

FHWCA FINAL RECOMMENDATIONS
4/16/07

TABLE OF CONTENTS

18. a. i REPEALER

18. b. i AUTHORITY

18. c. i PURPOSE

18. d. i DEFINITIONS

18. e. I CRITICAL AREAS

A. PURPOSE

B. APPLICABILITY

C. PERMITTED USES

D. REASONABLE USE EXCEPTIONS- SINGLE FAMILY DWELLING

E. REASONABLE USE EXCEPTIONS - OTHER

F. EXEMPTIONS

G. ALLOWED USE WITH NOTIFICATION

H. ALTERATIONS

I. PHYSICALLY SEPARATED AND FUNCTIONALLY ISOLATED BUFFERS

J. REVIEW PROCESS

K. ASSESSMENTS

L. EXISTING AND ON-GOING AGRICULTURAL ACTIVITIES

M. MONITORING

18. f. i. (OVERLAY ZONES) CRITICAL AREA IDENTIFICATION
AND STANDARDS

A. WETLANDS

B. STREAMS

C. AGRICULTURAL AREAS

D. GEOLOGICALLY HAZARDOUS AREAS

E. FISH AND WILDLIFE HABITAT CONSERVATION AREAS (FHWCA)

1 DESIGNATIONS

a AREAS WITH ENDANGERED, THEATENED, AND
SENSITIVE SPECIES

b STREAMS

c LANDS COVERED UNDER FOREST PRACTICES

d WETLANDS

e. COMMERCIAL AND RECREATIONAL

SHELLFISH BEDS

f KELP AND E3ELGRASS BEDS

g HERRING AND SMELT SPAWNING AREAS

h STATE NATURAL AREA PRESERVES

- i STATE NATURAL RESOURDE CONSERVATION
AREAS
- j SPECIES AND HABITATS OF LOCAL IMPORTANCE
- k NATURAL HERITAGE PROGRAM AREAS

- 2 SITE ASSESSMENT REQUIREMENTS
- 3 PROTECTION STANDARDS - STREAMS
- 4 PROTECTION STANDARDS - WETLANDS
- 5 PROTECTION STANDARDS - SHORELINE
- 6 PROTECTION STANDARDS - BALD EAGLE
- 7 PROTECTION STANDARDS - NATURAL HERITAGE AREAS
- 8 PROTECTION STANDARDS - SPECIES AND HABITATS OF LOCAL
IMPORTANCE
- 9 PROTECTION STANDARDS - HABITAT MANAGEMENT PLANS

18. g. i ALTERATION OF WETLANDS, DEEPWATER HABITATS, FISH
AND WILDLIFE HABITAT CONSERVATION AREAS AND THEIR
SURROUNDING BUFFERS

18. h. i SPECIES, HABITATS, AND CORRIDORS OF LOCAL IMPORTANCE

18. i. i SEVERABILITY

Note:

HIGHLIGHTS: PLACEHOLDERS AND TO BE UPDATED IN FINAL VERSION

- 18._f._i_ [OVERLAY ZONES] CRITICAL AREA IDENTIFICATION
AND STANDARDS

A. Wetlands

Covered in buffers report

B. Streams

1. **Stream Typing.** Rivers and streams in Jefferson County are protected based on stream type as determined by the Washington State Department of Natural Resources (DNR) and displayed on the DNR GIS mapping system hydrographic layer. Rivers and streams are typed as required in the Washington Department of Natural Resources classification system (WAC 222-16-030) shown in Table 17.02.050.C.

i. **“Type S Water”** means all water, within their banks full width, as inventoried as “shorelines of the state” under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW including periodically inundated areas of their associated wetlands.

ii. **“Type F Water”** means segments of natural waters other than Type S Waters, which are within the banks full width of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds or impoundments having surface area of 0.5 acres or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories:

1. Waters, which are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department (DNR) to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less:
2. Waters, which are diverted by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality.
3. Waters, which are within a federal, state, local or private campground having more than 10 camping

units: Provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or park improvement;

4. Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria;

- a. The site must be connected to a fish habitat stream and accessible during some period of the year; and
- b. The off-channel water must be accessible to fish.

iii. **“Type Np Water”** means all segments of natural waters within the banks full width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

iv. **“Type Ns Water”** means all segments of natural waters within the banks full width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any reach that is a Type Np Water. **Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters.**

2. **Modification of Stream Type.** Modification of Water Type based on existing conditions is made through application and approval of a Water Type Modification Form by DNR. For purposes of protection the Director will accept an approved Water Type Modification Form as evidence that the stream type is incorrectly typed and will apply the protection appropriate to the newly identified type from the point of modification upstream to the intersection with a water type of a lesser type.

