CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Phone: (360) 565-2616
Fax: (360) 417-2443
gballard@co.clallam.wa.us

Mary Ellen Winborn, Director

MEMO

DATE: August 31, 2016

TO: Clallam County Planning Commission

FROM: Greg Ballard, Senior Planner

RE: The adoption of the update to the Critical Areas Ordinance Exemption on Existing and On-Going Agricultural Exemption dated August 26, 2016 (Attachment 1) for the Public Hearing scheduled for the Planning Commission on September 7, 2016.

History: DCD has had workshops before the Planning Commission on March 16, 2016, June 15, 2016, and August 3, 2016 to address the Update to the Critical Area Code to address the critical area regulations for Existing and On-Going Agriculture.

To ensure that the public has been aware of this update, DCD has done the following:

- Established a website on the County Website on May 10, 2016 & continually updated it with updated documents;
- Sent mailers to approximately 800 landowners in the Agricultural Taxing & Agricultural Retention Zoning Districts.
- Held a workshop in Sequim on May 24, 2016
- Held a workshop in Forks on May 26, 2016
- Two Articles were written about this issue in the Sequim Gazette on May 8, 2016 and June 8, 2016

SEPA: DCD issued a SEPA Determination of a Determination of Non-Significance on August 19, 2019. The comment period on the DNS ends on September 6, 2016. This DNS was routed to the WA State Department of Ecology, Cities, and Tribes in Clallam County (Attachment 2).

Notice of the Public Hearing: Notice of the September 7, 2016 Public Hearing before the Planning Commission to address the Critical Area Code hearing was provided in the following manner:

- DCD published two legal notices in the Peninsula Daily News of the on August 21, 2016 and August 28, 2016.
- A legal notice was also published in the Sequim Gazette on August 24, 2016 and it was on their on-line notices from August 21 to September 4th.

- On August 26, 2016, DCD sent e-mails or letters to the interested parties that included participants from the Planning Commission and Public Workshops.
- DCD also posted the Hearing and draft ordinance on the county website on August 19, 2016
- DCD also sent the proposed notice to the Washington State Department of Commerce on August 19, 2016 to start the 60 day review by the state for compliance with the Growth Management Act.

Proposal: Included in your packet is the most recent update to the Update to the Critical Areas Code to address Existing and On-Going Agricultural dated August 26, 2016. Only minor changes were made to the July 28, 2016 version of the document that was presented to the Planning Commission on August 3, 2016.

The changes from the July 28 to the August 26th documents (Word Track Changes) are included in your packet (Attachment 3).

These changes include:

- Specifically citing the Wetland and AHCA Protection standards in the applicability section as requested by the Planning Commission on August 3, 2016.
- Eight minor edits to wording in the new draft Section 27.12.037 to clarify the intent of this section.
- In the Risk Assessment Table 27.12.037 A, the first section was clarified the AHCA in include Rivers, Streams, Lakes, and Marine Waters to correspond to the definition of AHCA and to include all shoreline areas that are also Type 1 Waters.
- Clarified that buffers for AHCA are measured from the Ordinary High Water Mark.
- In the second Section the term Wetlands was added since they are the regulated Critical Areas.
- Clarified that Wetlands and other features are measured from the edge of the wetland or water feature.
- Added year round use & less than 3 inch forage height to Section 3(c)- High Risk to correspond with wording in 3(a)- Low Risk and 3(b) Moderate Risk
- Made changes to wording from "Water Feature" to the terms "AHCA, Wetlands, or Water features" in performance standards to ensure the critical areas (AHCA & Wetlands) were addressed.

Attachment 1

Draft Update to the Critical Areas Code, Chapter 27.12 CCC
Last Revised August 26, 2016

Attachment 1

Proposed Draft Updates to the Clallam County Critical Areas Code, Chapter 27.12 CCC, Critical Areas Code Last Revised on August 26, 2016

SUMMARY OF PROPOSED AMENDMENTS

The proposed updates to the Critical Area Code that follow are related to regulation of existing, ongoing agriculture and include:

1. Amendments to Section 27.12.035 (7), Exemptions, applicable to existing, ongoing agriculture.
2. Add a NEW Section (proposed as Section 27.12.037) containing alternate standards for existing, ongoing agriculture in and adjacent to AHCA and wetlands.
3. Amend Section 27.12.900, Definitions, to amend the current definition of "agriculture" and add a new definition for existing, ongoing agriculture.

PROPOSED AMENDMENT TO SECTION 27.12.035 - EXEMPTIONS

Section 27.12.035, Activities not regulated by this chapter – Exemptions, is amended to read as follows:

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.

(2) 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.

(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, ~~and~~ ongoing agriculture as defined in Section 27.12.900 CCC, ~~that was conducted prior to the effective date of this chapter on lands designated as critical areas or their associated buffers; provided, that such lands are classified as farm and agricultural land pursuant to Chapter 84.34 RCW; provided further, that all activities occurring on such lands employ best management practices (BMPs). For the purposes of this exemption, acceptable BMPs shall include: (a) activities carried out consistent with farm plans issued and authorized by the Natural Resources Conservation Service (NRCS); (b) activities that demonstrate consistency with total maximum daily loads (TMDL) established by the Department of Ecology for specific operations; and/or (c) activities that demonstrate consistency with standard BMPs published by the NRCS, as now or hereafter amended. Written confirmation by the administrating agency that applicable BMPs are being met will constitute evidence of eligibility for this exemption. (See also CCC 27.12.025(7)).~~ 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 Section 27.12.037 CCC. New agricultural activities, expansion of existing agricultural activities or development not meeting the definition of existing, on-going agriculture (per Section 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.

(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 sewer substations and pump sites or new utilities within designated frequently flooded areas; provided, that the standards specified in Part Five of this chapter are met. For the purposes of this chapter, operation and maintenance shall include those usual acts necessary for the continued use of existing services in their establish locations. Replacement, expansion, relocation or placement of new utility service lines shall be subject to the standards of this chapter, as applicable.

(10) State forest practices conducted pursuant to Chapter 76.09 RCW. This exemption does not apply to Class IV – general (conversions), or forest practices occurring within designated urban growth areas, or forest practices designated as areas likely to convert through a memorandum of understanding between Clallam County and the Washington Department of Natural Resources, as applicable.

(11) Normal and nondestructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide for a view corridor or removal of non-native vegetation and replacement with native vegetation; provided, that increased erosion or landslide potential or negative impacts to the critical area do not result.

PROPOSED NEW SECTION—ALTERNATE STANDARDS

Section 27.12.037, Alternate standards for existing, ongoing agriculture in and adjacent to AHCA and wetlands, is created to read as follows:

(1) Purpose and Intent. The purpose of this Section is to address two mandates under the Washington State Growth Management Act (GMA), RCW 36.70A:

(a) To protect the existing functions and values in and adjacent to aquatic habitat conservation areas (AHCA) and wetlands, and;
(b) To conserve and protect agricultural lands, specifically those lands with existing, ongoing agricultural activities that are located on or within 200 feet of AHCA's and wetlands regulated under this Chapter.

(2) Applicability. Agriculture activities that do not meet the definition of existing, ongoing agriculture (as defined in CCC 27.12.900) are required to comply with the applicable Wetlands Protection Standards found in CCC 27.12.215 and AHCA Protection Standards found in CCC 27.12.315. Existing, ongoing agriculture activities occurring on or within 200 feet of AHCA's and wetlands may deviate from the protection and buffer standards made applicable to them elsewhere in this Chapter by instead complying with the alternate standards presented in this Section and enrolling in this program. The alternate standards from the AHCA and wetland standards of this Chapter may only be applied to existing, ongoing agriculture activities related to the cultivating of crops, grazing of livestock and the land preparation associated with those agricultural activities.

(3) Enrollment in the Alternate Standards Program for Existing and Ongoing Agriculture.

(a) Existing, ongoing agriculture operations (as defined by CCC 27.12.900) are required to submit an Alternate Agriculture Worksheet to the Administrator for review and approval to be enrolled into CCC 27.12.037. This worksheet will include a risk assessment to address the criteria shown in Table 27.12.037(A) below.

