

Meeting Agenda and Discussion
Columbia County Planning and Building
Starbuck City Council

April 9th, 2019

6:00 pm

Item:	Includes:
Comprehensive Plan Scheduling	<ul style="list-style-type: none">• Presentation of final schedule• Notice of final open house
Critical Areas Code Update	<ul style="list-style-type: none">• Request for comments sent• Comments integrated• Available electronically, emailed 04/04• Will be included as appendix
Development Regulations	<ul style="list-style-type: none">• Differentiate between development code and policy in adopting ordinance for Comp. Plan (<u>most feasible</u>)• Develop municipal code

JOIN US!

COMPREHENSIVE PLAN

STARBUCK

WRAP-UP OPEN HOUSE

TUES.

MAY 14

**@ STARBUCK
TOWN HALL**

6:00 PM

Please join Planning staff and Town Council as we review and discuss the changes that will be submitted to the State for review and adoption.

**For more information, please contact the planning dept.
509-382-4676 or Meagan_bailey@co.columbia.wa.us**

Check out our website: columbiaco.com

Comprehensive Plan Work Schedule – 2020 Update

DONE: Countywide Planning Policies

Jurisdiction:	Columbia County	Dayton	Starbuck
Introduction date:	12/10/2018	12/18/2018	12/11/2018
Cont'd Review	1/14/2019	1/15/2019	1/8/2019
Hearing Date (if applicable)	1/28/2019 (PC)	1/15/2019 (PC)	2/12/2019
Resolution of Support	2/4/2019 (BOCC)	2/13/2019 (CC)	2/12/2019

DONE: New Docketing Procedures

Jurisdiction:	Columbia County	Dayton	Starbuck
Introduction date:	12/10/2018	12/18/2018	12/11/2018
Cont'd Review	1/14/2019	1/15/2019	1/8/2019
Hearing Date (if applicable)	-	-	-
FOF of Support	1/14/2019 (PC)	1/15/2019 (PC)	1/8/2019

DONE: Accessory Dwelling Unit (Columbia County)

Jurisdiction:	Columbia County
Introduction date:	12/10/2018
Cont'd Review	1/14/2019
Hearing Date (if applicable)	-
FOF of Support	1/28/2019 (PC)

Water Resources Language Integration (Columbia County)

Jurisdiction:	Columbia County
Introduction date:	1/14/2019
Cont'd Review	3/11/2019
Hearing Date (if applicable)	-
FOF of Support	3/11/2019 (PC)

Critical Areas Update (Columbia County and Starbuck)

Jurisdiction:	Columbia County	Starbuck
Introduction date:	1/14/2019	1/8/2019
Cont'd Review	4/08/2019	4/09/2019
Hearing Date (if applicable)	-	-
FOF of Support	4/22/2019 (PC)	-

Navy/Airspace Language Integration (Columbia County)

Jurisdiction:	Columbia County
Introduction date:	3/25/2019
Cont'd Review	4/8/2019
Hearing Date (if applicable)	-
FOF of Support	4/8/2019 (PC)

Development Code – “Pull Out” (Starbuck)

Jurisdiction:	Starbuck
Introduction date:	4/9/2019
Cont’d Review	4/9/2019
Hearing Date (if applicable)	-
FOF of Support	4/9/2019 (PC)

Docket List Items (Columbia County)

Jurisdiction:	Columbia County
Docket 1: UGA Swap	Intro: 4/08/2019 FOF: 4/08/2019
Docket 2: BMRT Plan	Language addition into parks and recreation element; review 2/11/2019
Docket 3: CWPP	See above schedule; resolution 2/4/2019
Docket 4: Docketing	See above schedule; FOF 1/14/2019
Docket 5: Water Resources/Hirst Decision	See above schedule; FOF 3/11/2019
Docket 6: Law Building	Language addition into Capital Facilities Element; review 1/14/2019
Docket 7: PUD/Cluster Development	Development code revisions; intro 2/25/2019, FOF 4/08/2019
Docket 10: Recycling	Language addition into Utilities Element; review 1/28/2019
Docket 11: Comprehensive Zoning Review	Land Use and Zoning Map amendments; final due from consultant 3/26/2019; FOF 4/22/2019
Docket 12: ADU Standards	See above schedule; FOF 1/28/2019

DONE: Docket List Items (Dayton)

