



## Clark County 2015 Stormwater Manual Implementation Summary of Procedure

This procedure statement documents discussions and decisions from Community Development, Public Works and Prosecuting Attorney's office. Implementation of new stormwater regulations require staff to work through specific details of the regulations with applicants. The purpose is to ensure consistent application of county requirements. These procedure statements document decisions for future reference and will be kept on the [ClarkNet web page](#).

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### **Procedure Statement #2015-008 – June 2016 Clarification of Native Vegetation and Forest Surfaces for Full Dispersion**

#### **Problem Statement**

Public Works and Community Development are having difficulty applying full dispersion into native vegetation (BMP T5.30A) due to a lack of clarity about the definition of forest and native vegetation, and the need to use vegetation management to reduce wildfire threat. There are several implementation issues:

- The BMP requires 65 percent of the site to be retained as forest but the manual does not specifically define forest.
- Situations where less than 65 percent of the site is available for preserved forest may still use full dispersion need to be clarified.
- The definition of native vegetation does not clearly state the level of soil and duff preservation that must be present.
- Native vegetation in Clark County could be other than a conifer or mixed conifer and deciduous tree forest as defined in the manual.
- No provisions in the manual describe wildfire clear zones and vegetation management in clear zones and nearby forest.

#### **Background Information**

BMP T5.30A requires that the site retain 65 percent of the "forest or native vegetation". It also requires dispersion into native vegetation. The manual lacks a definition of forest, probably assuming it is similar to native vegetation. No phase I permittee includes a definition of forest in their equivalent stormwater manuals. Clark County does have a definition of forest land in Title 40 as it relates to the use of the land for commercial forestry, but that definition does not describe forest land beyond the ability to support production of marketable logs and not include incompatible uses.

The manual does allow full dispersion into native vegetation on sites where less than 65 percent of a site is available to preserve or create native vegetation. Full dispersion is allowed if the ratio of preserved or created native vegetation area to the impervious area which is dispersed into the native vegetation, is

not less than 65 to 10. The lawn and landscaped areas associated with the impervious areas may also be dispersed into the native vegetation area.

Native vegetation is defined as plants that would be found on a site under native conditions, but there is no definition regarding features such as duff layer and soil, giving rise to uncertainty about the extent to which soil conditions can be altered from native vegetation state and still be acceptable as native vegetation.

While it is very rare, native vegetation types other than conifer or mixed deciduous and conifer forests may exist on development sites. If they exist, these areas are likely protected critical habitat. Examples are oak savanna, native brush plants, and prairie.

The need for wildfire hazard reduction around structures in forested areas is not considered in the state and county manuals; however, the county does work with rural homeowners to reduce risk and provides guidance on vegetation management. Clark County has standards for building in the wildland-urban interface that can apply to many projects using full dispersion.

## **Guidance for Implementing BMP T5.30A Full Dispersion into Native Vegetation**

### **Forest Defined**

The manual seems to use the terms forest and native vegetation interchangeably. The definition of native vegetation describes the vegetation found in a coastal forest. The general dictionary definition of a forest is an area of land covered by trees and not used for practices such as agriculture. Forest practices such as logging and foraging do occur in a forest. The term forest is used by the WWHM but it is not defined.

Plain Language Definition of Forest: Forest means an area of woodland not used for agriculture or building landscape. It may or may not be predominantly native plants.

How do you know it when you see it? On an aerial photograph the land is primarily tree canopy. The ground does not appear to be mowed grass or pasture.

### **Applicability of the 65/10 Rule to Full Dispersion**

Considering the manual language at the top of Book 2 page 101, full dispersion into native vegetation meeting the 65/10 rule may be accomplished when the entire site is not capable of being set aside as forest. The applicant must demonstrate that the site plan has a preserved forest area that is at least 6.5 times the size of the dispersed impervious area.

### **Native Vegetation Definition Clarification**

It can be inferred from the manual that native vegetation is an intact forest, including the forest floor and understory vegetation. King County addresses this issue by specifically calling out soil conditions in their BMP design criteria:

**King County Manual Definition: Native vegetated surface** means a surface in which the soil conditions, ground cover, and species of vegetation are like those of the original native condition for the *site*. More specifically, this means:

- (1) the soil is either undisturbed or has been treated according to the "native vegetated landscape" specifications in Appendix C, Section C.2.1.8;
- (2) the ground is either naturally covered with vegetation litter or has been top-dressed between plants with 4 inches of mulch consistent with the native vegetated landscape specifications in Appendix C; and
- (3) the vegetation is either (a) comprised predominantly of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and that reasonably could have been expected to occur naturally on the *site* or (b) comprised of plant species specified for a native vegetated landscape.

Reviewers should consider the King County definition when reviewing applications for full dispersion into native vegetation.

How do you know it when you see it? On an aerial photograph the land is primarily tree canopy. The ground does not appear to be mowed grass or pasture.

#### **Native Vegetation other than Conifer and Deciduous Forest**

If an applicant has native vegetation that is not a typical conifer forest, for example a brushy thicket without noxious weeds, it can be defined as native vegetation.

How do you know it when you see it? On an aerial photograph the land cover is not landscaped area, pasture, mowed grass, agriculture, non-native weeds, etc.

#### **Wildfire Clear Zones and Nearby Forest**

According to the Clark County Fire Marshal, the standard clear zone is 30 feet from structures but may be increased if the Fire Marshal determines site conditions warrant a wider clear zone. The clear zone would be outside of the preserved forest. For wild fire protection in preserved forest, property owners can maintain forest vegetation to minimize hazard; however, there are no clear standards for this vegetation management in an area designated as preserved forest.

The specific county code section for construction in urban wildlands is below:

#### Clark County Code section 14.06.302.4

302.4 Urban Wildlands. In all areas designated as Wildland Urban Interface/Intermix by Clark County Code 15.13.030, the following additional limitations shall apply:

1. No building shall be located within 30 feet of a property line;
2. All vegetation and combustible building or construction debris shall be removed from the lot in an approved manner prior to any use or occupancy of the building;

3. There shall be no dead wood, brush, or undergrowth which tends to propagate the spread of fire within 30 feet of a building;
4. Any annual grasses within 30 feet of a building shall be continually cut and maintained at a height of 4 inches or less;
5. Trees within 30 feet of a building shall be limbed to a height not less than 15 feet;
6. No portion of any conifer trees on the property shall be located within 15 feet of the furthest projection of a building roof line or horizontal combustible surface;
7. The distance requirements of the above subsections shall be increased by 25% for any development or construction outside of an organized fire department or fire protection district;