(b) A new Alternate Agriculture Worksheet is required every time an agricultural operation under the provisions of CCC 27.12.037 changes ownership or changes the agricultural operation in a manner that results in a higher risk assessment found in Table 27.12.037(A) below. The Administrator will conduct an audit of everyone in this program every 5 years.

(4) No Harm or Degradation Standard.

(a) All existing, ongoing agriculture activities must be conducted so as not to cause harm or degradation to the existing functions and values of AHCA's, wetlands, or their associated buffers (the "no harm or degradation" standard). For the purposes of this Section, the phrase "no harm or degradation" means the following:

(i) Compliance with all documented water quality standards consistent with the Washington State Department of Ecology's Water Pollution Control Laws (RCW 90.48).

(ii) Compliance with all applicable Washington State Department of Fish and Wildlife requirements of Hydraulics Code (RCW 77.55) and the Hydraulic Code Rules (WAC 220-110).

(iii) Conducting agricultural activities to avoid high risk activities outlined in Section 4 of this Section.

(iv) No evidence of significant degradation to AHCA's or wetlands regulated under this Chapter that can be directly attributed to adjacent existing, ongoing agriculture activities.

(b) An owner or operator is responsible only for those conditions caused by agricultural activities conducted on behalf of owner or operator and is not responsible for off-site actions of others, natural conditions not related to the agricultural activities, or emergency actions described in CCC 27.12.035(2).

(5) Existing, Ongoing Agriculture Risk Assessment Criteria.

The success of farms and ranches in Clallam County depends in part on good quality soil, water, air and other natural resources. Agricultural activities that incorporate protection of the environment, including critical areas as defined by this chapter, are essential to achieving this goal. Agricultural activities are expected to be conducted in a manner that protects against harm or degradation to the existing functions and values of AHCA, wetlands, and their associated buffers.

The Administrator shall utilize the low, moderate and high risk assessment criteria in Table 27.12.037(A) to evaluate existing, ongoing agriculture within and adjacent to AHCA's and wetlands. Existing, ongoing agricultural activities may have different risk assessment ratings based on the six performance standards and four risk assessment categories—River and Streams, Water Features (wetlands, ponds, and Irrigation/Drainage Ditches); Livestock Heavy Use Areas; and Manure Storage—in Table 27.12.037(A).

The risk assessment criteria in Table 27.12.037(A) address agricultural activities located within AHCA's, wetlands, and their associated minimum standard buffers regulated under this Chapter, and more intensive agricultural activities (i.e. manure storage, livestock heavy use, confinement areas) located within the 200-foot jurisdictional boundary of these critical areas. The risk assessment criteria in Table 27.12.037(A) also address non-regulated ponds and open irrigation/drainage ditches that are hydro-logically connected to AHCA and wetlands, which may provide a means for pollution to cause harm and degradation to AHCA and wetlands.

(a) Low and Moderate Risk Agricultural Activities. Agricultural activities shall be deemed compliant with this Section if they meet the Low or Moderate Risk Assessment Criteria, unless it is determined by the Administrator that they are causing harm or degradation to the existing functions and values of AHCAs or wetlands located on real property owned, leased, or occupied by the person or entity completing the worksheet. If this occurs for one of the six performance standards then the agricultural operation would be required to develop a Farm Conservation Plan to address activities causing harm or degradation. The intent of Farm Conservation Plan is at a minimum to lower the risk assessment for the specific performance standards of concern. The Farm Conservation Plan shall be submitted to the Administrator for review and approval.

(b) High Risk Agricultural Activities. Agricultural activities that receive a high risk assessment rating on any of the six performance standards are required to submit a Farm Conservation Plan to address the high risk activities. The intent of a Farm Conservation Plan is at a minimum to lower the risk assessment item from high to moderate risk. The Farm Conservation Plan shall be submitted to the Administrator for review and approval.

(c) Farm Conservation Plans. Farm Conservation Plans under this Section shall consider the USDA Natural Resources Conservation Service (NRCS) "Field Office Technical Guide" (FOTG) that contains a non-exclusive list of conservation practices (BMPs) to lower the risk from existing and ongoing agriculture to existing functions and values of AHCA and Wetlands. The Clallam Conservation District may be available to provide assistance in the development of a Farm Conservation Plan.

(d) Existing Plans. Those portions of land upon which farm owners or operators have implemented a Dairy Nutrient Management Plan, a Resource Management System plan, or a Conservation Reserve Enhancement Program Plan consistent with conservation practices and management standards that meet the FOTG quality criteria for each natural resource (soil, water, animals, plants, and air) and approved by the Clallam Conservation District or USDA Natural Resources Conservation Service are entitled to a presumption of compliance with the "no harm or degradation" standards described in Subsection (4) of this Section. This would be contingent on these plans not resulting in any high risk agricultural activities on any of the six risk assessment performance standards.

Table 27.12.037(A) Risk Assessment Criteria

LOW RISK	MODERATE RISK	HIGH RISK
RIVERS, STREAMS, LAKES, & MARINE WATERS (AHCA). Buffers are measured from Ordinary High Water Mark (OHWM).		
1(a). A year-round 50-foot or greater buffer of native trees and shrubs is maintained with no livestock access.	1(b). A year-round 35 to 50-foot buffer of native trees and shrubs is maintained with no livestock access.	1(c). Less than 35-foot wide buffer of native trees and shrubs is maintained or livestock have access to the buffer.
2(a). Manure application occurs outside 50-foot buffer at rates based on crop nutrient needs and only during growing season (generally April-October).	2(b). Manure application occurs within 35 to 50 foot buffer at rates based on crop nutrient needs and only during growing season (generally April-October).	2(c). Manure is not applied at rates based on crop nutrient needs or is applied year-round.
WETLANDS & OTHER WATER FEATURES **Water Features include ponds, irrigation ditches, and drainage ditches that are hydro-logically connected to AHCA or wetlands. Buffers are measured from edge of wetland or water feature.**		
3(a). A year-round 50-foot or greater vegetated buffer is maintained between water feature and livestock or cultivation.	3(b). A 35 to 50 foot vegetated buffer is maintained between water feature and livestock or cultivation. Buffer may be utilized for harvesting of forage, including grazing when the water feature is dry if minimum forage height of 3 inches is maintained.	3(c). A less than 35-foot vegetated buffer is maintained between water feature and livestock or cultivation. Buffers are utilized for year round harvesting of forage or grazing, or forage height in buffer is less than 3 inches in height.
4(a). Manure application occurs outside 50-foot buffer at rates based on crop nutrient needs and only during growing season (generally April-October).	4(b). Manure application occurs within 35 to 50 foot buffer at rates based on crop nutrient needs and only during growing season (generally April-October).	4(c). Manure application occurs within 35 foot buffer, not applied at rates based on crop nutrient needs or is applied year-round.
LIVESTOCK HEAVY USE AREAS **Includes areas where livestock are confined or congregate, such as feeding locations and wet season pasture areas (sacrifice areas) where polluted runoff may pose a risk to water quality. Does NOT apply to barns and sheds.**		
5(a). Livestock heavy use area is located at least 200 feet from AHCAs, Wetlands or Water Features. **AND** Buffer is well-vegetated.	5(b). Livestock heavy use area is located 100 to 200 feet from AHCAs, Wetlands or Water Features. **AND** Buffer is well-vegetated.	5(c). Livestock heavy use area is located less than 100 feet from AHCAs, Wetlands, or Water Features. **AND/OR** Buffer is poorly-vegetated.
MANURE STORAGE **Includes collected liquid manure, solid manure, and bedding.**		
6(a). Manure storage structure is covered with a roof or tarp and located at least 200 feet from AHCAs, Wetlands, or Water Features.	6(b). Manure storage structure is covered with a roof or tarp and located 100 to 200 feet from AHCAs, Wetlands, or Water Features.	6(c). Manure storage is covered but located less than 100 feet from a AHCAs, Wetlands, or Water Features. **OR** Manure storage is within 200 feet of a AHCA, Wetlands, or Water Features and not covered.