Jurisdiction:	Dayton
Docket 1: UGA Swap	City Council Support: 3/13/2019 DPC Intro: 3/19/2019 DPC FOF: 3/19/2019
Docket 2: BMRT Plan	Language addition into parks and recreation element; review 2/19/2019
Docket 3: Retail Development	Language addition into economic development/historic elements; review 1/15/2019 & 2/19/2019
Docket 4: CWPP	See above schedule; RESE 2/13/2019
Docket 5: Docketing	See above schedule; FOF 1/15/2019
Docket 6: Sports Complex Improvements	Language addition into Capital Facilities Element/Parks and Recreation Element; 1/15/2019 & 2/19/2019

DONE: Docket List Items (Starbuck)

Jurisdiction:	Columbia County
Docket 1: BMRT Plan	Language addition into parks and recreation element; review 2/12/2019
Docket 2: CWPP	See above schedule; FOF 2/12/2019
Docket 3: Docketing	See above schedule; FOF 1/8/2019

Misc. Dates for Submittal

Task:	Date:
Comp. Plans due to Planner from Consultant	3/29/2019
Planner complete additional staff edits to plans; address questions; due date <i>(will update demographics, housing, economic, etc. at this point)</i>	4/19/2019
Photos of missing elements due	4/26/2019
FINAL DRAFT PLAN COMPLETE	5/03/2019
Columbia County – FINAL WORKSHOP	5/13/2019
Starbuck – FINAL WORKSHOP	5/14/2019
Dayton – FINAL WORKSHOP	5/21/2019
Submit all three draft plans and applicable development regulations to State	05/23/2019
60 day review over	7/22/2019
Requested/required changes incorporated; due date	8/16/2019
Hearings and adoption	Throughout September, October (will coordinate schedule when we get closer)

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COLUMBIA COUNTY CRITICAL AREAS CODE
CHAPTER 16.10

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1 **16.10.100 General Provisions**

2 (1) Purpose, Goals, and Applicability

3 (a) Purpose. The purpose of this ~~ordinance~~chapter is to:

4 (i) Define, identify, and protect critical areas as required by ~~Chapter~~
5 ~~36.70A RCW, the GMA of 1990 (Chapter 17, Laws of 1990)~~
6 through the application of the best available science.

7 (ii) The County shall regulate uses, activities, and development within,
8 adjacent to, or likely to affect one or more critical areas.

9 (2) Applicability.

10 (i) This ~~ordinance~~chapter shall apply to land, land uses and
11 development activity, and structures and facilities in the
12 unincorporated areas of Columbia County, whether or not a permit
13 or authorization is required. No action shall be undertaken by any
14 person, firm, partnership, corporation, group, governmental
15 agency, or other entity that owns, leases, or administers land within
16 Columbia County that results in the alteration of a wetland, critical
17 recharge area, fish and wildlife conservation area or geologically
18 hazardous area as defined by this ~~ordinance~~chapter except in
19 conformance with this ~~ordinance~~chapter.

20 (ii) The County shall not approve any permit or otherwise issue any
21 authorization to alter the condition of any land, water, or
22 vegetation, or to construct or alter any structure or improvement in,
23 over, or on a critical area or associated buffer, without first
24 assuring compliance with the requirements of this
25 ~~ordinance~~chapter.

26 (iii) Approval of a permit or development proposal pursuant to the
27 provisions of this ~~ordinance~~chapter does not discharge the
28 obligation of the applicant to comply with the provisions of this
29 ~~ordinance~~chapter.

30 (iv) Unless otherwise indicated in this ~~ordinance~~chapter, the applicant
31 shall be responsible for the initiation, preparation, submission, and
32 expense of all required reports, assessment(s), studies, plans,
33 reconnaissance(s), peer review(s) by qualified consultants, and
34 other work prepared in support of or necessary to review the
35 application.

36 (b) Goals

- 1 (i) Protect members of the public and public resources and facilities
2 from injury, loss of life, or property damage due to landslides and
3 steep slope failures, erosion, seismic events, or flooding.
- 4 (ii) Maintain healthy, functioning ecosystems through the protection of
5 unique, fragile, and valuable elements of the environment,
6 including ground and surface waters, wetlands, and fish and
7 wildlife and their habitats, and to conserve the biodiversity of plant
8 and animal species.
- 9 (iii) Direct activities not dependent on critical areas resources to less
10 ecologically sensitive sites and mitigate impacts to critical areas by
11 regulating alterations in and adjacent to critical areas.
- 12 (iv) Prevent cumulative adverse environmental impacts to water
13 quality, wetlands, and fish and wildlife habitat and maintain
14 ecological functions.
- 15 (3) Authority and Interpretation.
- 16 (a) Authority.
- 17 (i) As provided herein, the County Planning Director ~~or designee~~
18 ~~and/or the hearing body are is~~ given the authority to interpret and
19 apply, and the responsibility to enforce this ~~ordinance~~ chapter to
20 accomplish the stated purpose.
- 21 (ii) Columbia County may approve, deny, or approve with conditions
22 any permit application for a regulated activity or other land use
23 proposed for development within a critical area and/or associated
24 buffer area in order to comply with the requirements of this
25 ~~ordinance~~ chapter.
- 26 (b) Interpretation. In the interpretation and application of this
27 ~~ordinance~~ chapter, the provisions of this ~~Title~~ chapter shall be:
- 28 (i) Considered to be the minimum requirements necessary;
- 29 (ii) Liberally construed to serve the purpose of this ~~Title~~ chapter; and
- 30 (iii) Deemed to neither limit nor repeal any other provisions under state
31 statute.
- 32 (4) Relationship to Other Regulations and Permits
- 33 (a) These critical area regulations shall apply as an overlay and in addition to
34 zoning and other regulations adopted by Columbia County.

