
	Estuarine	110 feet
	Moderate level of habitat function (H score 5 7 points)	110 feet
	Not meeting any above characteristics	75 feet
Category III (Total of scores for all functions is 16-19 points)	Moderate level of habitat function (H score 6 7 points)	110 feet
	Low habitat function (H score 7 4 points	60 feet
Category IV (total scores for all functions is less than 16 points)	Score for all basic functions is less than 16 points	40 feet

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 2:30:42 PM
Most recent rating system has updated a moderate habitat score to 6-7

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 2:31:12 PM
Most recent rating system has updated a moderate habitat score to 6-7

Number: 3 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 2:33:30 PM
Most recent rating system has updated a low habitat score to 3-5

Number: 4 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 2:34:33 PM
Most recent rating system has updated a moderate habitat score to 6-7

Number: 5 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 2:34:49 PM
Most recent rating system has updated a moderate habitat score to 6-7

Number: 6 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 2:41:11 PM
Most recent rating system has updated a moderate habitat score to 6-7

Number: 7 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 3:04:26 PM
Most recent rating system has updated a moderate habitat score to 3-5

	• Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use low intensity development techniques (for more information refer to the drainage ordinance and manual)
Change in water regime	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust

(c)Buffers that are in their natural state should not be altered and should remain in their natural condition; and enhanced whenever possible. Buffers should be well vegetated with species appropriate to the region and native vegetation, and shall not include plants on the County's noxious weed list.

(dc) Buffers and associated wetlands that have been altered and have lost ecological functions and values are encouraged to be restored in order to replace these lost functions and values. Clallam County shall provide information or technical expertise, where possible, in facilitating restoration activities, including referring interested property owners to various restoration information, efforts and funds. Prior to issuance of a development permit that is proposed adjacent to degraded critical areas or buffers, the property owner shall agree to undertake restoration activities or authorize such activities to occur, through an appropriate, approved legal device such as a conservation easement that is granted to a conservation program or restoration effort, or by legal, written agreement with restoration agencies or groups.

(e) When a wetland buffer contains an existing legally established public or private (does not include driveways) road, the County may allow development on the landward side of the road; provided, that the development will not have an adverse impact to the wetland. Likewise, in an existing subdivision where there is a legally established residence on a developed lot between the wetland and the proposed lot for development, the buffer shall not extend onto the undeveloped lot. The County shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the buffer interruption.

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 3:05:59 PM

Maybe consider rewording for clarity that native species appropriate to the region should be used.

(fd) *Buffer Averaging or Variances~~Reduction~~.* 1uffer widths may be modified or reduced by the review authority though buffer averaging or a variance approval. The buffer at its narrowest point shall never be less than either 75 percent of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater. Such requests shall be processed in accordance with Part Seven of this chapter; ~~provided, that buffers cannot be reduced to less than fifty (50) feet at any point except through buffer averaging or a reasonable use exception pursuant to Part Seven of this chapter.~~ Mitigation for buffer averaging, or variance, or reasonable use exception shall include a written plan for the restoration of degraded wetlands and/or associated buffers in order to 2crease the ecological function of the wetland.

(ge) The review authority may increase buffer zone widths, not to exceed 300 feet, for a development project on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values. Such determination shall be based on site-specific and project related conditions which include, but are not limited to: (i) wetland sites with 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; (ii) the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; (iii) the adjacent land on the development proposal site has minimal vegetative cover or slopes greater than fifteen (15) percent; ~~or (iv) the proposed development adjacent to the regulated wetland would be a high intensity land use. High intensity land uses include those land uses associated with moderate or high levels of human disturbance or substantial habitat impacts including, but not limited to residential densities greater than one dwelling unit per five (5) acres (gross density), active recreation, and commercial and industrial land uses.~~ Enhancement of a minimally vegetated buffer to restore buffer functions may be done in lieu of a buffer increase.

(hf) Any wetland that is created, restored, or enhanced as compensation for approved regulated wetland alterations shall have the required standard buffer ~~required~~ for the category of the created, restored, or enhanced wetland per the Wetland Buffer Table.

(ig) *Hazard Tree Removal.* Where a threat to human life or property is demonstrated by a report from an arborist or forester; certified by the International Society of Arboriculture (ISA) or American Society of Consulting Arborists (ASCA); or has qualified tree risk assessment training through the Tree Risk Assessment Qualifications (TRAQ) or equivalent, the Administrator may allow the falling of a danger or hazard tree subject to the following criteria: (i) tree removal is the minimum necessary to balance the protection of the critical area and its buffer with protection of life and property; and (ii) planting of a tree as a replacement, and planted in a 2:1 replacement ratio to account for replaced tees that do

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:43:21 PM

Please consider outlining more criteria for these averaged buffers:
– There are no feasible alternatives to the site design that could be accomplished without buffer averaging
– The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland professional
– The total buffer area after averaging is equal to the area required without averaging

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:44:13 PM

We would suggest noting that rather than an increase that this should achieve no net loss of wetland functions and values.

not survive, or shrubs when a certified arborist determines replanting a tree will create future hazard scenario; and (iv) where reasonable and safe leaving hazard trees as snags and logs for habitat and/or woody debris recruitment, with preservation of snags as a priority over logs. ~~may be required to assure habitat protection.~~ The 2:1 tree replacement ratio shall be applied to ensure no net loss of critical areas functions.

(2) *Critical Area Delineation and Field Identification*. Clallam County shall require temporary or permanent field markers delineating the critical area boundary and associated buffer prior to issuance of required permits for any development located within the jurisdiction of a regulation wetland. ~~include a condition of all approved development permits that propose alteration of land abutting or adjacent to regulated wetlands which states that the critical area buffer shall be delineated, or field identified in order to maintain the effectiveness of the buffer.~~ Field markers ~~identification of boundaries~~ shall consist of survey flags or equivalent markers composed of one-half (1/2) inch galvanized iron pipe or equivalent monument, at least eighteen (18) inches long, and daylight above the surface at least one inch. Field markers shall be spaced at a minimum of every fifty (50) feet, unless alternative placement or spacing is authorized by the Administrator. The location of field stakes must be shown on all site plans and final plats associated with the development proposal. Field stakes shall remain in place until any required final inspections are completed and approved. Field markers may be waived by the review authority if an alternative to field staking achieves the same objective and is proposed and approved, or if the development activity is located at a sufficient distance so that impacts to the critical area are unlikely to occur.

(~~3~~4) *Fencing*. Clallam County shall require that all buffer areas for wetlands ~~shall~~ be temporarily fenced between the construction activity and the buffer with a highly visible and durable protective barrier during construction to prevent access and protect the critical area and buffer and recommend a permanent wildlife passable fence established at the wetland buffer for protection. This requirement may be waived by the review authority if an alternative to fencing which achieves the same objective is proposed and approved.