(6) Compliance. If the Administrator determines through the review of the Alternate Agriculture Worksheet, Risk Assessment, or the Farm Conservation Plan that an agricultural operations regulated under this section are causing harm or degradation to the functions or values of AHCA or wetlands, then the Administrator will pursue compliance.

(a) It is the policy of the County to emphasize compliance by education and voluntary compliance as a first step. This would entail requiring a Farm Conservation Plan as outline in Section 5(b) and 5(c) above. While voluntary compliance is desirable, failure to implement the required Farm Conservation Plan in compliance with this Section is subject to CCC 27.12.055, Enforcement, and Title 20 CCC, Code Compliance, as appropriate.

(b) Clallam County has regulatory authority for critical areas code enforcement and the Department of Ecology has regulatory authority for enforcement of state water quality protection laws. The mechanisms for responding to alleged water quality violations of agricultural origin and the role of the Clallam Conservation District in providing assistance to agricultural owners and operators to correct water quality violations is described in a 1987 Memorandum of Agreement with Ecology and a 1998 Memorandum of Understanding with the County.

(7) Baseline Conditions, Indicators, Monitoring, and Adaptive Management. The purpose of this Section is to establish for enrollees in the Alternate Standards Program baseline conditions, establish monitoring indicators, and to utilize adaptive management.

(a) Existing Baseline Functions and Values. The County will use the following to establish the baseline of existing functions and values for AHCA's and wetlands:

i. Streamkeepers Biological Integrity Scale (B-IBI) stream rating system dated December 2011.

ii. Washington State Department of Ecology Water Quality Assessment 305 Report dated December 2012.

iii. Washington State Department of Ecology 303(d) dated December 21, 2012.

iv. Clallam County Shoreline Inventory and Characterization Report for Portions of Clallam County Draining to the Strait of Juan de Fuca, March 2012.

v. Revised Draft WRIA 20 Inventory and Characterization Report, May 2012.

(b) The County will use the following indicators to analyze the trends of the existing Baseline Functions and Values for AHCA's and wetlands:

i. Stream reach classification changes based on the Streamkeepers Biological Integrity Scale (B-IBI) stream rating system of Healthy; Compromised; Impaired' Highly Impaired' and Critically Impaired.

ii. Change in stream reach or AHCA water quality documented by Streamkeepers of Clallam County.

iii. Removal or addition of a stream reach or AHCA from the Washington State Department of Ecology's 303 (d) list.

iv. Change in stream reach or AHCA water quality documented in the Washington State Department of Ecology's, Washington State Water Quality Assessment 305 Report.

v. Water quality monitoring performed under the Pollution Identification and Correction (PIC) Plan for the Sequim Bay- Dungeness Watershed Clean Water District to strategically and systematically identify and address agricultural sources of pollution.

vi. A downgrade to the Wetland Classification of wetlands adjacent to or hydro-logically connected to existing and ongoing agriculture activities.

vii. *Other Data Sources - Reserved*

(c) Monitoring: The Administrator will issue an annual report addressing the implementation of existing, ongoing agriculture at site participating in the Alternate Standards Program. The report will include the number and location of participants, the Alternate Agriculture Worksheets, the change in riparian cover adjacent to agricultural operations authorized per CCC 27.12.037, and StreamKeepers testing data or other functions and values measurable in the vicinity of significant concentration of agricultural operations. If the reporting indicates that AHCA's and Wetlands functions and values are not being impacted in vicinity of agricultural operation operating under CCC 27.12.037, then the reports will prepared every 5 years thereafter.

(d) Adaptive Management. The Administrator will review the above indicators and monitoring to determine trends in the baseline functions and values in Section 7(a) above. If there is a downward trend, the Administrator will assess whether existing, ongoing agriculture activities subject to this Section are likely contributing to this downward trend and, if so, implement the following steps:

i. Contact participating landowners of existing, ongoing agriculture and provide information to make them aware of the issue of concern (e.g., monitoring results).

ii. If the baseline functions and values do not improve in subsequent monitoring results, the Administrator will seek to determine whether there is an identifiable cause to the problem through site visits, consultations with other agencies, or other means of investigating the cause.

iii. If there is an identifiable issue related to existing, ongoing agriculture, the Administrator will seek compliance under Section 6 above.

iv. If the agricultural operations regulated under CCC 27.12.037 have implemented agricultural BMP's to achieve a low or moderate risk assessment, but the functions and values of the AHCA and wetlands still degrade, this may necessitate a revision to the required modification to the risk assessment performance standards or the enactment of protective measures in this Section to address the problem.

PROPOSED AMENDMENT TO SECTION 27.12.900, DEFINITIONS

Definition of "Agriculture" under Section 27.12.900 (2), Definitions, is amended to read as follows:

(2) "Agriculture" or "agricultural activities" means ~~activities primarily devoted to~~ 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 84.33.100 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 ~~or aquaculture, each having a long-term commercial significance for agriculture; provided, that forest practices regulated under Chapter 76.09 RCW and WAC Title 222 are not included (CCC 31.02.050(3), County-wide Comprehensive Plan).~~ 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.

Section 27.12.900, Definitions, is amended to add the following new definition of existing, ongoing agriculture as follows:

"Existing, On-going agriculture" is agriculture that both: 1) is on lands located within the Agricultural Retention Zoning District and/or on lands that meet the criteria and are enrolled in the Washington State Open Space and Agricultural Current Use Program RCW 84.34.020(2)(b) and (c); and 2) is on lands that have been used for agriculture since June 16, 1992 and have not ceased use for agriculture for more than 5 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, on-going agriculture on farmed wetlands, farmed wetland pastures, and prior-converted wetlands are allowed to continue subject to the provisions of CCC 27.12 037.

Attachment 2

SEPA DNS and Environmental Checklist for Draft Update to the Critical Areas Code, Chapter 27.12 CCC

Attachment 2

State Environmental Policy Act (SEPA) WAC 197-11
DETERMINATION OF NON-SIGNIFICANCE

Proposal:	Amendment of the Clallam County Critical Area Code regarding the alternate standards for Existing and On-Going Agriculture in Critical Areas
Application Number:	ECL 2016-00011
Applicant:	Greg Ballard, Senior Planner for Clallam County Department of Community Development 223 East 4th Street, Suite 5 Port Angeles, WA 98362

NOTICE IS HEREBY GIVEN: pursuant to RCW 36.70.580, that the Clallam County Planning Commission has scheduled a public hearing for Wednesday, **September 7, 2016**, at 6:30 p.m. in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362. The purpose of the hearing is to receive public testimony on the following proposed amendment of the Clallam County Critical Area Section regarding the alternate standards for Existing and On-Going Agriculture (E&OGA) in Critical Areas.

Any interested person or party may submit written or oral comments on the proposal. Comments can be submitted at the public hearing or in advance of the public hearing.

Upon completion of the public hearing process, the Planning Commission will forward its recommendations to the Board of Clallam County Commissioners for its consideration and further action. Interested parties are invited to attend the public hearing(s) and make their views known to the Planning Commission.

For more information visit the DCD website at http://www.clallam.net/LandUse/AGinCA.html or at our offices at 223 E. 4th St., Suite 5, Port Angeles, WA 98362, Monday through Friday, between 8:30 a.m. - 4:30 p.m. Please contact Greg Ballard, project planner at (360) 565-2616, or by email at **gballard@co.clallam.wa.us** if you have any questions or comments.

Description of Proposal: The proposed updates to the Critical Area Code that follow are related to regulation of existing, ongoing agriculture and include:

1. Amendments to Section 27.12.035 (7), Exemptions, applicable to existing, ongoing agriculture.
2. Add a NEW Section (proposed as Section 27.12.037) containing alternate standards for existing, ongoing agriculture in and adjacent to AHCA and wetlands.
3. Amend Section 27.12.900, Definitions, to amend the current definition of "agriculture" and add a new definition for existing, ongoing agriculture.