1 (b) These critical area regulations shall apply concurrently with review
2 conducted under the State Environmental Policy Act (SEPA), as locally
3 adopted. Any conditions required pursuant to this ~~ordinancechapter~~ shall
4 be included in the SEPA review and threshold determination or shall be
5 added as conditions of approval to any permit issued by Columbia County.

6 (c) ~~This ordinancechapter does not discuss or regulate land use or
7 construction activity in flood plains, one of the five designated critical
8 areas. In order to avoid duplicating regulations in this ordinancechapter,
9 dDevelopment of and the protection of flood plains is addressed in Section
10 16.10.140 and the Columbia County Flood Damage Prevention Plain
11 OrdinanceChapter 16.20. Please refer to the Columbia County Flood
12 Damage Prevention ordinancechapter, CCC Chapter 16.15 when
13 proposing use of or alteration, additions or modifications to flood
14 hazardous areas.~~

15 (d) Other official ~~ordinancechapters~~, regulations, and plans have a direct
16 impact on the development of land in Columbia County. These include,
17 but are not limited to, the Columbia County Zoning
18 ~~OrdinanceChapter(Title 18)~~, Comprehensive Plan, Shorelines ~~Master~~
19 Program (~~Chapter 16.15~~), Columbia County Road Standards, etc. The ~~title~~
20 ~~and chapter~~ numbers ~~and types of ordinancechapters variesmay vary~~ from
21 time to time. Whenever provisions of these or other official regulations
22 overlap or conflict with provisions of this Critical Areas
23 ~~OrdinanceChapter~~, the more restrictive provisions, to the extent lawful,
24 shall govern and the critical area regulations will be met as a minimum. It
25 is not intended that this ~~ordinancechapter~~ repeals, abrogates, or impairs
26 any existing regulations, easements, covenants, or deed restrictions.

27 (e) This ~~ordinancechapter~~ does not require any permit in addition to those
28 otherwise required by ~~County federal, state, or county ordinancecodes~~.
29 Uses and activities in a critical area or buffer for which no permit or
30 approval is required by any other ~~County ordinance-applicable regulations~~
31 remain subject to the performance standards and other requirements of this
32 ~~ordinancechapter~~.

33 (f) Compliance with the provisions of this ~~ordinancechapter~~ does not
34 constitute compliance with other federal, state, and local regulations and
35 permit requirements that may be required (for example, Shoreline
36 Substantial Development Permits, Hydraulic Project Approval permits,
37 U.S. Army Corps of Engineers [USACE] Section 404 permits, and
38 National Pollutant Discharge Elimination System permits). The applicant
39 is responsible for complying with these requirements apart from the
40 process established in this ~~ordinancechapter~~.

41 (5) Maps.

1 (a) Columbia County maintains a series of maps illustrating the general
2 location of critical areas to provide information to the public and to aid in
3 the administration of this ordinancechapter. The maps are not regulatory
4 in nature. The critical area maps, along with U.S. Soil Conservation
5 Service maps, and USGS Quad maps, are used to identify the possible
6 extent of critical areas existing within the County. The maps, in
7 conjunction with site visits and other information, will be used as a basis
8 for requiring field investigations such as wetland reports, fish and wildlife
9 management plans, geo-technical studies, drainage plans, etc. In event a
10 conflict between the information shown on the maps and information
11 shown as a result of field investigation, the latter shall prevail.

12 (b) Specific information may be provided by the applicant that indicates
13 characteristics of a critical area are not present on the site or that a
14 proposal is not located within nor will it impact a critical area. In addition,
15 there may be critical areas not designated on the map that exhibit
16 characteristics of a critical area. It is the intent of this ordinancechapter to
17 require all areas that meet the characteristics of a critical area to meet the
18 requirements of this ordinancechapter.