C Agricultural areas **ADD AL'S AGRICULTURE WORK HERE**

D. Geologically Hazardous Areas . The primary purpose of the geologically hazardous areas overlay zone is to promote the public health, safety and general welfare by minimizing the hazards incident to development on or adjacent to steep slopes or geologically hazardous areas.

1. Geologically Hazardous Areas are defined pursuant to WAC 365-190-080 and are regulated pursuant to the following:
 - a) Erosion Hazard Areas shall comply with Chapters and JCC.
 - b) Landslide Hazard Areas shall comply with Chapters and JCC.
 - c) Seismic Hazard Areas shall comply with the International Residential Code and/or the International Building Code.
 - d) Coal Mine Hazard Areas have not been identified in Jefferson County.
 - e) Volcanic Hazard Areas have not been identified in Jefferson County.
 - f) Tsunami Hazard Areas shall comply with Chapter JCC.
2. Development on steep slopes or geologically hazardous areas shall be site-and use-specific and shall comply with Chapter and JCC.
3. [Environmentally Sensitive Areas.] Steep slopes or geologically hazardous areas are hereby declared to be “environmentally sensitive areas” for purposes of the State Environmental Policy Act (RCW 42.21C) and [pursuant to] WAC 197-11-748 and 197-11-908.

E. Fish and Wildlife Habitat Conservation Areas (FWHCA)

1. **Designation.** The following are designated as Fish and Wildlife Habitat Conservation Areas: **Shoreline Regs will be added later**
 - a) Areas with which endangered, threatened, and sensitive species listed by the federal or state government have a primary association.

Federally designated and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Services should be consulted for current listing status.

State endangered, threatened, and sensitive species are those species native to the state of Washington identified by the state Department of Fish and Wildlife that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered within the state. The state maintains the list of these species in WAC 232-12-014 (endangered species) and in WAC 232-12-014 (threatened and sensitive species). The State Department of Fish and Wildlife should be consulted for current listing status.

b) Rivers and Streams not otherwise protected under Washington State Forest Practices regulations (RCW 76.09 and Chapter 222 WAC) that have Fish and Wildlife Habitat Conservation Areas (FWHCA) are protected according to stream type. See chapter 18.f.i.E.3

c) Lands covered under the Forest Practices Act. Forested areas in Jefferson County provide protection as Fish and Wildlife Habitat Conservation Areas under the Forest Practices Act (RCW 76.09) and Forest Practices Regulations (Chapter 222 WAC).

d) Wetlands FHWCA buffers will be established per Section 18.xx.xxx (reference back to the Wetlands section).

e) Commercial and recreational shellfish beds.

To be specified with Shoreline Ord

f) Kelp and eelgrass beds.

To be specified with Shoreline Ord

g) Herring and smelt spawning areas.

To be specified with Shoreline Ord

h) State Natural Area Preserves.

There are not any State Natural Area Preserves designated in Jefferson County

i) State Natural Resource Conservation Areas.

There are not any State Natural Resource Conservation Areas designated in Jefferson County in areas covered by this code. Note: DCD staff is to check this

j) Species and Habitats of Local Importance.

This section deals with species and habitats of local importance that are not covered by the Federal and State sensitive, threatened or endangered species regulations. It details the requirements required to add, monitor and if necessary to remove species and habitats of local importance.

The use of the term 'habitat' in this section shall also include areas designated as 'wildlife corridors;.

Requirements to add, monitor, or remove a Species, Habitat, or Wildlife Corridor designation to the Critical Areas Ordinance:

1. Any person/organization/or Jefferson County agency may nominate for designation a species or habitat of local importance. A nominating person or organization must be a resident of, or headquartered in, Jefferson County.
2. The person making the nomination shall provide information demonstrating that the species or habitat is native to Jefferson County existing on or prior to the date of adoption of this section of the ordinance.
3. Nominated species must satisfy the following criteria:
 - (a) Local populations which are in danger of extirpation based on documented trends since the adoption of the Growth Management Act.
 - (b) The species is sensitive to habitat manipulation.
 - (c) The species or habitat has commercial, game, or other special value such as locally rare species
 - (d) Includes an analysis of the proposal using best available science; and
 - (e) Specifies that protection by other county, state or federal policies, laws, regulations or non-regulatory tools is not adequate to prevent degradation of the species or habitat and for which management strategies are practicable; and without protection, there is a likelihood that the species will not maintain and reproduce over the long term. Or that a unique habitat will be lost.
4. Habitats nominated as being of local significance must satisfy the following criteria:
 - (a) Where a habitat is nominated to protect a species, the use of the habitat by that species is documented or is highly likely or the habitat is proposed to be restored with the consent of the affected property owner so that it will be suitable for use by the species; and:
 - (b) Long term persistence of the species in Jefferson and adjoining counties is dependent on the protection, maintenance or restoration of the habitat.
 - (c) Areas nominated to protect a particular habitat must represent either high quality native habitat or habitat that has an excellent potential to recover to a high quality condition and which is either of limited availability or highly vulnerable to alteration.
 - (d) The nomination shall indicate the specific habitat features to be protected (for example, nest sites, breeding areas, nurseries, etc.). For wildlife corridors it shall indicate which features are required for the corridor to be viable to protect the nominated species.

5. The request for nomination of a species/habitat of local significance shall include:
- Identification of the species including its scientific and locally common name(s).
 - Identification of the geographic location, including Jefferson County Parcel Numbers, and extent of the habitat associated with a nominated species or the nominated habitat itself if not associated with a nominated species. A map of an appropriate scale to properly describe the location and extent of the habitat will accompany the nomination, as well as geo-referencing information sufficient to allow mapping of the habitat site in the county GIS mapping system.
 - The status of the species or the occurrence of the type of habitat in surrounding counties and in the rest of the State has been considered in making this nomination.
 - A Management Strategy based on Best Available Science for the species or habitat.
 - Indications as to whether the proposed management strategy has been peer reviewed, and if so, how was this done and by whom.
 - Where restoration of habitat is proposed, a specific plan, including how the restoration will be funded, must be provided as part of the nomination.
 - Recommendations for allowed, exempt, and regulated activities within the area.
 - Recommended Buffer and setback requirements and their justification.
 - Seasonal requirements.
 - A monitoring plan that includes
 - (1). The establishment of baseline data and what measurements will be used to determine the success of the project. The plan shall include the criteria and time period required to evaluate the success of the plan.
 - (2). A contingency plan for failure.
 - (3). It shall also include a list of all parcels not included in the nomination but affected by the monitoring process.
 - (4). It must show that the monitoring process is practical and achievable.
 - The nomination must also include an economic impact, cost and benefits analysis. The nomination

must also include an analysis of alternative solutions to creating the Critical Area.

6. Species or habitat of local significance may be removed at any time that it can be demonstrated that they no longer meet the criteria requirements of 3. or 4. They may also be removed in the event of a natural catastrophe or climatic change event.
7. Each ordinance creating a species or habitat of local importance shall include a 'sunset' clause requiring a periodic review of the ordinance to keep the ordinance in effect. The length of the periodic review may be dependent on the characteristics of the species or habitat.
8. The applicant is responsible for paying all fees and all expenses incurred by Jefferson County to process the application
9. The Planning Department shall determine whether the proposal is complete. For proposals, which are complete, it shall evaluate the proposal for compliance with the standards enumerated in the ordinance and make a recommendation to the Planning Commission based on those standards. It shall notify all parcel owners affected of the terms and contents of the proposal.
10. The Planning Commission will hold a Public Hearing for proposals found to be complete, and make a recommendation to the Board of Commissioners
11. Following the recommendation of the Planning Commission, the Board of Commissioners shall designate (in a separate ordinance) a Habitat or Species of Local Importance that satisfies the nomination criteria and includes the information required.
12. After adoption the Species/habitat and rules will be placed in the Jefferson County Code, Section **JCC 18.h.i** for use by DCD and for the public to reference.

- 1) All areas designated by the Department of Natural Resources ("DNR") through the Washington Natural Heritage Program as high quality wetland ecosystems and high quality terrestrial ecosystems Presently there are no areas designated in Jefferson County.