This is a Non-Project Action for modifying the existing Critical Area regulations that apply to E&OGA.

E&OGA are required to meet the following criteria: Been in agriculture since June 16, 1992; have not ceases agriculture for 5 consecutive years; are located within 200 feet of Aquatic Habitat Conservation Areas (AHCA- i.e. DNR Type 1 to 5 waters) or

wetlands; and are either in the Agricultural Retention Zoning District or the Agricultural Taxing Program.

Agriculture activities that do not meet the definition of E&OGA (as defined in CCC 27.12.900) are required to comply with the applicable Wetlands Protection Standards found in CCC 27.12.215 and AHCA Protection Standards found in CCC 27.12.315. E&OGA occurring on or within 200 feet of AHCA's and wetlands may deviate from the protection and buffer standards elsewhere in this Chapter by complying with the alternate standards presented in the new Section 27.12.037 and enrolling in this program. The alternate standards from the AHCA and wetland standards of this Chapter may only be applied to existing, ongoing agriculture activities related to the cultivating of crops, grazing of livestock and the land preparation associated with those agricultural activities.

Location of Proposal: This proposal would apply throughout Clallam County for all areas where E&OGA is located within or in the jurisdiction of AHCA and wetlands.

SEPA: The updated to the Critical Areas Regulation that apply to E&OGA is a non-project action (per WAC 197-11-704(2)(b)). Phased review is a component of a non-project action. The lead agency determines the appropriate scope and level of detail of environmental review to coincide with meaningful points in the planning and decision-making processes. Environmental review may be phased if it assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues not yet ready. Broader environmental documents may be followed by narrower documents such as site specific analysis (project specific) per WAC 197-11-060(5) of SEPA Rules. When project actions to implement these regulations are proposed, these project actions will be subject to further environmental review.

Clallam County is the lead agency for this proposal. Clallam County has determined that the proposed ordinance amendment does not have a probable significant adverse impact on the environment based on a review of a completed environmental checklist, proposed amendments to the Critical Area Code, and other information on file with Clallam County.

This Determination of Non-Significance (DNS) for this non-project action is issued on August 22, 2016 under WAC 197-11-340(2).

Comments on this DNS must be submitted by **September 6, 2016.**

Signature: _____

Steve Gray, Responsible Official
Department of Community Development (DCD)
223 E. 4th Street, Suite 5, Port Angeles, WA 98362
(360) 417-2520

This may be the only opportunity to comment on the environmental impacts of the proposal. Unless the Responsible Official withdraws the threshold determination pursuant to WAC 197-11-340(3)(a), the threshold determination shall be final at the end of the comment period. Agencies and interested parties will be notified if the threshold determination is withdrawn. The threshold determination may be appealed as part of the Board of County Commissioner's final decision regarding adoption of the amendments to the Critical Areas Code regarding E&OGA. Contact the Responsible Official for SEPA appeal procedures.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable: Clallam County amendment to the Critical Area Code to amend the regulations to Existing and On-Going Agriculture in Critical Areas Chapter 27.12 CCC.

2. Name of applicant: Clallam County Department of Community Development (DCD)

3. Address and phone number of applicant and contact person:

Clallam County DCD
223 E. 4th Street, Suite 5
Port Angeles, WA 98368
(360) 565-2616
Greg Ballard, Project Planner

4. Date checklist prepared: August 19, 2016

5. Agency requesting checklist: Clallam County DCD is the lead agency for this proposal.

6. Proposed timing or schedule (including phasing, if applicable): This proposal has been scheduled for a Public Hearing before the Planning Commission (PC) on September 7, 2016. The PC will make a recommendation to the Clallam County Board of County Commissioners (BOCC). The BOCC will hold an open public hearing prior to the adoption proposed amendments to the Critical Areas Code. This proposal would then be brought before the WA State Growth Management Hearing Board regarding a pending Compliance Order for a determination of whether it meets the requirements of the Growth Management Act.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

a. Final Environmental Impact Statement (FEIS) for the adoption of the Clallam County Comprehensive Plan and Regional Comprehensive Plans.
b. Adoption of the interim Clallam County Critical Areas Code (Ordinance 471), Chapter 27.12, CCC on June 16, 1992 that included the SEPA threshold determination.
c. Adoption of the Critical Areas Code (Ordinance 709) on January 7, 2000 that included a SEPA threshold determination.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No

10. List any government approvals or permits that will be needed for your proposal, if known. Once the amendment to the Critical Areas Code is adopted by the BOCC this matter will be given to the Growth Management Hearing Board to address a Compliance Order to determine if it complies with the Growth Management Act.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) This is a Non-Project Action for modifying the existing Critical Area regulations that apply to Existing & On-Going Agriculture (E&OGA) in Critical Areas. The proposed updates to the Critical Area Code that follow are related to regulation of existing, ongoing agriculture and include:

1. Amendments to Section 27.12.035 (7), Exemptions, applicable to existing, ongoing agriculture.
2. Add a NEW Section (proposed as Section 27.12.037) containing alternate standards for existing, ongoing agriculture in and adjacent to AHCA and wetlands.
3. Amend Section 27.12.900, Definitions, to amend the current definition of "agriculture" and add a new definition for existing, ongoing agriculture.

E&OGA are required to meet the following criteria: Been in agriculture since 6/16/1992; have not ceases agricultural operations for 5 consecutive years; are located within 200 feet of Aquatic Habitat Conservation Areas (AHCA- i.e. DNR Type 1 to 5 waters) or wetlands; and are either in the Agricultural Retention Zoning District or the Agricultural Taxing Program.

Agriculture activities that do not meet the definition of E&OGA (as proposed in CCC 27.12.900) are required to comply with the applicable Wetlands Protection Standards found in CCC 27.12.215 and AHCA Protection Standards found in CCC 27.12.315. E&OGA occurring on or within 200 feet of AHCA's and wetlands may deviate from the protection and buffer standards elsewhere in this Chapter by complying with the alternate standards presented in the new Section 27.12.037 and enrolling in this program. The alternate standards from the AHCA and wetland standards of this Chapter may only be applied to existing, ongoing agriculture activities related to the cultivating of crops, grazing of livestock and the land preparation associated with those agricultural activities.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. This proposal would apply throughout Clallam County for all areas where E&OGA is located within the jurisdiction of AHCA and wetlands. DCD has prepared four maps (included with this checklist) that show the general locations of the Agricultural Retention Zoning District, the location of parcels in the Agricultural Taxing Program, and the location of AHCA & Wetlands.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site: This Non-Project Action would apply to all terrains and soil types that contain E&OGA within the 200 feet of AHCA & Wetlands

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____ All

b. What is the steepest slope on the site (approximate percent slope)? 0 to 100%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. All Soil Types

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. N/A to non-project action

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. N/A to non-project action

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Erosion could occur from farming activities regulated under this proposed amendments to the Critical Areas Code.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A to non-project action

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: The proposed amendment to the Critical Areas Code includes best management practices to minimize erosion from E&OGA .

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Yes predominantly emission related to agriculture (dust, odors, diesel and gas fuel from machinery, volatilization of farm chemical/fertilizers, methane from livestock, and etc.)

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. Emission are from land uses in the county, cities, & tribes. This should not affect E&OGA regulated under this proposal.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
The proposed amendment to the Critical Areas Code includes Best Management Practices (BMP's) to minimize emissions from E&OGA .