19 (c) Additions or changes to the maps shall be made when additional
20 information is available and they shall be updated periodically. Omission
21 of a site from the map will not exempt the site from complying with the
22 provisions of this ordinancechapter. When an interpretation is needed as
23 to the existence of a critical area, the County Planning Director shall make
24 such determination according to the criteria and characteristics contained
25 in this ordinancechapter and if uncertain, he/she shall consult with an
26 agency or agencies of expertise and follow their recommended course of
27 action.

28 (6) Jurisdiction – Critical Areas

29 (a) The County shall regulate all uses within, adjacent to, or likely to affect,
30 one or more critical areas, consistent with best available science and the
31 provisions herein.

32 (b) Critical areas regulated by this ordinancechapter include:

33 (i) Wetlands

34 (ii) Critical aquifer recharge areas

35 (iii) Frequently flooded areas

36 (iv) Geologically HHazardous AAreas as designated

37 (v) Fish and WWildlife HHabitat CConservation AAreas

- 1 (c) All areas within unincorporated Columbia County meeting the definition
2 of one or more critical area, regardless of any formal identification, are
3 hereby designated critical areas and are subject to the provisions of this
4 ~~ordinance~~ chapter.
- 5 (d) Protection of Critical Areas: Any action taken pursuant to this
6 ~~ordinance~~ chapter shall result in maintaining or increasing the functions
7 and values of the critical areas associated with the proposed action, as
8 determined by the best available science. ~~All a~~ As applicable, actions and
9 developments shall be designed and constructed in accordance with
10 Mitigation Sequencing, per ~~Section 19.01~~ Section 16.10.110 (2), to avoid,
11 minimize, and restore all adverse impacts. Applicants must first
12 demonstrate an inability to avoid or reduce impacts before restoration and
13 compensation of impacts will be allowed. No activity or use shall be
14 allowed that results in functions or values degradation of critical areas
15 without mitigation.
- 16 (7) Authorizations Required. Prior to fulfilling the requirements of this section,
17 Columbia County shall not grant any approval or permission of permits to
18 alter the condition of any land, water, or vegetation, or to construct or alter
19 any structure or improvement including, but not limited to, the following:
- 20 (a) Building Permit
- 21 (b) Conditional Use Permit
- 22 (c) Binding Site Plan
- 23 (d) Short Subdivision
- 24 (e) Subdivision
- 25 (f) Zoning Variance
- 26 (g) Rezone
- 27 (h) Any other adopted permit or required approval not expressly exempted by
28 this section.
- 29 (8) Best Available Science
- 30 (a) Protection for Functions and Values and Anadromous Fish: ~~Critical area~~
31 ~~report~~ critical area report and decisions to alter critical areas shall rely on
32 the best available science to protect the functions and values of critical
33 areas. Special consideration must be given to conservation or protection
34 measures necessary to preserve or enhance anadromous fish and their
35 habitat, such as salmon, steelhead and bull trout.

- 1 (b) Best Available Science To Be Used Must Be Consistent With Criteria:
2 The best available science is that scientific information applicable to the
3 critical area prepared by local, state or federal natural resource agencies, a
4 qualified scientific professional or team of qualified scientific
5 professionals, that is consistent with criteria established in WAC 365-195-
6 900 through WAC 365-195-925.
- 7 (c) Absence of Valid Scientific Information: Where there is an absence of
8 valid scientific information or incomplete scientific information relating to
9 a critical area, leading to uncertainty about the risk to critical area function
10 of permitting an alteration of or impact to the critical area, the County
11 Planning Director shall:
- 12 (i) Take a “precautionary or a no-risk approach,” that strictly limits
13 development and land use activities until the uncertainty is
14 sufficiently resolved; and
- 15 (ii) Require an effective adaptive management program that relies on
16 scientific methods to evaluate how well regulatory and non-
17 regulatory actions protect the critical area. An adaptive
18 management program is a formal and deliberate scientific approach
19 to taking action and obtaining information in the face of
20 uncertainty. An adaptive management program shall:
- 21 (A) Address funding for the research component of the adaptive
22 management program;
- 23 (B) Change course based on the results and interpretation of
24 new information that resolves uncertainties; and
- 25 (C) Commit to the appropriate timeframe and scale necessary
26 to reliably evaluate regulatory and non-regulatory actions
27 affecting protection of critical areas and anadromous
28 fisheries.
- 29 (d) Best available science may include the following:
- 30 (i) Critical area maps
- 31 (ii) Maps and reference documents in the Southeast Washington
32 Coalition’s Shoreline Master Program (SMP) Inventory,
33 Characterization, and Analysis Report, as applicable
- 34 (iii) U.S. Geological Survey (USGS) topographic quadrangle maps
- 35 (iv) Washington State Department of Natural Resources Geologic
36 Hazard, Mine Hazard Area, and Water Type map

