

Habitat and Wetland Frequently Asked Questions

What is the purpose of the Habitat Conservation & Wetland Protection ordinances?

The Habitat Conservation and Wetland Protection Ordinances protect fish and wildlife habitat and wetlands while allowing reasonable use of private property. These ordinances have three primary components:

- They designate wetlands, wetland buffers, and important habitat areas (such as streamside riparian areas, priority habitat and species areas, and species buffers for endangered, threatened, or sensitive species);
- They provide performance standards for clearing and development activities to protect the functions and values of Wetlands and Priority Habitat areas to the extent required under Washington State law; and
- They provide a procedural framework to ensure that these areas are identified on the ground and that the performance standards are met on a project by project basis.

Both ordinances guarantee that single-family homes and normal accessory structures can be built on existing legal lots even when there are habitat or wetland areas that cannot be avoided. However, mitigation such as setbacks between habitat and wetland features, planting trees and shrubs, improving shoreline conditions, and recording a conservation covenant can be required.

What types of Habitat areas are protected?

The following Habitat areas are designated in Chapter 40.440:

Riparian Habitat is the most common and most biologically significant wildlife area. Riparian Habitat is found adjacent to seasonal and perennial streams. It is defined by measuring from the stream's ordinary high water mark to the edge of the 100-year floodplain or the following, whichever is greater:

- 250 feet from streams mapped as shorelines of statewide significance;
- 200 feet from fish bearing streams;
- 100 feet from non-fish bearing perennial streams; and
- 75 feet from non-fish bearing seasonal streams.

Non-Riparian Habitat is a less common wildlife area identified as Priority Habitat and Species (PHS) by the Washington Department of Fish and Wildlife (WDF&W). Areas within 300 feet of Priority Species sites, or within 100 feet of Priority Habitat sites, are also subject to the ordinance. Examples include Biodiversity Areas and Corridors, Oregon White Oak Woodlands, Waterfowl Concentrations, and Mature Forests.

Priority Species Point Sites are defined as areas within 1,000 feet of mapped individual point sites where there are recorded observations threatened, endangered or sensitive (TES) species.

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For an alternate format, contact the Clark County ADA Compliance Office.
Phone: (360)397-2322
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What are Wetlands and Wetland Buffers?

A wetland can be the edge of a river or a lake; a shallow pond or swamp; a seasonally wet field or forested bog; or a shrubby area filled with willows. Wetlands can occur on slopes; or in flat areas and low spots that drain poorly or flood frequently. Despite the variety of wetlands, they have three characteristics in common: hydric soils, water-tolerant plants, and the presence of water at or near the ground surface for a significant number of days during the growing season.

A **Wetland Delineation** is a technical wetland study that provides the scientific basis for the location of wetland boundaries using a standardized methodology developed by the US Army Corps of Engineers.

Wetland delineations need to be completed by trained specialists with knowledge of regional botany (plants), surface and groundwater hydrology, and soil science. A **Wetland Determination** is a less detailed analysis by a wetland specialist that establishes the presence or absence of wetlands on a particular site based on field indicators and often includes a rough estimate of the extent of wetlands.

A **Wetland Rating System** is used to determine the relative importance of a particular wetland in the landscape and the likelihood that functions lost to development can be replaced. Ratings range from Category I to IV based on a standardized method developed by the Washington Department of Ecology. This method requires analysis of landscape scale mapping information; and field observations of the wetland, and its surroundings by a trained specialist. Category I wetlands are the most important and are generally irreplaceable; Category IV

wetlands are less important and are the easier to replace with successful mitigation.

Wetland Buffers are setbacks from the edge of a wetland that are needed to protect wetland functions. The width of the buffer will vary depending on the rating of the wetland, the level of habitat function in the wetland (determined by the Wetland Rating method), the existing conditions of the buffer, and the intensity of development impact proposed.

How do I know if Wetlands or Habitat areas will affect my property?

When you inquire about a property or apply for a development permit at the Permit Center, the staff will review existing map information in the county's GIS system. You can view this information directly by using that same GIS mapping system at www.clark.wa.gov.

The mapping indicators used for Habitat are the most current **Priority Habitat and Species** map data provided by WDF&W, and the Washington Department of Natural Resources **Hydrolayer** (stream mapping).

The mapping indicators for Wetlands include:

- Verified wetland mapping maintained by DES Biologists;
- The **Clark County Wetland Inventory**, which is a GIS based model developed by the County that predicts the likelihood that wetlands will be found in a particular location;
- The **National Wetland Inventory**, which is a nationwide mapping project run by the US Fish and Wildlife Service; and
- The **Soil Survey of Clark County and Hydric Soils List**, maintained by the Natural Resource Conservation Service (US Department of Agriculture).

Mapping indicators are only used to screen for the possible presence of Wetland or Habitat areas. Regulatory decisions are based on site specific wetland or habitat determinations (see Critical Area Pre-Determination/Determinations Handout).

If after doing your own research and talking to Permit Center staff, you have additional questions or question whether the mapping is accurate, you can hire a private consultant or request to see a Natural Resource Specialist. The cost for this appointment can cost between \$137 for building permits, and \$489 for general land use questions (called a pre-determination).