3. **Water**

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
Yes there are AHCA & Wetlands located throughout the county that could be located within 200 feet of E&OGA regulated from this proposal.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Yes however no specifics are available for this non-project action.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A to this non-project action.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. E&OGA uses surface water as allowed through the WA State Department of Ecology Water Resource Rules. Specifics are N/A for this non-project action

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Yes some E&OGA may.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. This proposal would result in typical discharge from agricultural to surface waters. This proposal includes Best Management Practices (BMP's) to protect AHCA & Wetlands. This proposal also includes BMP's for non-regulated irrigation/drainage ditches and ponds that are hydrologically connected to AHCA & wetlands to prevent pollution from these water features.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. E&OGA uses ground water as allowed through the WA State Department of Ecology Water Resource Rules. Specifics are N/A for this non-project action

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. Typical discharge from agricultural into the ground. This proposal includes Best Management Practices (BMP's) to protect AHCA & Wetlands. This proposal also includes BMP's for non-regulated irrigation/drainage ditches and ponds that are hydrologically connected to AHCA & wetlands to prevent pollution from these water features.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. This proposal would result in typical run-off from growing crops, raising livestock, and associated agricultural structures. This proposal includes Best Management Practices (BMP's) to protect AHCA & Wetlands from stormwater discharge from E&OGA. This proposal also includes BMP's for non-regulated irrigation/drainage ditches and ponds that are hydrologically connected to AHCA & wetlands to prevent pollution from stormwater discharge from impacting these water features.

2) Could waste materials enter ground or surface waters? If so, generally describe. Yes. typical discharge from agricultural into the ground and surface waters. This proposal includes Best Management Practices (BMP's) to protect AHCA & Wetlands. This proposal also includes BMP's for non-regulated irrigation/drainage ditches and ponds that

are hydrologically connected to AHCA & wetlands to prevent pollution from these water features.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. E&OGA under this program could possibly drainage patterns. This non-project action should improve the drainage from E&OGA through the BMP's

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: The main focus of this proposal is to not further degrade and possibly improve water quality for AHCA and wetlands from E&OGA.

4. **Plants**

a. Check the types of vegetation found on the site: All types for this non-project action.

- ✓ deciduous tree: alder, maple, aspen, other
- ✓ evergreen tree: fir, cedar, pine, other
- ✓ shrubs
- ✓ grass
- ✓ pasture
- ✓ crop or grain
- ✓ Orchards, vineyards or other permanent crops.
- ✓ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ✓ water plants: water lily, eelgrass, milfoil, other
- ✓ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? . For this proposal and this checklist the harvesting or switching of crops is not considered removal or altering of vegetation. This proposal focuses on areas used for crops and forage only when the wetland or water feature (irrigation ditches, drainage ditches, and ponds hydologically connected to AHCA and wetlands) are dry or having a minimum buffer of native vegetation locate adjacent to AHCA. Only E&OGA in existence as of June 16, 1992 and not ceased agricultural operations for 5 consecutive years is allowed within AHCA, wetlands and their associated buffers found Section 27.12.215(1)(a) & 315(1)(a) CCC. All other new agricultural activity not meeting E&OGA is required to comply with the standard critical areas buffers. E&OGA is also not permitted to expand into AHCA & wetlands or their associated buffers.

c. List threatened and endangered species known to be on or near the site. The may be all ESA listed plants that exist in Clallam County located within this non-project action.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: There are BMP's in this proposal to enhance vegetation between E&OGA and the adjacent AHCA and wetlands.

e. List all noxious weeds and invasive species known to be on or near the site. There may be all noxious weed and invasive species located within this non-project action.

5. **Animals** There may be all animals that exist in Clallam County located within this non-project action.

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. There may be all animals that exist in Clallam County located within this non-project action.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. The may be all ESA listed wildlife (i.e. animals, fish, birds, reptiles, amphibians, etc.) that exist in Clallam County located within this non-project action.

c. Is the site part of a migration route? If so, explain. E&OGA may be located in a migration route.

d. Proposed measures to preserve or enhance wildlife, if any: This proposal includes BMP's to better protect AHCA & Wetlands that the existing language in the Critical Area Code. These BMPS are generally intended to improved water quality and vegetation buffers associated with AHCA & wetlands.

e. List any invasive animal species known to be on or near the site. The may be all invasive animal species located within Clallam County in this non-project action.

6. **Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. All energy types may be utilized by E&OGA for the undertaking of the agricultural activities.

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. This proposal would not impact solar energy over the existing conditions from existing regulations.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Typical energy conservation measure are utilized by E&OGA throughout Clallam County. N/A for this non-project action.

7. **Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. Typical environmental health hazards associated with agricultural activities. This proposal would likely result in manure storage and heavy livestock use areas being located further from AHCA, wetland, and other water features than the existing Critical Area regulations for E&OGA.

1) Describe any known or possible contamination at the site from present or past uses. N/A for this non-project action.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. N/A for this non-project action.

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. Typical farm chemicals (fertilizers, pesticides, insecticides, etc.) and fuels for machinery would be located on E&OGA regulated through this proposal. These substances should not change over the present condition as regulated under existing regulations.

4) Describe special emergency services that might be required. N/A for this non-project action.

5) Proposed measures to reduce or control environmental health hazards, if any:

This proposal includes BMP's regarding the application of fertilizers within areas adjacent to AHCA and Wetlands.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Typical noise associated with non-agricultural land use adjacent to E&OGA.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Typical noise associated with agricultural activities. This proposal should not change the noise generated from E&OGA.

3) Proposed measures to reduce or control noise impacts, if any: N/A for this non-project

8. **Land and Shoreline Use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. All land use (Commercial, Industrial, Residential, Public Facilities, Transportation, Recreational, Resource, etc.) may be located this non-project action. This proposal should not impact the adjacent land use more than existing conditions from existing agricultural operations.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? All of the E&OGA has been in agriculture since 1992, and is either zoned Agricultural Retention (AR) or is Agricultural taxing program. The AR district and Agricultural taxing programs are intended to preserve farm land.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: This proposal should not change how agriculture in conducted throughout the county except that the required BMP's may improve water quality and buffers for AHCA and wetlands.

c. Describe any structures on the site. N/A for this non-project action.

d. Will any structures be demolished? If so, what? N/A for this non-project action.

e. What is the current zoning classification of the site? E&OGA may occur within all zones in Clallam County.

f. What is the current comprehensive plan designation of the site? E&OGA may occur within all comprehensive plan designation in Clallam County.

g. If applicable, what is the current shoreline master program designation of the site? E&OGA may occur adjacent to all shoreline designations within Clallam County's Shoreline Master Plan.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. E&OGA may occur within all critical areas located within Clallam County.

i. Approximately how many people would reside or work in the completed project? N/A to this non-project action.

j. Approximately how many people would the completed project displace? N/A to this non-project action.

k. Proposed measures to avoid or reduce displacement impacts, if any: N/A to this non-project action.

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: The intent of this proposal is to encourage E&OGA to continue while protecting the water quality and vegetation along AHCA and wetlands. This proposal is oriented to areas within and adjacent to AHCA and wetlands while protecting water quality and vegetation adjacent to these areas. This should ensure that E&OGA is compatible with other existing & proposed uses.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: The purpose of this proposal is to provide E&OGA alternate standards for agriculture activities adjacent to AHCA & wetlands. E&OGA have the option of applying to be included in this proposal or can utilize the standard AHCA buffers and protection standards found in the Critical Areas Code.

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. This proposal on regulations for E&OGA in critical areas should not impact housing. N/A to this non-project action.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. N/A to this non-project action.

c. Proposed measures to reduce or control housing impacts, if any: N/A to this non-project action.

10. **Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? This proposal is mostly oriented towards agricultural activities and not towards agricultural structures. N/A to this non-project action.

b. What views in the immediate vicinity would be altered or obstructed? N/A to this non-project action.

Proposed measures to reduce or control aesthetic impacts, if any: The BMP's that address water quality, erosion, health pastures and buffers should not impact aesthetics in the area for this non-project action.

11. **Light and Glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Typical lighting impacts associated with agricultural activities. This proposal should not change the amount of light and glare from this non-project action.

b. Could light or glare from the finished project be a safety hazard or interfere with views? This proposal should not change the amount of light and glare from this non-project action.

c. What existing off-site sources of light or glare may affect your proposal? Light and glare from the adjacent variety of land uses located adjacent to E&OGA.

d. Proposed measures to reduce or control light and glare impacts, if any: None required for this non-project action.