- 1 (v) U.S. Bureau of Land Management Mine Hazard Area map
- 2 (vi) Aerial photographs
- 3 (vii) Soil Survey of Columbia County, Washington, by the
- 4 U.S. Department of Agriculture, Soil Conservation Service
- 5 (viii) National Wetland Inventory maps
- 6 ~~(ix)~~ Washington Department of Fish and Wildlife (WDFW) Priority
- 7 Habitats and Species maps, and Management Guidelines.
- 8 ~~(ix)~~(x) Washington State Department of Health Source Water Assessment
- 9 Program Mapping Application with applicable information on
- 10 Columbia County
- 11 (e) The Critical Area Maps include all of the following:
 - 12 (i) Federal Emergency Management Agency (FEMA) 100-year flood
 - 13 map(s)
 - 14 (ii) Geologically Hazardous Map(s)
 - 15 (iii) Critical Aquifer Recharge Map(s)
 - 16 (iv) Wetland Map(s)
 - 17 (v) Other maps as appropriate
- 18 (f) Applicability of reference maps: In some cases, the Critical Area Maps
- 19 identified herein display general locations and approximate boundaries of
- 20 potential critical areas. Further field determination and analysis may be
- 21 necessary for specific development proposals to establish exact location,
- 22 extent, and nature of critical areas. Fish and Wildlife Habitat
- 23 Conservation Areas are identified using the references, maps, and criteria
- 24 established in ~~Section 19.01~~Section 16.10.160, Fish and Wildlife Habitat
- 25 Conservation Areas.
- 26 (9) General Review Process.
 - 27 (a) The County shall follow the process outlined below:
 - 28 (i) Verify the information submitted by the applicant for the
 - 29 applicable permit.
 - 30 (ii) Evaluate the project area and vicinity for critical areas.
 - 31 (iii) Determine whether the proposed project is likely to impact the
 - 32 functions or values of critical areas.

- 1 (iv) Determine if the proposed project adequately addresses the impacts
2 and avoids impacts to the critical area associated with the project.
- 3 (b) Minimum Standards. ~~Any As applicable, a~~ proposed activity shall be
4 conditioned as necessary to mitigate impacts to critical areas and
5 conformity to the performance standards required by this section, subject
6 to the Reasonable Use Exception of ~~Section 19.04~~ Section 16.10.100 (123)
7 above. Any project that cannot adequately mitigate its impacts to critical
8 areas, as applicable, or meet the performance standards required by
9 ~~Section 19.04~~ Section 16.10.120 through 160 shall be denied.
- 10 (c) Critical areas present, but no impact – waiver.
- 11 (i) If the County Planning Director (~~Director~~) determines that there
12 are critical areas within or adjacent to the aArea of pProject
13 rReview, but the proposed activity is unlikely to degrade the
14 functions or values of the critical area, the Director may waive the
15 requirement for a report or other applicable information (with
16 written approval or other assistance from a federal, state, or local
17 resource agency). A waiver may be granted if there is substantial
18 evidence that all of the following requirements will be met:
- 19 (A) There will be no alteration of the critical area or buffer.
- 20 (B) The development proposal will not impact the critical area
21 in a manner contrary to the purpose, intent, and
22 requirements of this ~~ordinance~~ chapter.
- 23 (C) The proposal is consistent with other applicable regulations
24 and standards. A summary of this analysis and the findings
25 shall be included in any staff report or decision on the
26 underlying permit.
- 27 (ii) In making the determination, the Director will consider best
28 available science, as applicable, and the Critical Area Maps.
- 29 (d) Critical Areas Present and Potential Impact Likely. If the Director
30 determines that the proposed project is within, adjacent to, or is likely to
31 impact a critical area, the Director shall:
- 32 (i) Notify the applicant that a cCritical aArea rReport, State
33 Environmental Policy Act (SEPA) checklist, or other applicable
34 information must be submitted prior to further review of the
35 project and indicate each of the critical area types that should be
36 addressed.
- 37 (ii) Require a cCritical aArea rReport or other applicable information
38 from the applicant that has been prepared by a qualified

1 professional. Additional information and requirements may be
2 obtained within each section.