2 Site Assessment Requirements. When a development proposal is located on lands which may contain, based upon maps and other information maintained by the Department, a habitat for a Protected Species, other than Bald Eagle nesting territories or when the applicant proposes to alter, decrease or average the standard buffer, a Habitat Management Plan (HMP) shall be required. A HMP shall be prepared by the County or a qualified professional biologist,

plant ecologist, or similarly qualified professional with experience assessing the relevant species and/or habitats. The level of detail in a BSA should be proportionate to the location, size and impacts of the project proposal. Unless modified by the Administrator, a HMP shall include:

- a) A site plan indicating all Fish and Wildlife Habitat Conservation Areas falling on or within one-hundred (100) feet of the portion of the subject property proposed for development. For heron and osprey the distance shall be as follows:
 - i) Heron - One thousand (1,000) feet for non-residential development, three-hundred (300) feet for residential development; and
 - ii) Osprey - Six hundred (600) feet for non-residential development, two-hundred (200) feet for residential development.
- b) Descriptions of all Fish and Wildlife Habitat Conservation Areas shown on the site plan;
- c) Description of the proposed project, including, but not limited to, associated earthwork (grading, excavation, filling), structures, utilities, and existing habitat other than Fish and Wildlife Habitat Conservation Areas (wetlands, other vegetated areas, including areas which may act as corridors, ravines or steep slopes, etc.);
- d) Analysis of impacts to the protected species or habitats. A discussion of impacts to all Fish and Wildlife Habitat Conservation Areas must be included;
- e) Regulatory summary, identifying other agencies with jurisdiction;
- f) If adverse impacts to protected species or habitats are likely to occur, a conceptual mitigation plan, including an analysis of feasible mitigation alternatives that would mitigate adverse impacts of the project. The effectiveness of the proposed mitigation measures shall be compared to other feasible alternatives. Mitigation alternatives shall be presented in the following order (in accordance with WAC 197-11-766):
 - (i) Avoiding the impact by not taking a certain action or parts of an action;
 - (ii) Minimizing impacts by limiting the degree of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - (iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - (iv) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - (v) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;

(vi) Monitoring the impact and taking appropriate corrective measures.

g) Best Management Practices (BMP), including a discussion of on-going maintenance practices that will assure protection of all Fish and Wildlife Habitat Conservation Areas on-site after the project has been completed. If monitoring is required, this section shall include a description of proposed monitoring criteria, methods, and schedule.

h) The recommendations of the HMP, once approved, shall be included as conditions of approval of the underlying permit.⁴

3. Protection Standards - Streams :

a) Standard Buffers and Classification. Streams as defined in 17.02.030 shall be classified in accordance with the Washington Department of Natural Resources classification system (WAC 222-16-030) shown in Table 17.02.050.C. Protective buffers shall be required to preserve stream/riparian functions. Buffer distances shall be measured horizontally from the ordinary high water mark of the stream. The following standard buffers apply to streams in lands not subject to Forest Practices regulations when, regulated under this ordinance..

TABLE: STREAM WATER TYPING CRITERIA, WAC 222-16-030

stream TType	Buffer (ft)
S or F greater than 75' banks full width	120
S or F less than 75' banks full width	90
F Less than 10' banks full width	60
F Less than 5' banks full width	30
Np and Ns	20

If Wetland buffers are delineated adjacent to streams, The buffer used shall be the widest buffer protecting the greatest area..

b) Increased Buffer Widths: The Director has the authority to increase the standard buffer widths on a case-by-case basis based on the intensity of the proposed use, the functions of the stream and the characteristics of the existing buffer when a larger buffer is determined to be necessary to protect stream water quality or a Protected Species. For example, stream

buffers that are unstable slopes may require larger buffer widths; Planned Rural Residential Developments (PRRD) using density bonuses may warrant increased buffer widths. However, an applicant may enhance any such buffer (such as through bioengineering using native plants) to maintain the standard buffer width following the submittal, review, and approval of a HMP which demonstrates that the enhancement will provide a buffer which protects stream water quality or a Protected Species, as applicable. To increase a buffer width, the Administrator must be able to demonstrate that the buffer in the table will not be adequately protective and state the specific reason for the increase..

- c) Decreased Buffer Widths: Decreased buffer widths will be allowed only if the applicant demonstrates in a Habitat Management Plan (HMP) that decreasing the buffer width will not adversely affect fish and wildlife habitat functions and values.
- d) Averaging Buffer Widths. Buffer widths may be modified by “averaging.” Buffer width averaging shall be allowed only where the applicant demonstrates through an approved BSA that the following criteria are met:
 - (i) Decreasing the buffer width will not adversely affect fish and wildlife habitat functions and values; and
 - (ii) If a portion of a buffer is reduced through averaging, an area of additional buffer, contiguous with the existing buffer, shall be designated that is equal in size to the reduced portion of the standard buffer so that the total buffer area remains unchanged; and
- e) Allowed Uses in Buffers. Low impact uses that are consistent with the purpose and intent of this Ordinance, and that do not detract from the buffer’s ability to preserve stream and riparian functions are permitted as identified in (refer back to the earlier description of allowed and allowed with notification section in the Wetlands section).
- f) Property owners may submit a site specific habitat management plan that, when approved, will supercede the prescriptive buffers in the table in 3.a). The habitat management plan will be in lieu of the prescriptive buffers.

