

2. EXISTING REGULATIONS:

Agricultural activities not meeting the definition of Existing and On-going Agriculture are required to comply with the Stream and Wetland minor buffers (see below) and protection standards set forth in the Clallam County Critical Areas Code (COA). All new land disturbing activity or development requires a certificate of compliance if the activity is within 200 feet of streams or wetlands or a variance if within stream and wetland buffers.

The COA indicates that agricultural activities (excluding dairies and feedlots) are considered Minor Development per Section 27.12.900(39)(b) CCC. This sections defines minor development for agriculture to be “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.”

Table 5. Wetland Buffers

	Minor New Development
Class I	100 feet
Class II	75 feet
Class III	50 feet
Class IV	25 feet

Table 6. Aquatic Habitat Conservation Area (Stream) Buffers

Designation	Buffer Width for Minor New Development**
Aquatic Habitat Conservation Area Type 1 Waters – Marine, Streams and Lakes	Equivalent to the setback set forth by the Shoreline Master Program, as it applies and as hereafter amended***

Designation	Buffer Width for Minor New Development**
Type 2 Waters	65 feet
Type 3 Waters	60 feet
Type 4 Waters	50 feet****
Type 5 Waters	50 feet****

27.12.215(8) & 27.12.315(10) CCC addresses Livestock Restrictions in stream and wetlands. These section states that "Proposals to allow livestock access to wetlands and aquatic habitat conservation areas or 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."

This applies to new or expanded livestock activities within streams, wetlands, and their associated buffers and would not apply to existing agricultural areas that meet the definition of existing and on-going agriculture.