- 3 (iii) Review and evaluate the ~~Critical Area Report~~critical area report
4 and other applicable information to determine whether the
5 development proposal conforms to the purpose and performance
6 standards of this ~~ordinance~~chapter.
- 7 (iv) Assess potential impacts to the critical area and determine if they
8 are necessary and unavoidable.
- 9 (v) Determine if any mitigation proposed by the applicant is sufficient
10 to protect the functions and values of the critical area and public
11 health, safety, and welfare concerns consistent with the goals,
12 purposes, objectives, and requirements of this ~~ordinance~~chapter.
- 13 (vi) A summary of this analysis and the findings shall be included in
14 any decision on the underlying permit(s). Critical area review
15 findings may result in: no adverse impacts to critical area(s), a list
16 of applicable critical area(s) protection conditions for the
17 underlying permit(s), or denial of permit based upon unavoidable
18 impacts to critical area(s) ecological functions and values.

19 (10) ~~Critical Area Report~~Critical Area Report ~~RR~~requirements

- 20 (a) Incorporating the best available science. The report shall use scientifically
21 valid methods and studies in the analysis of data and field reconnaissance
22 and reference the source of science used. The report shall evaluate the
23 proposal and all probable impacts to critical areas in accordance with the
24 provisions of this ~~ordinance~~chapter.
- 25 (b) Minimum report contents. At a minimum, the report shall contain the
26 following:
- 27 (i) Resume of the principal author(s), which disclose(s) their technical
28 training and experience and demonstrates their stature as a
29 qualified professional; the study shall be performed by a
30 professional who is licensed or qualified as an expert in the
31 ~~cCritical rR~~resources at issue.
- 32 (ii) Identification and characterization of the ~~cCritical aA~~Area and
33 associated buffers.
- 34 (iii) Assessment of any potential hazards associated with the proposed
35 development.
- 36 (iv) Assessment of the impacts of the development proposal on any
37 ~~cCritical aA~~Area.

- 1 (v) Mitigation plan, as applicable, which reduces impacts on the
2 cCritical aArea(s) to an insignificant level and specifies
3 maintenance, monitoring, and bonding measures (where necessary)
4 per ~~Section 19.01~~Section 16.10.110.
- 5 (vi) Additional information and requirements that may be required
6 within each section of this ~~ordinance~~chapter
- 7 (11) Exception – Public Agency and Utility: If the application of this
8 ~~ordinance~~chapter would prohibit a development proposal by a public agency
9 or public utility, the agency or utility may apply for an exception pursuant to
10 this section as outlined below.
- 11 (a) Exception Request and Review Process: An application for a public
12 agency and utility exception shall be made to the County and shall include
13 a critical area checklist, ~~critical area report~~critical area report (including
14 mitigation plan, if necessary) and any other related project documents,
15 such as permit applications to other agencies, special studies, and
16 environmental documents prepared pursuant to ~~SEPA~~the State
17 ~~Environmental Policy Act (Chapter 43.21C RCW)~~.— The County
18 Planning Director shall prepare an administrative decision based on
19 review of the submitted information, a site inspection, and the proposal’s
20 ability to comply with public agency and utility exception review criteria
21 in Subsection (b) below. The administrative decision shall provide an
22 appeal process available to aggrieved parties.
- 23 (b) Public Agency and Utility Review Criteria: The criteria for review and
24 approval of public agency and utility exceptions follow:
- 25 (i) There is no other practical alternative to the proposed development
26 with less impact on the critical areas;
- 27 (ii) The application of this ~~ordinance~~chapter would unreasonably
28 restrict the ability to provide utility services to the public; and
- 29 ~~— The proposal meets the Public Agency and Utility Exception~~
30 ~~Review Criteria;~~
- 31 (iii) The proposal does not pose an unreasonable threat to the public
32 health, safety, or welfare on or off the development proposal site
- 33 (iv) The proposal attempts to protect and mitigate impacts to the
34 critical area functions and values consistent with the best available
35 science; and
- 36 ~~(iii)~~(v) The proposal is consistent with other applicable regulations and
37 standards.-

1 (c) Burden of Proof: The burden of proof shall be on the applicant to bring
2 forth evidence in support of the application and to provide sufficient
3 information on which any decision has to be made on the application.

4 (12) Reasonable Use Exception: If the application of this ~~ordinance~~ chapter would
5 deny all reasonable economic use of the subject property, the property owner
6 may apply for an exception pursuant to this Section and as outlined below.

7 (a) Exception Request and Review Process: An application for a reasonable
8 use exception shall be made to the County and shall include a written
9 explanation stating the reason(s) for an exception; critical area checklist;
10 ~~critical area report~~ critical area report, including mitigation plan, if
11 necessary; and any other related project documents, such as permit
12 applications to other agencies, special studies, and environmental
13 documents prepared pursuant to ~~the State Environmental Policy Act~~
14 ~~(Chapter 43.21C RCW)~~ ~~(SEPA documents)~~. The County Planning
15 Director shall prepare an administrative decision based on review of the
16 submitted information, a site inspection, and the proposal's ability to
17 comply with reasonable use exception criteria in Subsection (b) below.
18 The administrative decision shall provide an appeal process available to
19 aggrieved parties.