(~~4~~5) *Forest Practice, Class IV General (Conversion and Urban Growth Area)*. All timber harvesting and associated development activity, such as construction of roads, shall comply with the provisions of this chapter, including the maintenance of buffers around regulated wetlands. 1l forest practices, regardless of class, within designated urban growth areas pursuant to the Growth Management Act, shall comply with the provisions of this section. Those lands harvested and not reforested under a Class I, II, or III permit and which do not meet the standards of this chapter and are later converted to nonforest uses

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 3:12:19 PM

Most forest practices (Class I, II, and III, as defined in Chapter 76-09 RCWWAC 197-11-93842) are exempted from the provisions of the wetlands chapter in the CAO. These activities are regulated through Chapter 76-09 RCW, the Forest Practices Act. Lands on which forest practices are performed under WA Department of Natural Resources (WA DNR) approved permits are automatically subject to a six-year development moratorium. Local governments have the authority to lift the moratorium through a SEPA action (43). If such a process is undertaken, the local government should ensure that its SEPA determination includes conditions to restore any impacts to wetlands or their buffers that resulted from the forest practice. Wetland and buffer protections are important for offsetting the loss of habitat, filtration, and climate change mitigation functions that can result from loss of forest land.

shall have all local permits withheld for a period of six (6) years, as authorized by the Washington State Forest Practices Act (Chapter 76.09 RCW). This moratorium shall run with the land and be duly noted in the public record. For the purpose of implementing this policy, the conversion of land to nonforest uses shall mean the division of land or the preparation of land for land division or construction. Should a landowner wish to remove the moratorium or convert the land to nonforest uses, the owner shall:

(a) Reforest the land as prescribed by the Department of Natural Resources and/or provide stabilization and protection of the critical area in a manner approved by Clallam County in accordance with this chapter. Said reforestation shall be by planting and not by natural regeneration, unless the Department verifies that natural regeneration has already occurred to such an extent that planting is not necessary. Provide stabilization and protection of the affected critical area through drainage and erosion control measures; and

(b) Submit and have approved by the administrator a conversion harvest plan. The approval of said plan may include conditions and improvement requirements to control erosion, protect or enhance the critical area or buffer, or other conditions which are intended to reduce impacts to the critical area.

(56) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with Chapter 27.14 CCC Stormwater Management ~~the Stormwater Management Manual for the Puget Sound Basin, prepared by the state Department of Ecology, February, 1992~~, as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area.

1~~7~~) *Land Divisions.* All proposed divisions of land which contain regulated wetlands shall comply with the following procedures and development standards:

(a) Only fifty (50) percent of regulated wetlands with permanent open water shall be permitted for use in calculating minimum lot area as required by CCC Title 33, Zoning Code, for the proposed lots. This provision shall not apply to the calculation of maximum residential density.

(b) Regulated wetlands and wetland buffers may be included in the calculation of minimum lot area for proposed lots provided that other standards, including subsection (7)(c) of this section, are met.

(c) All lots within the proposed land division shall contain at least one building site, including access and utility locations, that is suitable for development, is not within the

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:55:01 PM

In Ecology's CAO guidance for wetlands we recommend the following for lands containing wetlands as well:

"030.C. Subdivisions. The subdivision and/or short subdivision of land where wetlands and/or associated buffers are present are subject to the following:
1. Land that is located wholly within a wetland and/or wetland buffer may not be subdivided
2. Land that is located partially within a wetland and/or wetland buffer may be subdivided provided that an accessible and contiguous portion of each new lot is:
a. Located outside of the wetland and buffer; and
b. Meets the minimum lot size requirements of [the zoning code]"

This is to help prevent scenarios in which a parcel is divided in such a way that it becomes completely encumbered and reasonable use would apply.

regulated wetland or its associated buffer and the lot is consistent with the minimum lot area requirements specified by CCC Title 33, Zoning Code.

(d) The critical area and associated buffer shall be surveyed and shown on the final plat. A note shall be provided on the final plat that states that all subsequent development shall comply with critical area protection standards which were required as a part of the plat approval. The critical area and buffer shall be dedicated as open space tract, easement or covenant encumbering the critical area and buffer, for either the use and enjoyment by the general public, use and enjoyment by lot or parcel containing a portion or all of the critical or buffer area, or the use of a homeowners' association. Such dedication or easement shall be recorded together with the land division and shown on the final mylar.

(~~7~~8) *Livestock Restrictions.* Proposals to allow livestock access to regulated wetlands and associated buffers, or alteration of such areas for livestock use, shall be prohibited unless the Administrator finds that such access and alteration in existing and ongoing agricultural lands is limited and impacts controlled through approval and implementation of a mitigation plan. The Administrator may waive the need for a mitigation plan where the applicant implements a plan and/or project sponsored by the County, Clallam Conservation District, U.S.D.A. Natural Resources Conservation Service, Washington State Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or other agency/organization approved by the Administrator, which controls impacts caused by the introduction of livestock. ~~This prohibition shall not apply to Class IV wetlands or those wetlands, or portions thereof, that the Administrator determines meet the definition of grazed wet meadow.~~

~~(9) *Notice to Title.* Any property on which a development proposal is submitted shall have filed with the Clallam County Auditor: (i) a notice to title of the presence of the critical area or buffer, (ii) a statement as to the applicability of this chapter to the property, and (iii) a statement describing possible limitations on actions in or affecting such areas or buffers as approved by the Administrator. Clallam County shall record such documents and will provide a copy of the recorded notice to the property owner of record. Development proposals which are also defined as normal repair and maintenance of existing structures or developments, including but not limited to: roof repair, interior remodeling, wood stove permits, etc., and on-site sewage disposal systems repairs or replacement, are exempt from this requirement.~~

(10) *Roads and Bridges – Repair.* Any private or public road or street repair, maintenance, or expansion within existing right-of-way within a regulated wetland or associated buffer shall obtain a certificate of compliance and mitigation plan approval in accordance with

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:55:28 PM

Good addition that this can only be allowed in wetlands that are part of an existing and ongoing agricultural use. This should not be permitted in wetlands that are no part of these agricultural uses.

We would also recommend that you include a definition of existing and ongoing agricultural lands in your definition section. We have an example of this definition in our wetland guidance for CAOs. See our recommendation in the definition section on agriculture use.

(13) *Storm Water Management*. The following storm water management standards are required, as they apply:

(a) New development shall utilize best management practices to minimize storm water quantity and quality impacts to critical areas, both during and following construction. This includes locating discharge points as far from the wetland as feasible.

(b) Storm water runoff from new development shall not significantly change the rate of flow, hydroperiod which is the seasonal period and duration of water saturation or inundation, nor decrease the water quality of wetlands.

(c) Authorized modifications of wetlands or wetland buffers for construction of or discharge from drainage facilities shall protect wetland hydrologic functions classified pursuant to this section.

(d) Provide on-site retention or infiltration of summer and spring storm water runoff prior to discharging to wetlands 1 at receive water primarily from a perched water table, which is a saturated zone above a low permeability layer such as glacial till.

(e) Storm water runoff shall not be diverted from the watershed of wetlands whose primary source of 2 ater is from a perched water table.

(f) Developments which handle, store, dispose, transport, or generate hazardous substances/wastes defined as "dangerous" or "extremely hazardousdangerous" wastes under Chapter 173-303 WAC (regardless of quantity) shall not allow direct precipitation or storm water runoff to contact such substances where stored on-site.

(g) Compliance with the Clallam County storm water regulations is required, as applicable.