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? All designated and informal recreation opportunities may exist adjacent to E&OGA.

b. Would the proposed project displace any existing recreational uses? If so, describe. This non-project action should not displace any existing recreation uses.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None required for this non-project action.

13. **Historic and cultural preservation**

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or

near the site? If so, specifically describe. There are historic structures located within E&OGA areas throughout Clallam County.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. There are likely landmarks, features, or other evidence of Indian or historic use or occupation found in E&OGA areas. This non-project action should not impact historic and cultural preservation more than the existing critical areas regulation for these areas.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. This non-project action should not increase the impacts cultural and historic resources over the existing regulations.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. This non-project action should not impact historic and cultural preservation more than the existing critical areas regulation for these areas.

14. **Transportation**

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. There are highways, county, and private roads located within and adjacent to E&OGA. This non-project action should not change how existing transportation system are utilized by E&OGA

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? N/A to this non-project action related to E&OGA regulations in critical areas.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? N/A for this non-project action.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). This non-project action should not require any new or improvements to the existing transportation system.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. This non-project action should not require any new or improvements to the existing transportation system.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? N/A for this non-project action.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. This non-project action is intended to benefit agricultural operations and should not impact the movement of resource products.

h. Proposed measures to reduce or control transportation impacts, if any: None required for this non-project action.

15. **Public Services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. This non-project action should not result in a need for increased public services.

b. Proposed measures to reduce or control direct impacts on public services, if any. None required for this non-project action.

16. **Utilities**

a. Circle utilities currently available at the site: All of these utilities may be available for this non-project action that applies throughout Clallam County on E&OGA areas.

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Not applicable to this non-project action.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee Greg Ballard

Position and Agency/Organization Clallam County Senior Planner

Date Submitted: August 18, 2016

D. supplemental sheet for nonproject actions

(**IT IS NOT NECESSARY** to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? The BMP's from this proposal should not result in the discharge to water, emission to area, the production, storage or release in hazardous substances over the existing Critical Area Code regulation that apply to E&OGA. An example of this is the requirements for buffers between manure storage and heavy use livestock areas and AHCA, wetlands. This includes water features (irrigation ditches, drainage ditches, and ponds) that are hydrologically connected to these critical areas. Also this proposal has buffers that E&OGA operations are to maintain from AHCA and wetlands.

   Proposed measures to avoid or reduce such increases are: This proposal includes BMP's addressing water quality and buffer width of E&OGA located within the jurisdiction of AHCA and wetlands.

2. How would the proposal be likely to affect plants, animals, fish, or marine life? The BPM's to E&OGA should improve water quality and buffers that should improve the conditions for plants, animals, fish and marine life.

   Proposed measures to protect or conserve plants, animals, fish, or marine life are: This proposal includes BMP's addressing water quality and buffer width of E&OGA located within the jurisdiction of AHCA and wetlands (see Question 1 above).

3. How would the proposal be likely to deplete energy or natural resources? This proposal should not impact energy resources. As stated above this proposal should not impact and improve natural resources.

   Proposed measures to protect or conserve energy and natural resources are: This proposal is also intended to allow E&OGA to remain in AHCA and wetland areas provided that these agricultural operations utilize appropriate BMP's to protect water quality and provide vegetated buffers to AHCA and wetlands.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? This proposal should not impact environmentally sensitive areas over the existing condition from the existing critical area regulations that address E&OGA. This proposal is intended to allow E&OGA to continue while protecting AHCA and wetlands. This should not result in impacts to the habitat provided by these critical areas and the species that utilize these areas or are affected by the conditions of these critical areas. This proposal includes monitoring the baseline condition of AHCA and wetlands and also adaptive management to address mesures that may be taken if the baseline condition of AHCA and wetlands are harmed or degraded under this proposal. This proposal should have no impacts on other sensitive areas.

   Proposed measures to protect such resources or to avoid or reduce impacts are: This proposal provides more specific BMP's that the existing critical area regulation applies to E&OGA. This should make the enforcement of this regulation easier to implement.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? This proposal should not change where E&OGA is occurring within Clallam County but should provide BMP's that should be utilized within the jurisdiction of wetlands and AHCA that include shorelines.

Proposed measures to avoid or reduce shoreline and land use impacts are: This proposal will likely be focused on BMP's that would be utilized on E&OGA. This should improve conditions of AHCA and wetlands within E&OGA. There should be minimal off site impact. The proposed BMPs for water quality and buffers to AHCA and wetlands should improve off site conditions from minimize pollution from E&OGA. Either directly (E&OGA near shorelines) or indirect (E&OGA in jurisdiction of AHCA and wetlands that feed into shorelines) this should eventually improve the water quality and habitat conditions for shorelines.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? This proposal is related to E&OGA within the jurisdiction of AHCA and wetlands. This proposal applies to a small portion of the county and would likely have little effect on the amount of agricultural production in Clallam County. This proposal should not result in an increase in the demand on transportation, public services, or utilities.

Proposed measures to reduce or respond to such demand(s) are: None required because this proposal would have minimal impacts to the demand on transportation, public services, or utilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. Agriculture is one of the oldest land uses found in Clallam County. Many of the agricultural operations were established within or adjacent to AHCA and wetlands. These agricultural operations are generally in compliance with federal, state and local regulation. Since the Critical Area Code was established on June 16, 1992 Clallam County regulates the establishment of new agricultural operations within or adjacent to AHCA and wetlands. The changing of the type of agriculture is not considered new agriculture operation.

The proposed amendments to the critical areas code will be sent to federal, state, tribal, and local agencies for their review as part of the SEPA and the notice process. There have been five public workshops (3 Planning commission and 2 open houses) where the public has been informed about this process. Clallam County also sent out over 800 mailers to property owners who are in the Agricultural Retention or the Agricultural Taxing Program.

The existing critical area regulations regarding E&OGA have been challenged before the Growth Management Hearing Board. Once the proposed amendments to the Critical Area Code are adopted they will be presented to the GMHB for a determination of whether they are in compliance with the Growth Management Act.

Attachment 3

Track Changes from the July 28 to the August 26 version of the Update to the Critical Areas Code addressing Existing & On-Going Agriculture

Proposed Draft Updates to the Clallam County Critical Areas Code, Chapter 27.12 CCC, Critical Areas Code Last Revised on August 26, 2016

SUMMARY OF PROPOSED AMENDMENTS

The proposed updates to the Critical Area Code that follow are related to regulation of existing, ongoing agriculture and include:

1. Amendments to Section 27.12.035 (7), Exemptions, applicable to existing, ongoing agriculture.
2. Add a NEW Section (proposed as Section 27.12.037) containing alternate standards for existing, ongoing agriculture in and adjacent to AHCA and wetlands.
3. Amend Section 27.12.900, Definitions, to amend the current definition of "agriculture" and add a new definition for existing, ongoing agriculture.

PROPOSED AMENDMENT TO SECTION 27.12.035 - EXEMPTIONS

Section 27.12.035, Activities not regulated by this chapter – Exemptions, is amended to read as follows:

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.

(2) 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.

(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 Section 27.12.900 CCC, 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 Section 27.12.037 CCC. New agricultural activities, expansion of existing agricultural activities or development not meeting the definition of existing, on-going agriculture (per Section 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.

(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 sewer substations and pump sites or new utilities within designated frequently flooded areas; provided, that the standards specified in Part Five of this chapter are met. For the purposes of this chapter, operation and maintenance shall include those usual acts necessary for the continued use of existing services in their establish locations. Replacement, expansion, relocation or placement of new utility service lines shall be subject to the standards of this chapter, as applicable.

(10) State forest practices conducted pursuant to Chapter 76.09 RCW. This exemption does not apply to Class IV – general (conversions), or forest practices occurring within designated urban growth areas, or forest practices designated as areas likely to convert through a memorandum of understanding between Clallam County and the Washington Department of Natural Resources, as applicable.

(11) Normal and nondestructive pruning and trimming of vegetation for maintenance purposes, or thinning of limbs of individual trees to provide for a view corridor or removal of non-native vegetation and replacement with native vegetation; provided, that increased erosion or landslide potential or negative impacts to the critical area do not result.