20 (b) Reasonable Use Review Criteria: The criteria for review and approval of
21 reasonable use exceptions are as follows:

22 (i) The application of this ~~ordinance~~ chapter would deny all reasonable
23 use of the property;

24 (ii) No feasible and reasonable onsite alternative to the proposed
25 activities is possible, including possible changes in site layout,
26 reductions in density, and similar factors that would allow a
27 reasonable economic use with fewer adverse impacts

28 (iii) Any alteration is the minimum necessary to allow for reasonable
29 use of the property;

30 (iv) The inability of the applicant to derive reasonable use of the
31 property is not the result of actions by the applicant after the
32 effective date of this ~~ordinance~~ chapter, or its predecessor; and

33 ~~— The proposal meets the Reasonable Use Exception criteria;~~

34 (v) The proposal does not pose an unreasonable threat to the public
35 health, safety, or welfare on or off the development proposal site;

36 (vi) The proposal will result in not net loss of critical area functions
37 and values consistent with the best available science; or

~~(v)~~(vii) The proposal is consistent with other applicable regulations and standards.

(c) Burden of Proof: The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

(13) Exempt Uses and Activities.

(a) Exempt activities under this ~~ordinance~~chapter shall avoid impacts to critical areas and critical area buffers. Exempt activities shall use reasonable methods (reasonable methods include best management practices [BMPs]) to avoid potential impacts to critical areas. Being exempt from this ~~ordinance~~chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

(b) The following are exemptions to provisions of this ~~ordinance~~chapter; however, the listed exemptions may not be exempt from other state or federal regulations or permit requirements.

(i) Activities in response to emergencies that threaten public health, property, safety, or welfare as verified by the ~~County administrator~~ Planning Director to be the minimum necessary to alleviate the emergency.

(ii) Legally constructed structures, in existence on the date this ~~ordinance~~chapter becomes effective, that do not meet requirements of this ~~ordinance~~chapter may be remodeled or reconstructed; provided that the new construction or related activity does not further encroach into the critical area(s) ~~and/or natural resource land(s) and does not increase the impact to the critical area or buffer~~. Remodeling or reconstruction shall be subject to all other requirements of the zoning code.

(iii) Normal and routine maintenance of public streets, state highways, public utilities, and public park facilities. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, nor does it include construction of a maintenance road or dumping of maintenance debris. (This means no expansion into new unused areas).

(iv) Removal of hazardous trees and vegetation and, when necessary, implementation of measures to control or prevent a fire or halt the spread of disease or damaging insects consistent with ~~the State~~

1 ~~Forest Practices Act, RCW Chapter~~ 76.09 ~~RCW~~, provided that no
2 vegetation shall be removed from a critical area or its buffer
3 without approval from the County.

4 (v) Activities involving artificially created wetlands or streams
5 intentionally created from non-wetland sites, including, but not
6 limited to, grass-lined swales, irrigation and drainage ditches,
7 detention facilities, and landscape features, except those features
8 that provide critical habitat for anadromous fish and those features
9 that were created as mitigation for projects or alterations subject to
10 the provisions of this section.

11 (vi) Passive recreational activities, including, but not limited to,
12 fishing, bird watching, boating, swimming, hiking, and use of
13 nature trails, provided the activity does not alter the critical area or
14 its buffer.

15 (vii) The harvesting of wild crops in a manner that is not injurious to
16 natural reproduction of such crops, provided the harvesting does
17 not require tilling soil, planting crops, or changing existing
18 topography, water conditions, or water sources.

19 (viii) Educational and scientific research, provided the activity does not
20 alter the critical area or its buffer.

21 (ix) Navigational Aids and Boundary Markers: Construction or
22 maintenance of navigational aids and boundary markers.

23 (x) Minor Site Investigative Work: Work necessary for land use
24 submittals, such as surveys, soil logs, percolation tests, and other
25 related activities, where such activities do not require construction
26 of new roads or significant amounts of excavation. In every case,
27 impacts to the critical area shall be minimized and disturbed areas
28 shall be immediately restored.