~~(14) *Temporary or Permanent Field Identification.* Clallam County shall require temporary or permanent field markers delineating the critical area boundary and associated buffer prior to issuance of required permits for any development located within the jurisdiction of a regulated wetland, aquatic habitat conservation area, and landslide hazard area. Field markers shall be composed of one-half (1/2) inch galvanized iron pipe or equivalent monument, at least eighteen (18) inches long, and daylight above the surface at least one inch. Field markers shall be spaced at a minimum of every fifty (50) feet, unless alternative placement or spacing is authorized by the Administrator. The location of field stakes must be shown on all site plans and final plats associated with the development proposal. Field stakes shall remain in place until any required, final inspections are completed and approved. Field markers may be waived by the review authority if an alternative to field staking achieves the same objective and is proposed and approved, or if the development~~

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:55:56 PM

All stormwater entering a wetland buffer should be treated, no matter what kind of wetland. Is there a particular reason why only those from a perched water table are noted here?

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 1:56:04 PM

Same as previous comment.

(3) No application shall be considered complete until all ~~special~~ reports required by this chapter are submitted to Clallam County. Required mitigation plans shall include proof that reasonable alternatives were sought to 1 void the impact.

(4) At every stage of the application process, the responsibility of demonstrating consistency with this chapter is upon the applicant.

(5) All applications for development proposals subject to this chapter shall also include:

(a) A site plan drawn to scale containing descriptive information and a scaled map about the development proposal site including, but not limited to: the location and dimensions of property boundaries; legal access, including the width of all road rights-of-way and easements; existing structures, drainfields, driveways, wells, and other improvements; proposed regulated uses and activities; slope of land; location and classification of critical area, and location of buffers 2 thin 200 feet. If the review authority determines that additional critical areas are found on the development proposal site, the applicant shall be required to amend the application site plan to identify the location of the critical area.

(b) A vicinity map which clearly relates the development proposal location to nearby rivers, creeks, and public roads to enable interested persons and agencies to determine the location of the site and obtain a geographical orientation to assist them in their review of the application. Said map shall be accompanied by a separate document giving instructions for reaching the site by automobile from a commonly known geographical reference point such as a public road intersection.

(c) Additional information necessary to evaluate the proposed development as to its consistency with the requirements of this chapter.

(d) Other information necessary to designate the boundary and classification of critical areas pursuant to this chapter, where it is confirmed by the Administrator that development will occur within the jurisdiction of this chapter.

27.12.705 Certificate of compliance.

(1) Compliance with this chapter is demonstrated through the issuance of a certificate of compliance. Those activities that are listed as exempt activities under CCC 27.12.035 do not require a certificate of compliance. ~~For those development proposals requiring a permit or approval from Clallam County under other provisions of the Clallam County Code, a finding of fact or conclusion of law, or other documentation illustrating consistency with this chapter will satisfy the requirement for a certificate of compliance.~~

~~(2)~~ The following types of permit and/or actions are required by the County Code and ~~in~~ review of these land uses and activities, Clallam County shall assure compliance with this

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 9:39:32 AM

We would recommend including some language asking them to avoid and minimize to align with the mitigation sequence. You could also ask them to demonstrate that they've followed the mitigation sequence and that alternatives were sought to avoid and minimize.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 1:55:41 PM

In our guidance we suggest that this should generally be your widest possible buffer. In this case that would be 300 feet based on your updated buffer tables. We would recommend updating this to be within 300 feet to account for your widest possible buffers.

chapter. 1 pproval by Clallam County of the following permits or actions shall also be considered a certificate of compliance, as required by this chapter. Proposed land use or development activities not requiring one of the permit types that are listed below, and not listed as exempt in CCC 27.12.035 shall also comply with this chapter.

- Building permit
- ~~Public water system permit~~
- Zoning conditional use or variance
- 2 Shoreline permit (variance, conditional use, substantial development, exemption)
- Comprehensive Plan and zoning map amendment
- On-site sewage disposal permit
- Land Divisions and related actions under CCC Title 29
- Road approach permit
- Storm water and/or clearing and grading, if applicable

~~(1) *Application for Certificate of Compliance.* A request for a certificate of compliance shall be made on forms provided by the Administrator and shall contain the minimum information specified in this section and Chapter 26.10 CCC, Consolidated Development Permit Process Code. For those regulated uses and activities, which require a permit or approval under other provisions of the Clallam County Code, the application for such permit may be used provided that it contains all of the information specified in this chapter.~~

(2) *Requirements for a Certificate of Compliance.*

(a) A certificate of compliance not associated with another development permit that is administered by Clallam County shall be processed as a Type I permit pursuant to Chapter 26.10 CCC, Consolidated Development Permit Process Code. ~~For those regulated uses and activities which require a permit or approval under other provisions of the Clallam County Code, a written determination of consistency with this chapter by the Administrator shall satisfy the provision for a certificate of compliance.~~

(b) Issuance of a certificate of compliance by Clallam County certifies that a proposed development activity meets the requirements of this chapter, as conditioned (if applicable). 3 hy significant change to a development proposal shall be disclosed by the applicant whereby a new certificate of compliance may be required to be submitted for review and approval.

~~(c) *Mitigation Plan.* The Administrator may require that a mitigation plan be prepared consistent with the provisions of Part Eight of this chapter in order to ensure compliance with the policies and standards of this chapter.~~

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 1:56:36 PM

Does this mean the County doesn't need to issue a document authorizing the development? If so, are there other ways to document the activity?

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 9:39:51 AM

SMP Related Comment: SMA doesn't apply outside shoreline jurisdiction; please consider deletion.

Number: 3 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 9:40:15 AM

What is considered a significant change? Is the process for reviewing permit revisions spelled out? You might consider adding some additional language to address this for clarity.

(cd) *Reconsideration and Appeal of Decision.* The decision of the Administrator on a certificate of compliance application may be reconsidered or appealed pursuant to Chapter 26.10 CCC, Consolidated Development Permit Process Code.

(3) A request for a Certificate of Compliance shall meet the following criteria prior to issuance: ~~Before a certificate of compliance is granted, it shall be shown that:~~

(a) The proposed development is consistent with this chapter; and

(b) The proposed development is consistent with the Clallam County Comprehensive Plan, CCC Title 31; the Clallam County Zoning Code, CCC Title 33; [1] CC Title 35, Clallam County Shoreline Master Program (SMP); the Clallam County Environmental Code, Chapter 27.01 CCC; and the other applicable provisions of the Clallam County Code; and

(c) The proposed development is consistent with watershed, flood management, ground water, and other plans adopted by ordinance or resolution by the Board of Clallam County, as they apply.

(dc) ~~*Mitigation Plan.*~~ The Administrator may require that a mitigation plan be prepared consistent with the provisions of Part Eight of this chapter in order to ensure compliance with the policies and standards of this chapter and may consult State agencies for unavoidable impacts to evaluate the mitigation to achieve no net loss of critical area functions and values.

(4) *Effectiveness and Expiration of a Certificate of Compliance.* A certificate of compliance shall be valid for a period of three (3) years, or the expiration date of the associated land use permit, whichever is longer, subject to any conditions of approval related to the timing of regulated activities on all or a portion of the development proposal site. The certificate of compliance shall be limited to those regulated uses and activities proposed and reviewed by the Administrator as part of the certificate of compliance application. Regulated uses and activities that were not proposed or reviewed for consistency with this chapter shall comply with the full provisions of this chapter. A certificate of compliance shall cease to be effective if the applicant fails to comply with any condition of approval. A certificate of compliance may be renewed for an additional three years upon request and subsequent determination by the Administrator that any related reports and/or mitigation plans do not need to be updated, and that the critical area is protected from negative impacts from the proposed development activity.