Track Changes from 7/28/16 to 8/26/16

Attachment 3

PROPOSED NEW SECTION—ALTERNATE STANDARDS

Section 27.12.037, Alternate standards for existing, ongoing agriculture in and adjacent to AHCA and wetlands, is created to read as follows:

(1) Purpose and Intent. The purpose of this Section is to address two mandates under the Washington State Growth Management Act (GMA), RCW 36.70A:

(a) To protect the existing functions and values in and adjacent to aquatic habitat conservation areas (AHCA) and wetlands, and;
(b) To conserve and protect agricultural lands, specifically those lands with existing, ongoing agricultural activities that are located on or within 200 feet of AHCA's and wetlands regulated under this Chapter.

(2) Applicability. Agriculture activities that do not meet the definition of existing, ongoing agriculture (as defined in CCC 27.12.900) are required to comply with the applicable ~~AHCA and wetland buffer and protection standards.~~Wetlands Protection Standards found in CCC 27.12.215 and AHCA Protection Standards found in CCC 27.12.315. Existing, ongoing agriculture activities occurring on or within 200 feet of AHCA's and wetlands may deviate from the protection and buffer standards made applicable to them elsewhere in this Chapter by instead complying with the alternate standards presented in this Section and enrolling in this program. The alternate standards from the AHCA and wetland standards of this Chapter may only be applied to existing, ongoing agriculture activities related to the cultivating of crops, grazing of livestock and the land preparation associated with those agricultural activities.

(3) Enrollment in the Alternate Standards Program for Existing and Ongoing Agriculture.

(a) Existing, ongoing agriculture operations (as defined by CCC 27.12.900) are required to submit an Alternate Agriculture Worksheet to the Administrator for review and approval to be enrolled into CCC 27.12.037. This worksheet will include a risk assessment to address the criteria shown in Table 27.12.037(A) below.

(b) A new Alternate Agriculture Worksheet is required every time an agricultural operation under the provisions of CCC 27.12.037 changes ownership or changes the agricultural operation in a manner that results in a higher risk assessment found in Table 27.12.037(A) below. The Administrator will conduct an audit of everyone in this program every 5 years.

(4) No Harm or Degradation Standard.

(a) All existing, ongoing agriculture activities must be conducted so as not to cause harm or degradation to the existing functions and values of AHCA's, wetlands, or their associated buffers (the "no harm or degradation" standard). For the purposes of this Section, the phrase "no harm or degradation" means the following:

(i) ~~Meeting~~Compliance with all documented water quality standards consistent with the Washington State Department of Ecology's Water Pollution Control Laws (RCW 90.48).

(ii) ~~Meeting~~Compliance with all applicable Washington State Department of Fish and Wildlife requirements of Hydraulics Code (RCW 77.55) and the Hydraulic Code Rules (WAC 220-110).

(iii) Conducting agricultural activities to avoid high risk activities outlined in Section 4 of this Section.

(iv) No evidence of significant degradation to AHCA's or wetlands regulated under this Chapter that can be directly attributed to adjacent existing ~~and~~, ongoing agriculture activities.

(b) An owner or operator is responsible only for those conditions caused by agricultural activities conducted on behalf of owner or operator and is not responsible for off-site actions of others, natural conditions not related to the agricultural activities, or emergency actions described in CCC 27.12.035(2).

(5) Existing, Ongoing Agriculture Risk Assessment Criteria.

The success of farms and ranches in Clallam County depends in part on good quality soil, water, air and other natural resources. Agricultural activities that incorporate protection of the environment, including critical areas as defined by this chapter, are essential to achieving this goal. Agricultural activities are expected to be conducted in a manner that protects against harm or degradation to the existing functions and values of AHCA, wetlands, and their associated buffers.

The Administrator shall utilize the low, moderate and high risk assessment criteria in Table 27.12.037(A) to evaluate existing, ongoing agriculture within and adjacent to AHCA's and wetlands. Existing, ongoing agricultural activities may have different risk assessment ratings based on the six performance standards and four risk assessment categories—River and Streams, Water Features (wetlands, ponds, and Irrigation/Drainage Ditches); Livestock Heavy Use Areas; and Manure Storage—in Table 27.12.037(A).

The risk assessment criteria in Table 27.12.037(A) address agricultural activities located within AHCA's, wetlands, and their associated minimum standard buffers regulated under this Chapter, and more intensive agricultural activities (i.e. manure storage ~~or~~, livestock heavy use, confinement areas) located within the 200-foot jurisdictional boundary of these critical areas. The risk assessment criteria in Table 27.12.037(A) also address non-regulated ponds and open irrigation/drainage ditches that are hydro-logically connected to AHCA and wetlands, which may provide a means for pollution to cause harm and degradation to AHCA and wetlands.

(a) Low and Moderate Risk Agricultural Activities. Agricultural activities shall be deemed compliant with this Section if they meet the Low or Moderate Risk Assessment Criteria, unless it is determined by the Administrator that they are causing harm or degradation to the existing functions and values of AHCAs or wetlands located on real property owned, leased, or occupied by the person or entity completing the worksheet. If this occurs for one of the six performance standards then the agricultural operation would be required to develop a Farm Conservation Plan to address activities causing harm or degradation. The intent of Farm Conservation Plan is at a minimum to lower the risk assessment for the specific performance standards of concern. The Farm Conservation Plan shall be submitted to the Administrator for review and approval.

(b) High Risk Agricultural Activities. Agricultural activities that receive a high risk assessment rating on any of the six performance standards are required to submit a Farm Conservation Plan to address the high risk activities. The intent of a Farm Conservation Plan is at a minimum to lower the risk assessment item from high to moderate risk. The Farm Conservation Plan shall be submitted to the Administrator for review and approval.

(c) Farm Conservation Plans. Farm Conservation Plans under this Section shall consider the USDA Natural Resources Conservation Service (NRCS) "Field Office Technical Guide" (FOTG) that contains a non-exclusive list of conservation practices (BMPs) to lower the risk from existing and ongoing agriculture to existing functions and values of AHCA and Wetlands. The Clallam Conservation District may be available to provide assistance in the development of a Farm Conservation Plan.

(d) Existing Plans. Those portions of land upon which farm owners or operators have implemented a Dairy Nutrient Management Plan, a Resource Management System plan, or a Conservation Reserve Enhancement Program Plan consistent with conservation practices and management standards that meet the FOTG quality criteria for each natural resource (soil, water, animals, plants, and air) and approved by the Clallam Conservation District or USDA Natural Resources Conservation Service are entitled to a presumption of compliance with the "no harm or degradation" standards described in Subsection (4) of this Section. This would be contingent on these plans not resulting in any high risk agricultural activities on any of the six risk assessment performance standards.