When do I need a Wetland or Habitat Permit?

You will need these permits for proposed clearing or development within wetlands, wetland buffers, or habitat areas. If you are working in both wetland and habitat areas (even if they overlap on the same ground); you will need both permits.

Are there things I can do without a Wetland or Habitat Permit?

Yes, the following are commonly applied exemptions:

- Remodeling or replacement, not to exceed the 1997 footprint, of existing homes or building within Habitat areas;
- Clearing for immediate hazards and emergencies (consult with a county Biologist). Note that an after the fact Wetland Permit may be required for emergency grading or construction in Wetlands or Wetland buffers;
- Clearing of nuisance vegetation such as English ivy, Himalayan Blackberry or Scotch Broom, in a manner that does not disturb the soil or damage native vegetation (Note: clearing of nuisance vegetation must also be consistent with other county ordinances. To be safe, check with county staff before proceeding.);

- Clearing in Habitat areas and Wetland Buffers as minimally necessary to construct wells, septic or other utility connections where reasonable alternatives don't exist;
- Clearing to construct a path up to 4 feet wide made of natural materials;
- Clearing as minimally necessary for surveying or site investigation purposes;
- Clearing of less than 300 square feet or grading less than 5 cubic yards (about ½ of a standard dump truck load) in Wetlands or Wetland Buffers;
- Forest practices that do not involve construction of a residence(s) or conversion of the land to another use;
- Existing and new agricultural activities are exempt from Wetland Permits if the land has been in agricultural since May 31, 2006;
- Existing agricultural activities are exempt from Habitat Permits for Non-Riparian Habitat if the land was in agricultural use as of July 11, 2006.

Existing agricultural activities in Riparian Habitat areas are subject to special standards under Chapter 40.440.040.B. Complete exemption thresholds are listed in Table 40.440.010-1 (Habitat) and Section 40.450.010.C (Wetlands).

Do I need to hire a biologist?

You do not need to hire a biologist if you do not need a land use approval or a Grading Permit for your project; or you can clearly avoid all Wetland, Wetland Buffer, and Habitat areas on your property. Follow the directions provided in the handout, Applicants Submittal Checklist. This handout provides instructions on how to complete the DES Application Form and prepare a Site Plan and narrative explaining your project. A county biologist will do all the necessary technical work for you. You have the option to hire a qualified biologist to provide your own technical analyses and mitigation plan.

How do I apply for a Habitat or Wetland Permit?

1. Complete the Permit Application form, draw a Site Plan, and prepare a narrative using Critical Area Permit handout as a guide;
2. Submit the completed Permit Application form to the Permit Center and pay the required fees; and
3. If the activity requires other county permits, such as a building or grading permit, submit the Permit Application together with the other applicable applications.

What is the process and the time required for reviewing these permits?

You should allow up to seven weeks for completion of the permit review process. After you submit a complete application to the Permit Center, a Counter Complete review takes up to 7 days, followed by a Fully Complete review requiring up to 21 additional days. Once the application is deemed Fully Complete, permit review can take up to 21 days (unless you are proposing 0.1 acre, or more of wetland impact, in that case see the Type II Wetland Permit Handout). Staff will review your permit application and issue a decision, usually an "Approval with Conditions" listing the mitigation actions that will be required. The reviewing biologist may consult with state and federal agencies. Staff decisions may be appealed to a county Hearing Examiner.

Is SEPA review required if the proposal requires a Wetland or Habitat Permit?

A SEPA (State Environmental Policy Act) review may be required if the site of the proposal is within a designated Shoreline Management Area, or a mapped 100-year Floodplain; or the project involves significant grading, or 0.1 acre of wetland impact. If you have questions about SEPA, check with the Permit Center.

What if I disagree with the mapping?

You can hire a qualified consultant to do a study of the property. That study can then be submitted for review by the county through the "pre-determination" process. After reviewing the study, staff will issue a written report regarding the validity of the report and/or mapping. Changes to mapping will be made as appropriate.

What if I want to make an appointment with staff?

If you have a development in mind, you are encouraged to talk to the Permit Center staff or do research at www.clark.wa.gov. Much of the mapping tools you need are available at our "Maps Online" web page. Community Development also has a good selection of handouts to help you understand the ordinances and application processes.

However, if you still have more questions, to request an appointment with a staff biologist or forester, you may have to pay a fee for their time. Generally those costs will be:

- \$137 for residential building permits.
- \$489 or more if you need a pre-determination for a development or land use permit.
- An additional \$230 if you would like to request a site visit or inspection.

(Note: if staff performs a site inspection prior to application, we may waive all future site inspections fees because we are familiar with the site.)

These fees have to be paid prior to any scheduled appointment or any on-site inspection.

Written requests for information can be submitted in person or by email at *no charge* but response to those inquires may take more time given staff workload in responding to paid inquires. Information

requests should be made to both:
Brent.Davis@clark.wa.gov.

Office hours for free walk-in
questions/appointments are limited. Please
check with Permit Center staff.

**Note: This handout is not a substitute
for county code. For more detailed
information, please refer to Clark
County Code Chapter 40.510, Chapter
40.440, and Chapter 40.450.**