4. Protection Standards – Wetlands: Covered in Wetlands Section.

5. Protection Standards - Shoreline: These standards will be covered in the Shoreline Ordinance.

6. Protection Standards - Bald Eagle:

Bald Eagle habitats shall be protected pursuant to the Washington State Bald Eagle Protection Rules (Chapter 232-12-292 WAC). If the Director determines that the scope or timing of the proposal may create an adverse impact or adversely affect the eagle nest territory, he shall require the preparation of a Habitat Management Plan which must be approved by the Department of Fish and Wildlife and signed by the landowner prior to any clearing or construction whenever activities that alter habitat are proposed near a verified nest territory. (Tabled – DCD re-write this section)

7. Protection Standards: Washington Natural Heritage Program Areas:

At the present time, there are no Washington Natural Heritage Program Areas defined for Jefferson County. (Tabled pending staff research on state standards.)

8. Protection Standards: Habitats, Species, and Wildlife Corridors of Local Importance:

These standards will be specified for each species, habitat, and wildlife corridor as they are adopted (JCC Section 18.h.i)

9. Habitat Management Plan:

HMPs shall be prepared by a professional ecologist, biologist or similarly-qualified professional, submitted, and approved. The HMP must consider Management Recommendations adopted by the Washington Department of Fish and Wildlife, and the specific attributes of the affected properties, such as, but not limited to, property size and configuration, surrounding land use, and the practicability of implementing the HMP, and the adaptation of the species to human activity. (Move to Administration section - reports.)

**SECTION 18. g. i ALTERATION OF WETLANDS, DEEPWATER
HABITATS, FISH AND WILDLIFE HABITAT CONSERVATION
AREAS AND THEIR SURROUNDING BUFFERS**

(Table the whole section because it needs a code writer to deal with the issues of alterations.)

A General standards: These standards shall apply to all applications for an alteration pursuant to JCC of a regulated wetland, deep water habitat, fish and wildlife habitat conservation areas or their buffers, unless modified by the Planning Director upon a determination that the anticipated alteration will preserve, improve and/or protect the wildlife habitat, natural drainage and/or other natural functions of the wetland, deep water habitat or fish and wildlife habitat conservation areas and will be consistent with the purposes of this Chapter without strict application of said standards. This determination may be made upon review of a study completed by a biologist, plant ecologist or similarly qualified professional. The study shall be prepared at the applicant's cost. As used in this section, wetlands shall refer to all types of wetlands.

1. Water quantity and quality. Uses permitted adjacent to wetlands and deep water habitats shall control stormwater runoff and protect the natural movement of water according to the following provisions:
 - a) General provisions:
 - (i) All surface water directed into wetlands and deep water habitats shall be passed through a vegetated detention pond or other stormwater management system incorporating a grass-lined swale approved by the Jefferson County Engineer in order to remove sediments;
 - (ii) The best available treatment practices shall be used to remove toxic wastes, petrochemicals or other pollutants from stormwater before it enters any wetland or deep water habitat;
 - (iii) The velocity of stormwater runoff entering a wetland or deep water habitat shall be limited to pre-development levels;
 - (iv) Where possible, natural water level fluctuations in wetlands or deep water habitats shall be minimized during spring breeding season (April through June);
 - (v) Wetlands shall not be modified to function as stormwater retention/detention sites.
 - b) In wetlands with no natural point of inflow (i.e., stream), any surface water directed towards the wetland as a result of an approved drainage plan shall filter through the water table or a drain field to avoid erosion and excess nutrient inflow.
2. Human access. The following provisions shall apply to controlling human access and encouraging appropriate use in wetlands:
 - a) No motorized vehicles shall be allowed within a wetland, fish and wildlife habitat conservation area or its buffer, except when allowed through Use Approval or as provided in section and/or as the wetland or buffer may be traversed by a public or private roadway which existed on or before December 31, 1984 and the fish and wildlife habitat conservation

area may be traversed by a public or private roadway which existed on or before **October 1, 1998**;

b) Any trails within a wetland shall be constructed with minimum disruption to habitat.

3) Corridors. Where possible, wetlands should be connected to streams, to other wetlands or to undeveloped areas such as forest or Puget Sound by undisturbed corridors.