27.12.710 Variances to the performance standards. ~~**– Applicability.**~~

~~**27.12.715**~~ **(1) Types of variance applications – Buffer reduction.**

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 9:40:26 AM

SMP Related Comment: SMA doesn't apply outside shoreline jurisdiction; please consider deletion for clarity.

Applications for a variance to the performance standards specified by this chapter that are consistent with CCC 27.12.715, may be pursued by the following three types of variance procedures that are listed in the following order of preference; provided, that any approval is consistent with this subsection and chapter:

(a1) 1*uffer Averaging.* Averaging of buffer widths required for major and minor new developments as specified by this chapter may be allowed for wetlands and aquatic habitat conservation areas. Applications for buffer averaging shall be processed by the Administrator in accordance with Chapter 26.10 CCC, Consolidated Development Permit Process Code; provided, that the buffer width is not reduced more than twenty-five (25) percent at any point; except that 2iffers for minor new developmentmoderate and low impact adjacent to Type 4Np and Type Ns5 aquatic habitats may be reduced down to a minimum of fifty twenty-five (25) feet through the buffer averaging process. The intent of buffer averaging is no net loss of the total buffer area and function. Specific requirements for buffer averaging requests are identified specified in CCC 27.12.730 and 27.12.735.

(2) *Administrative Variance.* If buffer averaging is not feasible, an administrative variance to the buffer widths for major or minor new development may be allowed for wetland and aquatic habitat conservation areas as set forth by this chapter; provided, that a buffer reduction of not more than fifteen (15) percent is requested; provided further, that applications shall be processed in accordance with Chapter 26.10 CCC, as it applies or is subsequently amended to incorporate administrative variance procedures. Criteria for approval of an administrative variance are specified in CCC 27.12.725.

(b3) *Variance.* If buffer averaging or an administrative variance is not practicable, a request for a variance to buffer widths or other standards specified by this chapter shall be processed by the Clallam County Hearing Examiner in accordance with Chapter 26.10 CCC, provided, that a mitigation plan consistent with Part Eight of this chapter is also provided. Criteria for approval of a variance are specified belowin CCC 27.12.725.

(1) A request for a variance, or exception from the performance standards prescribed by this chapter may be authorized by the Hearing Examiner and/or Administrator as specified in CCC 27.12.720; provided, that a mitigation plan consistent with Part Eight of this chapter is also provided. Should relief of the standards allowed under this section still not provide reasonable use of a property, a reasonable use exception may be pursued under CCC 27.12.740.

(2) Variances shall not be granted for the following proposed development activities:

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 9:48:57 AM

Your buffer averaging doesn't appear to be a variance. Local governments can allow wetland buffer widths to vary in certain circumstances. This may be reasonable if your standard buffers are adequate. The width of buffers may be averaged if this will improve the protection of wetland functions or if it is the only way to allow for reasonable use of a parcel.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 9:40:59 AM

The way this is written makes it sound like the buffer is for the development, rather than the critical area. We would recommend a revision to make it clear that the buffer is for the critical area to be protected from the adjacent land use.

(a) Acts as a biofilter that protects water quality of the wetland, aquatic habitat conservation area, and/or any interconnected surface and ground water resources.

(b) Moderates wetland and aquatic habitat conservation area water level fluctuations.

(c) Contributes woody debris and other nutrient inputs to wetlands, aquatic habitat conservation area, and/or interconnected surface water features.

(d) Limits visual, auditory, and direct intrusion between critical areas and developed environments.

(e) Provides important wildlife habitat components for species dependent or associated with wetland, marine, and riverine environments.

(f) Allows for the natural movement of a stream within its floodplain or channel migration zone.

(g) Separates development from potential flooding impacts.

(2) Alterations are, to the extent practicable, placed on existing road grades, utility corridors, or other developed lands.

(3) The modified buffer maintains, increases, and/or enhances the protection of native plant communities.

(4) The modified buffer maintains, increases, and/or enhances the protection of significant habitat features classified pursuant to Parts Two and Three of this chapter.

(5) The modified buffer retains, increases, and/or enhances the protection of significant wildlife movement corridors classified pursuant to Part Three of this chapter.

(6) [1]ow intensity land uses are located adjacent to the buffer within the jurisdiction. Low intensity land uses are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation, open space, or agriculture or forest management land uses. For residential uses, low intensity land use means densities equal to or less than one unit per five (5) acres.

~~(7) Reduction of the modified buffer does not increase the amount of impervious surfaces within the watershed of wetlands classified as wetland hydrology type(s) 1, 2, 3, 7, and 9 pursuant to Part Two of this chapter.~~

(8) The modified buffer maintains, increases, and/or enhances the protection of erosion and landslide hazard areas adjacent to the critical area.

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:32:50 AM

Does a low intensity land use needs to be adjacent to the reduced portion of the buffer? We suggest in our guidance that the buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical area report from a qualified wetland professional. It doesn't necessarily need to be adjacent to a low intensity land use.

(9) The development is designed to separate and screen impacts such as noise, glare, vegetation trampling, etc. of adjacent land uses from the critical area. The site design shall consider the varying degrees of impacts of different land uses. For example, parking lots, store entrances, and roads generally have higher noise and glare impacts than the rear of the store. Site screening should take advantage of natural topography or existing vegetation, wherever possible. Where natural screening is not available, berms, landscaping, and structural screens should be implemented (e.g., orient buildings to screen parking lots and store entrances from critical area). Landscaping shall be consistent with Chapter 33.53 CCC.

(10) The buffer dimension is not reduced more than twenty-five (~~25~~) percent at any point.

(11) A buffer averaging plan prepared by a qualified professional shall be prepared that indicates the location of the reduced portion of the buffer and the increased portion of the buffer will be located. No net loss of buffer area for the critical area shall be shown.

27.12.725 Criteria of approval for a variance.

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Before any variance is granted, it shall be shown by the applicant that the following criteria have been met:

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(1) Failure to grant the variance would result in an extraordinary hardship to the applicant.

(2) The extraordinary hardship to the applicant is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this chapter, and is not, for example, from deed restrictions or the applicant's own actions.

(3) The variance is justified to cure a special circumstance and not simply for the economic convenience of the applicant and no other practicable or reasonable alternative exists (see Definitions).

(4) The granting of the variance will not be 1aterially detrimental to the critical area, public health, safety, welfare, use or interest; or injurious to the property or improvements in the vicinity.

(~~5~~) The granting of the variance will not grant a privilege not available to other properties within the same zoning district.

(6) The granting of the variance is the minimum necessary to afford relief to accommodate a use allowed under the Comprehensive Plan, CCC Title 31, Zoning Code, CCC Title 33, 2lallam County Shoreline Master Program (SMP), CCC Title 35, or other applicable provisions of the Clallam County Code.

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 3:13:52 PM

This language is difficult to measure and unclear. Could you consider changing the language to say that it will not result in no net loss of ecological function or will not result in loss of functions and values? Those are things that can be more easily measured.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:33:18 AM

SMP Related Comment: SMA doesn't apply outside shoreline jurisdiction; please consider deletion.

(76) The granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan, CCC Title 31, 1 the Shoreline Master Program CCC 35, or be inconsistent with County land use codes or inconsistent with the spirit and intent of this chapter.

