

## Proposed Revisions to 40.440 to Remove County Habitat Map

### Description:

This proposed code change will delete the code language that requires the County to maintain an adopted physical map of identified Priority Habitat and Species Areas. The current map has not been updated in 8 years and to the Department's knowledge no citizens have asked to see a physical map in over 10 years. WDFW maintains current PHS mapping that is available on line at <http://wdfw.wa.gov/mapping/phs/> and provides updates to the county's GIS department annually.

### 40.440.010 Introduction

#### C. Habitat Areas Covered by This Chapter.

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

Water types are defined and mapped based on WAC [222-16-030](#), (Forest Practices Rules). Type S streams include shorelines of the state and have flows averaging twenty (20) or more cubic feet per second; Type F streams are those that are not Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). All streams are those areas where surface waters flow sufficiently to produce a defined channel or bed as indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. Ns streams must connect to another stream above ground. Seasonal or intermittent streams are surface streams with no measurable flow during thirty (30) consecutive days in a normal water year.
  - b. Other Priority Habitats and Species (PHS). Areas identified by and consistent with WDFW priority habitats and species criteria, including areas within one thousand (1,000) feet of individual species point sites. The county shall defer to WDFW in regards to classification, mapping and interpretation of priority habitat species.
  - c. Locally Important Habitats and Species. Areas legislatively designated and mapped by the county because of unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. This subsection shall not apply to areas which have not been designated on official mapping. The

criteria for mapping of these areas are that they possess unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. Recommendations for mapping areas meeting these criteria may be submitted by any person or group, and shall be reviewed annually by the county in conjunction with the plan amendments docket process as specified by Section [40.560.030](#) (Amendments Docket). Notice of any such recommendations deemed to merit formal consideration shall be provided to impacted property owners pursuant to Section [40.510.030](#)(E)(3) (Type III Process). Such recommendations will not be reviewed as part of individual development requests.

~~2. Mapping.~~

- ~~a. The above habitat areas are mapped on a countywide basis in the adopted "Priority Habitats and Species Map." Maps are on file in the department and are available for public viewing and circulation. Further distribution of mapped information and notification to potentially impacted property owners will be completed as indicated in Sections [40.440.020](#)(D)(1) and (E)(1).~~
- ~~b. Maps of individual locations of sensitive, threatened, or endangered wildlife species are maintained separately. Under law, this information is not available for widespread public distribution unless authorized by WDFW. However, property owners may obtain all existing information for their properties upon request.~~
- ~~c. Official maps shall be updated by the county as warranted by new information using the annual review process.~~

23. Best Available Science. Definitions and maps of habitat areas are based on best available science, as defined in WAC [365-195-905](#) (Criteria for determining which information is the "best available science") and described in the following documents:

- a. 1999 Washington Department of Fish and Wildlife Priority Habitats and Species List;
- b. 1997 Management Recommendations for Washington's Priority Habitats;
- c. The list of best available science references as maintained by the responsible official; and
- d. Associated GIS data files maintained by Clark County Department of Assessment and GIS.

Best available scientific data supporting this chapter may be updated and/or re-evaluated as part of future Title [40](#) (Unified Development Code) amendments.

34. Determining Site-Specific Applicability. In the event of inconsistencies, official habitat area definitions shall prevail over countywide maps in determining applicability of this chapter. The county shall follow the recommendations of WDFW in the interpretation of site-specific conditions as they relate to the definition of priority habitat and species.