B. Alteration Approval standards. Alteration of a wetland, a deep water habitat, fish and wildlife habitat conservation area or their buffers may be permitted only by Alteration Approval unless otherwise authorized in this Chapter. If such development is permitted, the following development standards shall apply:

1. If alteration in fact will not preserve, improve or protect the functions of the wetland, deep water habitat, fish and wildlife habitat conservation area or their buffers, then a determination shall be made that mitigation or restoration is feasible, and that the mitigation or restoration requirements of JCC and/or **17.03.260** pertaining to a plan, monitoring and a bond or other security can be met; if such determination cannot be made, no alteration shall be authorized.

2. When mitigation is required as a condition of approval of a wetland fish and wildlife habitat conservation areas alteration, the following requirements shall apply:

a) An ecological assessment of the wetlands or fish and wildlife habitat conservation areas to be lost or adversely altered shall be made, at the expense of the applicant, to determine the gross area of loss and the functions, habitat, and types, sizes and quantities of vegetation lost.

b) A mitigation plan shall be prepared by the applicant and approved by the Planning Director, and in the event the construction of a new wetland is included as a part of that plan, the earth moving, hydrology and vegetation planting requirements of the plan will be completed prior to the commencement of the proposed alteration. The Planning Director may call on state or other agencies to provide technical support in evaluating the plan. The mitigation plan shall include but not be limited to, the following:

(i) Statements of goals. Such statements shall include a discussion of the functions and values lost and those planned for replacement;

(ii) Methods. Information discussing “what, where, when and how,” i.e., acreage of mitigation, wetland or other habitat types to be constructed/restored, location, dates for beginning and completing the project, methods of construction and maintenance requirements shall be included.

(iii) Standards of success. A qualitative and, to the extent possible, a quantitative description of what will be considered a successful,

functioning wetland or fish and wildlife habitat conservation area shall be provided.

- c) Monitoring. Same as requirements set forth in section .
 - d) Contingency plan. A plan which complies with the requirements of may be required by the Planning Director to outline restorative measures to be taken should the mitigation fail or only partially succeed.
 - e) Bonding. A performance bond or other security in an amount to enable the County to carry out the mitigation plan should the applicant fail to do so shall be required.
- 3. The project should be located or designed to avoid habitats including wintering, breeding, rearing, feeding and nesting habitats and migration routes;
 - 4. Native vegetation to replace lost habitat for a particular species shall be planted;
 - 5. Artificial resting, hiding and breeding sites to replace losses shall be constructed;
 - 6. Aquatic substrate may be altered to produce an increase in fish, waterfowl, and shorebird organisms to replace losses;
 - 7. Dredge and/or fill of a wetland, a deep water habitat, stream, or their buffers shall not be permitted unless:
 - a) The benefits of the proposed use outweigh the impacts associated with the proposed use or the proposed use is water-dependent; and,
 - b) Mitigation areas will be provided which have greater value as a wetland, stream, or habitat than the area lost; and,
 - c) The amount dredged or filled is the minimum necessary to accomplish the proposed use; and,
 - d) Dredging is not solely for the purpose of obtaining fill; and,
 - e) Leachate from polluted dredge spoil will be treated and will not enter surface waters; and,
 - f) The project is timed to avoid interference with fish and wildlife migrations, rearing, spawning or nesting.
 - 8. Habitat replacement should provide an insurance factor to take into account the risk of mitigation and the loss of fish and wildlife until the mitigation site becomes productive;
 - 9. Cumulative impacts of the proposed development shall be considered. Thus development shall not be considered a precedent allowing further development; and,
 - 10. Where possible, development should be located in the buffer rather than the wetland or fish and wildlife habitat conservation areas.

SECTION JCC 18. h. i SPECIES, HABITATATS, AND CORRIDORS OF LOCAL IMPORTANCE

Will contain species, habitats, and corridors specified by ordinance in Section JCC18.f.i.C.3.i

(This section is intended to contain the regulations for any designated species or habitats of local importance. Each species or habitat would have its own subsection.)

A. SPECIES OF LOCAL IMPORTANCE

Common Name Protected Habitat

B. HABITATS OF LOCAL IMPORTANCE

C. WILDLIFE CORRIDORS

SECTION - 18._i_.i__ Severability

If any provision or provisions of this Chapter or its/their application to any person or circumstances is held invalid, the remainder of this Chapter or the application of the provision or provisions to other persons or circumstances shall not be affected.