(87) A mitigation plan pursuant to this chapter has been submitted and is approved by the review authority for the proposed variance request.

~~27.12.730 Requirements for buffer averaging.~~

~~Buffer averaging requests shall demonstrate consistency with CCC 27.12.725, and the following provisions of this section to the satisfaction of the Administrator:~~

~~(1) Determine whether the reduced buffer:~~

~~(a) Acts as a biofilter that protects water quality of the wetland, aquatic habitat conservation area, and/or any interconnected surface and ground water resources.~~

~~(b) Moderates wetland and aquatic habitat conservation area water level fluctuations.~~

~~(c) Contributes woody debris and other nutrient inputs to wetlands, aquatic habitat conservation area, and/or interconnected surface water features.~~

~~(d) Limits visual, auditory, and direct intrusion between critical areas and developed environments.~~

~~(e) Provides important wildlife habitat components for species dependent or associated with wetland, marine, and riverine environments.~~

~~(f) Allows for the natural movement of a stream within its floodplain or channel migration zone.~~

~~(g) Separates development from potential flooding impacts.~~

~~(2) Alterations are, to the extent practicable, placed on existing road grades, utility corridors, or other developed lands.~~

~~(3) The modified buffer maintains, increases, and/or enhances the protection of native plant communities.~~

~~(4) The modified buffer maintains, increases, and/or enhances the protection of significant habitat features classified pursuant to Parts Two and Three of this chapter.~~

~~(5) The modified buffer retains, increases, and/or enhances the protection of significant wildlife movement corridors classified pursuant to Part Three of this chapter.~~

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:33:31 AM

SMP Related Comment: SMA doesn't apply outside shoreline jurisdiction; please consider deletion.

17.12.740 Reasonable use exception.

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Should relief of the standards allowed under a variance this section still not provide reasonable use of a property, a reasonable use exception may be pursued ~~under CCC 27.12.740.Except when application of this chapter would deny all reasonable use of the property, an applicant who seeks an exception from the standards and requirements of this chapter shall pursue relief~~ by means ~~of a variance~~ as provided by this subsection: ~~for in this chapter. Any reasonable use authorized under this section shall also be an allowed or conditional land use as specified by CCC Title 33, Clallam County Zoning Code. If the application of this chapter would deny reasonable use of the property, or would otherwise constitute a taking under either the State or federal constitution, the applicant may apply for a reasonable use exception pursuant to this subsection:~~

(a~~1~~) An application for a critical area reasonable use exception shall be filed with the Administrator and shall be considered by the Hearing Examiner as a Type III permit pursuant to Chapter 26.10 CCC. The applicant may apply for a reasonable use exception without first applying for a variance if the requested exception would provide relief from standards for which a variance cannot be granted under this chapter. The property owner and/or applicant for a reasonable use exception have the burden of proving that the property is deprived of all reasonable uses. Clallam County shall provide access to available data or other information that pertains to the subject property which may be used by the applicant.

(b~~2~~) Approval of a reasonable use exception requires consistency with all of the following criteria listed in subsections (2)(a) through (2)(e) of this section. Demonstration of consistency is burdened upon the applicant:

(i~~a~~) Application of this chapter would deny all reasonable use of the property; and

(ii~~b~~) There is no other reasonable use with less impact on the critical area; and

(iii~~c~~) The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site; and

(iv~~d~~) The proposed development is consistent with the general purposes of this chapter and the public interest, and does not conflict with applicable State and federal laws; and

(v~~e~~) The proposed alterations to regulated critical areas are the minimum necessary to allow for reasonable use of the property.

(c~~3~~) Any authorized alteration of a critical area under this section may be subject to conditions established by Clallam County and may require mitigation under an approved mitigation plan pursuant to Part Eight of this chapter.

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 3:43:12 PM

Generally, the purpose of a reasonable use exception is not to allow general development within critical areas, but to allow only minimal use of the property so as to not deprive someone of reasonable use.

For reasonable use we also suggest an additional criteria from our guidance:
"The inability to derive reasonable economic use is not the result of the applicant's actions or that of a previous property owner, such as by segregating or dividing the property and creating an undevelopable condition."

(3) *Waiver.* The review authority may waive all or portions of the mitigation plan if, in his/her opinion, there is adequate information available on the site to determine its impacts and appropriate mitigating measures.

27.12.840 Mitigation plan – General requirements.

(1) The applicant shall identify and describe why those regulated uses and activities are not and cannot be consistent with the provisions of this chapter and shall describe how impacts shall be mitigated.

(2) The applicant shall demonstrate that the project will mitigate impacts to critical areas by doing one or more of the actions listed below in order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of actions. This may be accomplished by selecting a reasonable alternative that does not involve impacts to critical areas or buffer impacts; applying reasonable mitigation measures, such as drainage and erosion control, alternative site planning, and/or using best available technology.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts. This may be accomplished in one of the following methods, or through other methods as deemed appropriate: selecting a reasonable alternative that avoids most critical area impacts; applying reasonable mitigation measures, such as drainage and erosion control, preservation of critically important plants and trees, limitation of access to critical areas, seasonal restrictions on construction activities, phased development, and/or establishment of buffers.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment for unavoidable impacts. This may be done by reestablishing critical area functions and buffers on-site which have been lost by alterations or activities.

(d) Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments for unavoidable impacts. This may be done by intentionally creating critical area functions and buffer at another location where none currently exist, improving existing wetlands and wetland buffers at another location, or otherwise providing a substitute wetland resource at another location as compensation for any unavoidable adverse wetland impacts.

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:34:45 AM

You might consider referring back to the mitigation sequence or clarity that these uses and activities cannot meet the avoidance and minimization step of the mitigation sequence.

(f) Monitoring the impact using adaptive management strategies and having a contingency plan in place when necessary to ensure success.

(3) The review authority shall determine whether identified impacts can be first avoided and secondly minimized. For any impacts to critical areas that are determined to be unavoidable and necessary, the review authority shall determine whether such impact should be rectified or compensated. The review authority shall affirm that no net loss of wetland or critical habitat results.

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(4) ~~Critical area impacts can be mitigated if mitigation measures would not result in an extraordinary hardship and denial of reasonable use of the property.~~ Mitigation Plans and measures may not result in an extraordinary hardship or denial of reasonable use of the property.

27.12.845 Wetland~~s~~ Mitigation Plans~~ Special requirements~~.

(1) Wetland mitigation plans shall be prepared by a qualified professional ~~person who meets the qualifications~~ pursuant to this chapter~~, and has demonstrated experience in mitigation plan design, implementation, and monitoring~~.

(2) The overall goal of any mitigation plan shall be no net loss of wetland functions, acreage and values as determined by the assessment methodology in Part Two of this chapter.

(3) 1uthorized losses of wetland hydrologic functions ~~classified pursuant to Part Two of this chapter~~ shall be 2itigated ~~within on~~ the development proposal site, regardless of whether wetland acreage and fish and wildlife habitat functions are replaced off-site.

(4) 3itigation of unavoidable and necessary impacts shall occur based on enhancement and restoration priorities adopted by County Board of Commissioners and/or based on the following order of preference: 4ontiguous to the wetland impacted; contiguous to aquatic habitat conservation areas and wetlands within the same watershed a wetland that is part of, and contiguous to other aquatic habitat conservation areas and wetlands.