Table 27.12.037(A) Risk Assessment Criteria

LOW RISK	MODERATE RISK	HIGH RISK
RIVERS ~~AND~~, STREAMS, LAKES, & MARINE WATERS (AHCA~~)~~). Buffers are measured from Ordinary High Water Mark (OHWM).		
1(a). A year-round 50-foot or greater buffer of native trees and shrubs is maintained with no livestock access.	1(b). A year-round 35 to 50-foot buffer of native trees and shrubs is maintained with no livestock access.	1(c). Less than 35-foot wide buffer of native trees and shrubs is maintained or livestock have access to the buffer.
2(a). Manure application occurs outside 50-foot buffer at rates based on crop nutrient needs and only during growing season (generally April-October).	2(b). Manure application occurs ~~outside~~within 35 to 50 foot buffer at rates based on crop nutrient needs and only during growing season (generally April-October).	2(c). Manure is not applied at rates based on crop nutrient needs or is applied year-round.
WETLANDS & OTHER WATER FEATURES **~~Includes wetlands,~~Water Features include ponds ~~and~~, irrigation~~/drainage~~ ditches** **~~Only applicable to ponds and irrigation/~~, and drainage ditches that are hydro-logically connected to AHCA or wetlands. Buffers are measured from edge of wetland or water feature.**		
3(a). A year-round 50-foot or greater vegetated buffer is maintained between water feature and livestock or cultivation.	3(b). A 35 to 50 foot vegetated buffer is maintained between water feature and livestock or cultivation. Buffer may be utilized for harvesting of forage, including grazing when the water feature is dry if minimum forage height of 3 inches is maintained.	3(c). A less than 35-foot vegetated buffer is maintained between water feature and livestock or cultivation. Buffers are utilized for year round harvesting of forage or grazing, or forage height in buffer is less than 3 inches in height.
4(a). Manure application occurs outside 50-foot buffer at rates based on crop nutrient needs and only during growing season (generally April-October).	4(b). Manure application occurs within 35 to 50 foot buffer at rates based on crop nutrient needs and only during growing season (generally April-October).	4(c). Manure application occurs within 35 foot buffer, not applied at rates based on crop nutrient needs or is applied year-round.
LIVESTOCK HEAVY USE AREAS **Includes areas where livestock are confined or congregate, such as feeding locations and wet season pasture areas (sacrifice ~~pastures~~areas) where polluted runoff may pose a risk to water quality. Does NOT apply to barns and sheds.**		
5(a). Livestock heavy use area is located at least 200 feet ~~or more~~ from ~~a water feature~~AHCAs, Wetlands or ~~wetland~~Water Features. **AND** Buffer is well-vegetated.	5(b). Livestock heavy use area is located 100 to 200 feet from ~~a water feature~~AHCAs, Wetlands or ~~wetland~~Water Features. **AND** Buffer is well-vegetated.	5(c). Livestock heavy use area is located less than 100 feet from ~~a water feature~~AHCAs, Wetlands, or ~~wetland~~Water Features. **AND/OR** Buffer is poorly-vegetated.
MANURE STORAGE **Includes collected liquid manure, solid manure, and bedding.**		
6(a). Manure storage structure is covered with a roof or tarp and located at least 200 feet from ~~a water feature~~AHCAs, Wetlands, or	6(b). Manure storage structure is covered with a roof or tarp and located ~~at least~~ 100 to 200 feet from ~~a water feature~~AHCAs, Wetlands,	6(c). Manure storage is covered but located less than 100 feet from a ~~water feature~~AHCAs, Wetlands, or ~~wetland~~Water

~~wetland~~Water Features.	or ~~wetland~~Water Features.	Features. **OR** Manure storage is within 200 feet of a ~~water feature~~AHCA, Wetlands, or ~~wetland~~Water Features and not covered.

(6) Compliance. If the Administrator determines through the review of the Alternate Agriculture Worksheet, Risk Assessment, or the Farm Conservation Plan that an agricultural operations regulated under this section are causing harm or degradation to the functions or values of AHCA or wetlands, then the Administrator will pursue compliance.

(a) It is the policy of the County to emphasize compliance by education and voluntary compliance as a first step. This would entail requiring a Farm Conservation Plan as outline in Section 5(b) and 5(c) above. While voluntary compliance is desirable, failure to implement the required Farm Conservation Plan in compliance with this Section is subject to CCC 27.12.055, Enforcement, and Title 20 CCC, Code Compliance, as appropriate.

(b) Clallam County has regulatory authority for critical areas code enforcement and the Department of Ecology has regulatory authority for enforcement of state water quality protection laws. The mechanisms for responding to alleged water quality violations of agricultural origin and the role of the Clallam Conservation District in providing assistance to agricultural owners and operators to correct water quality violations is described in a 1987 Memorandum of Agreement with Ecology and a 1998 Memorandum of Understanding with the County.

(7) Baseline Conditions, Indicators, Monitoring, and Adaptive Management. The purpose of this Section is to establish for enrollees in the Alternate Standards Program baseline conditions, establish monitoring indicators, and to utilize adaptive management.

(a) Existing Baseline Functions and Values. The County will use the following to establish the baseline of existing functions and values for AHCA's and wetlands:

i. Streamkeepers Biological Integrity Scale (B-IBI) stream rating system dated December 2011.

ii. Washington State Department of Ecology Water Quality Assessment 305 Report dated December 2012.

iii. Washington State Department of Ecology 303(d) dated December 21, 2012.

iv. Clallam County Shoreline Inventory and Characterization Report for Portions of Clallam County Draining to the Strait of Juan de Fuca, March 2012.

v. Revised Draft WRIA 20 Inventory and Characterization Report, May 2012.

(b) The County will use the following indicators to analyze the trends of the existing Baseline Functions and Values for AHCA's and wetlands:

i. Stream reach classification changes based on the Streamkeepers Biological Integrity Scale (B-IBI) stream rating system of Healthy; Compromised; Impaired' Highly Impaired' and Critically Impaired.

ii. Change in stream reach or AHCA water quality documented by Streamkeepers of Clallam County.

iii. Removal or addition of a stream reach or AHCA from the Washington State Department of Ecology's 303 (d) list.

iv. Change in stream reach or AHCA water quality documented in the Washington State Department of Ecology's, Washington State Water Quality Assessment 305 Report.

v. Water quality monitoring performed under the Pollution Identification and Correction (PIC) Plan for the Sequim Bay- Dungeness Watershed Clean Water District to strategically and systematically identify and address agricultural sources of pollution.

vi. A downgrade to the Wetland Classification of wetlands adjacent to or hydro-logically connected to existing and ongoing agriculture activities.

vii. *Other Data Sources - Reserved*

(c) Monitoring: The Administrator will issue an annual report ~~of~~addressing the implementation of existing, ongoing agriculture ~~enrolled under this Section~~at site participating in the Alternate Standards Program. The report will include the number and location of participants, the Alternate Agriculture Worksheets, the change in riparian cover adjacent to agricultural operations authorized per CCC 27.12.037, and StreamKeepers testing data or other functions and values measurable in the vicinity of significant concentration of agricultural operations. If the reporting indicates that AHCA's and Wetlands functions and values are not being impacted in vicinity of agricultural operation operating under CCC 27.12.037, then the reports will prepared every 5 years thereafter.

(d) Adaptive Management. The Administrator will review the above indicators and monitoring to determine trends in the baseline functions and values in Section 7(a) above. If there is a downward trend, the Administrator will assess whether existing, ongoing agriculture activities subject to this Section are likely contributing to this downward trend and, if so, implement the following steps:

i. Contact participating landowners of existing, ongoing agriculture and provide information to make them aware of the issue of concern (e.g., monitoring results).

ii. If the baseline functions and values do not improve in subsequent monitoring results, the Administrator will seek to determine whether there is an identifiable cause to the problem through site visits, consultations with other agencies, or other means of investigating the cause.

iii. If there is an identifiable issue related to existing, ongoing agriculture, the Administrator will seek compliance under Section 6 above.

iv. If the agricultural operations regulated under CCC 27.12.037 have implemented agricultural BMP's to achieve a low or moderate risk assessment, but the functions and values of the AHCA and wetlands still degrade, this may necessitate a revision to the required modification to the risk assessment performance standards or the enactment of protective measures in this Section to address the problem.

PROPOSED AMENDMENT TO SECTION 27.12.900, DEFINITIONS

Definition of "Agriculture" under Section 27.12.900 (2), Definitions, is amended to read as follows:

(2) "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 84.33.100 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 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.

Section 27.12.900, Definitions, is amended to add the following new definition of existing, ongoing agriculture as follows:

"Existing, On-going agriculture" is agriculture that both: 1) is on lands located within the Agricultural Retention Zoning District and/or on lands that meet the criteria and are enrolled in the Washington State Open Space and Agricultural Current Use Program RCW 84.34.020(2)(b) and (c); and 2) is on lands that have been used for agriculture since June 16, 1992 and have not ceased use for agriculture for more than 5 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, on-going agriculture on farmed wetlands, farmed wetland pastures, and prior-converted wetlands are allowed to continue subject to the provisions of CCC 27.12 037.