

EXHIBIT B

**Chapter 17.02A
OLD Critical Areas Ordinance**

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Protected Species, Non-Native Wetland Species, Species of Local Importance, and Habitats of Local Importance

17.02.A.010 Authority

This ordinance shall be known as the **old** Island County Critical Areas Ordinance (“**Old CAO**”) and is hereby adopted under the authority of Chapters 36.70, 39.34, 43.21C, 58.17, 76.09, 84.33, 84.34 and 90.58 RCW.

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17.02.A.030 Definitions

Agricultural: The current employment of land for the primary purpose of raising, harvesting and/or selling crops or the feeding, breeding, management and/or sale of, or the production of, livestock, poultry, fish, fur-bearing animals or honeybees or for dairying and/or the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. Agriculture includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. Agriculture also includes the growing of ornamental shrubs, Christmas trees, pulpwood and similar nursery stock.

Agricultural Activities: (~~(Existing and On-Going: Those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock. These activities include the operation and maintenance of farm and stock ponds or drainage ditches, operation and maintenance of ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities which bring an area into agricultural use are not part of an on-going operation. An operation ceases to be on-going when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five (5) years, on or after October 1, 1998 unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and on-going agricultural activity. Forest practices, residential landscaping and residential agriculture are not included in this definition.))~~ **Uses and practices currently existing or legally allowed including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities when the replacement facility is no closer to a Critical Area than the original facility; and maintaining agricultural lands under production or cultivation.**

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17.02.040 Critical Areas

A. **Purpose.** This section establishes general requirements and regulations for the protection of Critical Areas pursuant to the Growth Management Act (~~(which shall apply throughout this Title)~~).

- 1. For a Development Proposal submitted prior to the effective date of Chapter 17.02.B ICC, unless an Owner or applicant elects voluntarily to have a complete application reviewed under that Chapter, the application shall be reviewed under this Chapter.**
- 2. Unless an Owner or applicant elects voluntarily to comply with the Critical Area requirements of Chapter 17.02.B ICC, all Agricultural Activities shall comply with this Chapter.**

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