(5) Compensatory mitigation for direct and indirect disturbance to regulated wetlands shall follow Washington Department of Ecology Wetland Mitigation guidelines (Pub 21-06-003).

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(65) Those persons proposing or required to compensate for wetland impacts shall show that the compensation project is associated with an activity or development otherwise permitted and that the restored, created, or enhanced wetland will be as persistent as the wetland it replaces, by accomplishing the following:

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:36:38 AM

Is there a particular reason that the County is preferring to mitigate for hydrologic functions on-site when they can be mitigated off site through things like a mitigation bank? Our guidance recommends the use of a watershed approach to wetland mitigation where off site mitigation can be reasonable if it sufficiently mitigates loss of functions and values. Please see page A-16 of the Wetland Guidance for CAO updates for a discussion of approaches to compensatory mitigation.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:37:56 AM

Why must required compensation for hydrologic functional impacts to be onsite?

Number: 3 Author: eatk461 Subject: Comment on Text Date: 8/12/2026 9:37:01 AM

Compensation for

Number: 4 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:42:21 AM

We would recommend updating this to align with our mitigation guidance. In our guidance, site selection should follow our site selection guidance/the watershed approach. A mitigation site near an impact might not be successful, or might not have the required perimeter buffers.

(a) Demonstrate best available science, sufficient scientific expertise, supervisory capability, and financial resources to carry out the project;

(1) Demonstrate the capability for monitoring the site and to make corrections during this period if the project fails to meet projected goals;

(c) Protect and manage or provide for the protection and management of the compensation area to avoid further development or degradation.

(76) Wetland mitigation plans required by this chapter shall be implemented by the project applicant, be commensurate with the scope of the development proposal and include the following components:

(a) *Baseline Information.* A written assessment and accompanying maps of the:

(i) Impacted wetland 2cluding, at a minimum, existing wetland acreage; vegetative, fauna and hydrologic characteristics; soil and substrate conditions; and topographic elevations.

(ii) Mitigation site, if different from the impacted wetland site, including at a minimum: existing acreage; vegetative, faunal and hydrologic conditions; relationship within watershed and to existing water bodies; soil and substrate conditions, topographic elevations; existing and proposed adjacent site conditions; buffers; and ownership.

(b) *Environmental Goals and Objectives.* The report shall identify goals and objectives and include:

(i) The purposes of the compensation measures including a description of site selection criteria, identification of compensation goals, identification of target evaluation species and resource functions, dates for beginning and completion, and a complete description of the structure and functional relationships sought in the new wetland. The goals and objectives shall be related to the functions and values of the original wetland or, if out-of-kind, the type of wetland to be emulated;

(ii) A review of the available literature and/or experience to date in restoring or creating the type of wetland proposed shall be provided. An analysis of the likelihood of success of the compensation project at duplicating the original wetland shall be provided based on the experiences of comparable projects, if any. An analysis of the likelihood of persistence of the created or restored wetland shall be provided based on such factors as surface and ground water supply and flow patterns, dynamics of the wetland ecosystem; sediment or pollutant influx and/or erosion, periodic flooding and drought, etc., presence of invasive flora or fauna, potential human or animal disturbance, and previous comparable projects, if any.

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:56:05 AM

It may be clearer to outline what this monitoring would look like and include a plan to monitor the mitigation site for compliance with performance standards. Include a contingency plan for if the project consistently fails to meet goals, objectives, or performance standards.

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:44:58 AM

We would suggested also including the wetland rating using the Wetland Rating System for Western Washington.

(~~8~~7) *Performance Standards.* Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation plan are being achieved at various stages in the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

(~~9~~8) *Detailed Construction Plans.* Written specifications and descriptions of compensation techniques shall be provided including the proposed construction sequence, grading and excavation details, erosion and sediment control features needed for wetland construction and long-term survival, a planting plan specifying plant species, quantities, locations, size, spacing, and density; source of plant materials, propagules, or seeds; water and nutrient requirements for planting; where appropriate, measures to protect plants from predation; specification of substrate stockpiling techniques and planting instructions; descriptions of water control structures and water-level maintenance practices needed to achieve the necessary hydrocycle/hydroperiod characteristics; etc. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.

(10~~9~~) *Monitoring Program.* A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided. Monitoring may include, but is not limited to:

(a) Establishing vegetation plots to track changes in plant species composition and density over time;

(b) Using photo stations to evaluate vegetation community response;

(c) Sampling surface and subsurface waters to determine pollutant loading and changes from the natural variability of background conditions (pH, nutrients, heavy metals);

(d) Measuring base flow rates and storm water runoff to model and evaluate water quality predictions, if appropriate;

(e) Measuring sedimentation rates, if applicable; and

(f) Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity. A protocol shall be included outlining how the monitoring data

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 10:45:11 AM

Ecology recommends percent aerial cover as a performance standard over percent survival.

Part Nine. Definitions

27.12.900 Definitions.

Whenever the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section. "Shall" is always mandatory, and the word "may" or "should" indicates a use of discretion in making a decision. All other words in this chapter shall carry the meanings as specified in the latest edition of Webster's New Collegiate Dictionary.

(1) "Administrator" means the Director of the Clallam County Department of Community Development or his/her designee.

1) "Agriculture" or "agricultural activities" means the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, cottonwood trees, Christmas trees not subject to the excise tax imposed by RCW 84.33.170 ~~84.33.100 through 84.33.140~~, or livestock, including those activities directly pertaining to the production of crops or livestock including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas. Activities (like installing drainage tiles) that allow an area to be utilized for agricultural use, or the processing or packing of primarily (i.e., over 50 percent) off-site agricultural materials are not considered agricultural activities.

(3) "Alteration" means a human action that may change 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); applying herbicides or pesticides or any hazardous or toxic substance; discharging storm water runoff or pollutants; grazing domestic animals; modifying for surface water management purposes; or any other human activity that changes existing vegetation, hydrology, wildlife or wildlife habitat.

(4) "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

(5) "Applicant" means any person, public agency or business entity such as a corporation or a partnership which applies for a development proposal, permit or approval subject to review under this chapter. "Applicant" shall also mean any predecessor or any successor in interest involving the proposal.

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 9:27:41 AM

Does Clallam County have existing and ongoing agriculture defined? You refer to existing and ongoing agriculture elsewhere in your CAO and we would very highly suggest that you define it here. Please see 2022 Ecology's Wetland Guidance for CAO Updates for an example of this definition on page B-1.

(21) "Elevation certificate" means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

(22) "Elevated building" means a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

(23) "Enhancement" means actions performed to improve the condition of existing degraded critical areas (e.g., wetlands or streams) so that the functions they provide are of a higher quality (provided, that this activity does not significantly degrade another existing function or value), and are designed to improve or restore native fish and wildlife habitat, or watershed functions.

(24) "Erosion" means the process whereby the land surface is worn away by the action of water, wind, ice or other geologic agents and by processes such as gravitational creep or events such as landslides. Geologic erosion occurs as an ongoing process that acts on all land surfaces to some degree. Human activities such as removing vegetation, increasing storm water runoff or decreasing slope stability often accelerate or aggravate natural erosion processes.

(25) "Existing, ongoing agriculture" means agriculture that is both: (a) on land located within the agricultural retention zoning district and/or on land that meets the criteria and is enrolled in the Washington State open space and agricultural current use program per RCW 84.34.020(2)(b) and (2)(c); and (b) is on land that has been used for agriculture since June 16, 1992, and not ceased use for agriculture for more than five consecutive years at any one time. Changing the type of agricultural activities being conducted is not considered new or expansion of existing agricultural activity. Agriculture that meets the definition of "existing, ongoing agriculture" on farmed wetlands, farmed wetland pastures, and prior converted wetlands is allowed to continue subject to the provisions of CCC 27.12.037.

(26) "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(27) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid accumulation of runoff of surface waters from any source, and/or mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 11:30:33 AM

It is important to distinguish enhancement from other mitigation methods, especially rehabilitation. The definitions list should include all the methods of wetland compensatory mitigation if they are not described elsewhere in the wetlands chapter.

We have these other methods defined in our 2022 Wetland Guidance for CAO Updates (Appendix B). Examples of other methods are rehabilitation, restoration, preservation, etc.

(41) "High Level land use". See definition of Categories of Land Uses.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(42) "Historic structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

(43) "Hydrogeology" means the science dealing with the properties, distribution, and circulation of ground water and related aspects of water.

(44) "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities are not considered impervious surfaces.

15) "Lake" means a naturally existing or artificially created body of standing water greater than or equal to 20 acres in size. Lakes include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A lake is bounded by the ordinary high water mark or the extension of the elevation of the lake's ordinary high water mark within the stream, where the stream enters the lake. All lakes meet the criteria of Chapter 90.58 RCW (Shoreline Management Act) and have been inventoried as "shorelines of the State" under the Shoreline Master Program for Clallam County.

(46) "Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 11:31:34 AM

SMP Related Comment: As written, this definition reflects RCW 90.58.030(2)(d) and WAC 173-22-030(4); SMA does not apply outside county's shoreline jurisdiction and CAO does not implement he SMA; please delete &/or revise per WAC 365-190-130(4)(g) for an appropriate GMA version to replace this language.

disturbing activities include, but are not limited to: demolition, construction, paving, clearing, grading, grubbing, surface mining or mineral extraction and other site development activities. This definition does not include those normal activities associated with construction and/or occupancy of a single-family dwelling and appurtenances.

(47) "Land divisions" means any division of land regulated under the Clallam County Land Division Ordinance, CCC Title 29, as now or hereafter amended.

(48) "Landslide" means the general term used to describe the downslope movement of a mass of slope materials including rock, soils, artificial fills, and vegetation. The speed and distance of movement, as well as the amount and type of slope material, vary greatly.

(49) "Low Level land use". See definition of Categories of Land Uses.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter (i.e., provided there are adequate flood ventilation openings).

~~(50) "Major new development" means any new development that is not considered minor new development, including but not limited to:~~

~~(a) Clearing, grading or filling one acre or greater in area;~~

~~(b) Zoning conditional use permits required under CCC Title 33, Zoning;~~

~~(c) Any new commercial or industrial development authorized under Chapter 33.35 CCC, Amendment, except when authorized as a home enterprise activity consistent with CCC Title 33, Zoning;~~

~~(d) Any structure, regardless of use, with a footprint in excess of 4,000 square feet;~~

~~(e) Any land division pursuant to CCC Title 29, Subdivisions.(vi) All land disturbing activities must comply with any critical area buffer and other protection standards established for parcels created by land division.~~

11) "Marine bluff" means the cliff-like landform which has been created by wave and tidal erosion along marine shorelines. For the purposes of this chapter, marine bluffs include those areas along marine shorelines where:

(a) The slope is identified as "unstable," "unstable old slide" and "unstable recent slide" on the maps of the Coastal Zone Atlas of Washington, Clallam County (1978 as amended); or

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 11:34:16 AM

SMP Related Comment: As written, this definition reflects marine shorelines regulated by the SMP; SMA does not apply outside county's shoreline jurisdiction and CAO does not implement the SMA; please consider deletion.

~~(vi) All land disturbing activities must comply with any critical area buffer and other protection standards established for parcels created by land division.~~

~~(b) Construction and practices normal or necessary for agriculture, including agriculture service roads and utilities, construction of an agriculture building less than 4,000 square feet in size used exclusively for agriculture; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of wetlands or streams by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary agriculture;~~

~~(c) Clearing, grading or filling less than one acre not associated with residential development or agriculture; provided, that mineral extraction is not involved; provided further, that no such activity shall occur within critical areas or their associated buffers inconsistent with this chapter.~~

(56) "Moderate level land use". See definition of Categories of Land Uses.

"Monitoring" means the collection and analysis of data for the purposes of documenting changes in natural ecosystems and features. This includes gathering baseline data and follow-up data for evaluating the impacts of development on biological, hydrologic and geologic elements of such systems and assessing the performance of required mitigation measures.

(57) "Native vegetation" means vegetation indigenous to the North Olympic Peninsula as found in *Flora of the Pacific Northwest* by Hitchcock and Cronquist, Univ. of Washington Press, 1972, as amended, or *Flora of the Olympic Peninsula* by N. Buckingham and E. Schreiner, 1995.

(58) "New construction" means (for the purposes of determining insurance rates) structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(59) "No Net Loss" means those standards that are intended to limit the impacts from new development and other land uses by adopting a mitigation hierarchy to avoid, minimize, remediate, and offset negative impacts on ecosystems.

(**) "Normal maintenance" means those acts that are usually necessary in order to prevent a decline, lapse or cessation of a lawfully established condition. It does not include

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/13/2026 9:28:06 AM

You might consider changing this definition to reflect that no net loss means that a critical area must not lose functions or values. You might consider something that mentions that no net loss means that the overall level of critical area functions and values at the site and landscape scales remains the same as legally existing conditions or improves over time.

overall project purposes, and having less impact to critical areas. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

(67) "Priority habitat" means a seasonal range or habitat element with which a given species has a primary association, and if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding, nesting, feeding, foraging, and migratory habitat, winter range, movement corridors, and/or habitats that are of limited availability or high vulnerability to alteration. Priority habitats are established by the Washington Department of Wildlife within their Priority Habitats and Species Database.

(68) "Priority species" include those which are State-listed endangered, threatened, sensitive, candidate and monitor species as well as priority game and nongame species under Chapter 220232-12 WAC.

(69) "Public facilities" means buildings or uses of land, whether owned or leased, operated by a public agency for such purposes as providing places for public assembly and recreation, operating services of benefit to the public, or for the administration of public affairs.

(70) "Public utility" means a business or service, either governmental or having appropriate approval from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, sewer and/or wastewater, water, transportation or communications.

11) "Qualified professional" means DO WE NEED THIS DEFINTION OR IS IT UNDERSTOOD?

"Ravine" means a landform usually having little or no floodplain that develops adjacent to a stream, and has relatively steep side walls composed of unconsolidated materials or surficial deposits.

(72) "Reasonable alternative" means an activity that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which the regulatory authority has authority to control impacts.

(73) "Recreational vehicle" means a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel,

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 11:53:20 AM

The CAO has a qualified wetland professional defined using Ecology guidance in their actual wetland chapter. So long as it is defined and understood somewhere in the CAO that would be acceptable and not needed here in the definition section.

1peration. Water-dependent uses include, but are not limited to: aquaculture, boat launch facilities, ferry terminals, hydroelectric power plants, marinas, marine construction, dismantling and repair, marine and limnological research and education, private and public docks, terminal and transfer facilities for marine commerce and industry, water intakes and outfalls, log booming, tug and barge facilities, residential appurtenances such as beach access ramps and walkways, observation decks and platforms, picnic sites, and gazebos/shelters less than 250 square feet in size.

(93) "Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

2(4) "Water-related uses" means a use or portion of a use that is not intrinsically dependent on a waterfront location, but which includes operations that cannot occur economically without a shoreline location or without close proximity to water-dependent uses. Water-related uses include, but are not limited to: warehousing or storage facilities; support services for fish hatcheries; seafood processing plants; wood products manufacturing; log storage; watercraft sales; boating supplies.

(95) "Watershed" means the interconnected system of surface and near-surface water bodies that drain to a common outlet.

(96) "Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soils 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 to mitigate the conversion of wetlands.

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Number: 1 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 11:57:32 AM

SMP Related Comment: Water-dependent and water-related uses are an SMA issue addressed by the SMP; SMA does not apply outside shoreline jurisdiction and CAO does not implement the SMA. Please consider deletion..

Number: 2 Author: eatk461 Subject: Comment on Text Date: 8/11/2026 11:57:42 AM

SMP Related Comment: Same as above; Water-dependent and water-related uses are an SMA issue addressed by the SMP; SMA does not apply outside shoreline jurisdiction and CAO does not implement the SMA. Please consider deletion.

DNR Comments

From: Sears, Tricia (DNR)
To: Clark, Donella
Cc: Hardesty, Josh (DNR); Emery, Bruce; Havel, Tim
Subject: RE: Clallam County Phase 1 Landslide Mapping Update - CAO early assistance
Date: Monday, April 13, 2026 2:09:25 PM
Attachments: image002.png
4-5-6.Geo_Floodplain_CARA_changes Clallam County 4-9-26.docx

Hello Donella,

Thank you for sharing your draft CAO. I cc'd a couple of folks that were part of the prior dialogue, so that they can see we communicated on this topic.

I have reviewed the document you provided, see attached, In the document the following provisions are included, related to geologically hazardous areas. As part of your update to the geologically hazardous areas provisions, I suggest you review the provisions of other jurisdictions too.

Part Four. Geologically Hazardous Areas

- **27.12.410 Classification and designation.**
- **27.12.412 Geotechnical report.**
- **27.12.415 Landslide hazard protection standards.**
- **27.12.420 Erosion hazard protection standards.**
- **27.12.425 Seismic hazard protection standards.**
- 27.12.430 Channel Migration zone protection standards.

Based on this information, Clallam County identifies and designates the geologically hazardous areas hazards as landslides, erosion, seismic, and channel migration hazards.

27.12.410. Suggest including a reference to the Clallam County maps, or may system, if there is a set available for the public to access. It appears there is one, Clallam County GIS Portal. The website states that critical areas are shown on the Clallam County GIS Portal. Suggest including the Washington Geologic Information Portal as a map reference for landslide hazards. The Washington Geological Survey's best available science is included in the Portal and on the WGS website. Interesting to see that within the erosion hazard, as stated in (i) all landslide hazard areas are erosion hazard areas.

27.12.412. There is no text included for this section. Does this mean there are no proposed changes to the existing Clallam County provisions here even though it is listed as a section with changes?

27.415. The first statement notes that a geotechnical report is required for all development in the landslide hazard area. Great!

Related to buffers, there is an opportunity to reduce the buffer below the minimum of 50 feet. A buffer can be reduced to 20 feet, and it can be reduced below 20 feet, with a geotechnical report. It's not clear if there are different or additional geotechnical report requirements for reducing the

buffer to 20 feet or below 20 feet vs keeping the buffer at 50 feet. If proposing to reduce the buffer below 20 feet, the applicant must do a reasonable use exception and get an approval for it. The reasonable use provisions were not included in the document.

In subsection (f), how is this ascertained, "unless new information such as recent geologic activity warrants a new report to be required;"?

In g(3), does this mean record to title of the property, like at the Clallam County Recorders Office, "This moratorium shall run with the land and be duly noted in the public record"?

In 4(a), is information required to be submitted as part of the geotechnical report that addresses this, "stable under normal geologic or hydrologic conditions;"?

Great to see in 8 that temporary and permanent field markers are required.

27.12.420. Great to see seasonal disturbance limitations. There are two subsection (3)s in this section. Note that the provisions are mostly focused on forestlands and zoning or comp plan amendments. Consider having additional provisions for other types of development.

27.12.425. This is the second time the "environmental assessment" is mentioned. Where are the details of the environmental assessment described? As in, what is required, what is the process, etc.?

27.12.430. This section refers to a "CZM assessment report." Where are the details of that report described?

Note, stormwater is typically written as one word rather than two separate words. In the provisions that are shared, it is not clear, is a licensed in Washington geotechnical engineer or engineering geologist required to prepare the geotechnical report?

Below, I include our usual language for this and future endeavors.

Recognizing the limitations of the current proposals, I want to mention that it would be great for you to consider these in current or future work, be it in your comprehensive plan, development code, and SMP updates, and in your work in general:

- Consider adding a reference to the definition of geologically hazardous areas, WAC 365-190-120, in other areas besides the CAO. In addition, consider adding a reference to WAC 365-196-480 for natural resource lands.
- Consider adding in other areas besides the CAO. If you have not checked our interactive database, the Washington Geologic Information Portal, lately, you may wish to do so. Geologic Information Portal | WA - DNR
- If you have not checked out our Geologic Planning page, you may wish to do so. Geologic

Planning | WA - DNR

Thank you for considering our comments. If you have any questions or need additional information, please contact me. I am happy to discuss my comments!

Cheerio,
Tricia

Tricia R. Sears (she/her/hers)
Geologic Planning Liaison
Washington Geological Survey (WGS)
Washington Department of Natural Resources (DNR)
Cell: 360-628-2867 | Email: tricia.sears@dnr.wa.gov

From: Clark, Donella <donella.clark@clallamcountywa.gov>
Sent: Thursday, April 9, 2026 3:53 PM
To: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Subject: RE: Clallam County Phase 1 Landslide Mapping Update

External Email

Thank you for the offer to provide comment on changes to our critical areas ordinance regarding geohazards. We were not intending to change much in the geohazard section. The proposed changes are attached.
We are hoping to make it clear in the code that the map Chad administers is the official critical areas map. If you think there should be language referencing the layers that are used let me know. And if you feel a meeting would be helpful I can set something up.
We are hoping to start our process with the Planning Commission this summer and are shooting for a public hearing in the fall.

Donella Clark
Principal Planner
Clallam County Department of Community Development
223 E 4th St, Suite 5
Port Angeles, WA 98362

From: Sears, Tricia (DNR) <Tricia.Sears@dnr.wa.gov>
Sent: Thursday, April 9, 2026 3:24 PM
To: Hardesty, Josh (DNR) <Josh.Hardesty@dnr.wa.gov>; Theismann, Chad <chad.theismann@clallamcountywa.gov>; Coward, Todd <Todd.Coward@clallamcountywa.gov>; Havel, Tim <Tim.Havel@clallamcountywa.gov>; Clark, Donella