29 (14) Voluntary Stewardship Program

30 (i) Columbia County has elected to participate in the Voluntary
31 Stewardship Program (VSP) as an alternate approach for protecting
32 critical areas on agricultural lands. The Columbia County VSP
33 work plan approved by the County VSP work group and
34 Washington State Conservation Commission will be implemented
35 to protect critical areas on agricultural lands and maintain
36 agricultural viability as part of addressing associated agricultural
37 activities. ~~Existing and ongoing agricultural activities will be~~
38 ~~covered under the VSP. New agricultural activities will be~~
39 ~~regulated under the Columbia County CAO. We recommend~~
40 ~~clarifying that new agricultural will be regulated under this CAO.~~

1 (15) Subdivisions

2 (a) Any subdivision, as defined in ~~Title 17 CCC, the County Subdivision~~
3 ~~Ordinance, as amended~~, of land that creates a lot greater in size than
4 5 acres and is located in a critical area or associated buffer shall comply
5 with the following requirements:

6 (i) Land that is located wholly within a wetland, Fish and Wildlife
7 Habitat Conservation Area, Geologically Hazardous Area,
8 floodway, or the buffers required for these critical areas may not be
9 subdivided.

10 (ii) Land that is located partially within a wetland, Fish and Wildlife
11 Habitat Conservation Area, Geologically Hazardous Area,
12 floodway, or the buffers required for these critical areas may be
13 subdivided, provided that an accessible, contiguous, and buildable
14 portion of each new lot meets the following requirements:

15 (A) Located outside of the wetland, Fish and Wildlife Habitat
16 Conservation Area, Geologically Hazardous Areas,
17 floodway, and the buffers required for these critical areas

18 (B) Meets the minimum buildable site requirements of ~~the Title~~
19 ~~18 CCC Columbia County zoning ordinances, as amended~~

20 (iii) Access roads and utilities serving the proposed subdivision may be
21 permitted within the wetland ~~buffer~~; Fish and Wildlife Habitat
22 Conservation Area, Geologically Hazardous Areas, or the buffers
23 required for these critical areas only if the Director determines that
24 no other feasible alternative exists consistent with this
25 ~~ordinance~~ chapter.

26 (16) Non-conforming uses. A regulated activity that was approved prior to the
27 passage of this ~~ordinance~~ chapter ~~and to which significant economic resources~~
28 ~~have been committed pursuant to such approval but which does not conform~~
29 ~~to this ordinance~~ chapter may be continued subject to the following:

30 (a) No such activity shall be expanded, changed, enlarged, or altered in any
31 way that increases the extent of its nonconformity without a permit issued
32 pursuant to the provisions of this ~~ordinance~~ chapter.

33 (b) Except for cases of discontinuance as part of normal agricultural practices,
34 if a non-conforming activity is discontinued for three (3) years, any
35 resumption of the activity shall conform to this ~~ordinance~~ chapter.

36 (c) Activities or adjuncts thereof that are or become nuisances shall not be
37 entitled to continue as non-conforming activities.

1 (17) Variances. Variances from the standards of this ~~ordinance~~chapter may be
2 authorized by the County in accordance with the procedures set forth in the
3 Columbia County Zoning ~~Ordinance~~Ordinancecode (Title 18). The ~~hearing~~
4 ~~body examiner~~Planning Director shall review the request and make a finding
5 that the request meets or fails to meet the variance criteria. State and federal
6 permits will be required for certain activities in critical areas, including but
7 not limited to in-water or wetland work. All other relevant County permit
8 and regulatory requirements shall also be met for the proposed activity.

9 (a) Variance Criteria: A variance may be granted only if the applicant
10 demonstrates that the requested action conforms to all of the criteria set
11 forth as follows:

12 (i) Special conditions and circumstances exist that are peculiar to the
13 land, the lot, or something inherent in the land, and that are not
14 applicable to other lands in the same district;

15 (ii) The special conditions and circumstances do not result from the
16 actions of the applicant;

17 (iii) A literal interpretation of the provisions of this ~~ordinance~~chapter
18 would deprive the applicant of use rights and privileges permitted
19 to other properties in the vicinity and zone of the subject property
20 under the terms of this ~~ordinance~~chapter, and the variance
21 requested is the minimum necessary to provide the applicant with
22 such rights;

23 (iv) Granting the variance requested will not confer on the applicant
24 any special privilege that is denied by this ~~ordinance~~chapter to
25 other lands, structures, or buildings under similar circumstances;

26 (v) The granting of the variance is consistent with the general purpose
27 and intent of this ~~ordinance~~chapter, and will not further degrade
28 the functions or values of the associated critical areas or otherwise
29 be materially detrimental to the public welfare or injurious to the
30 property or improvements in the vicinity of the subject property;

31 (vi) The decision to grant the variance includes the best available
32 science and gives special consideration to conservation or
33 protection measures necessary to preserve or enhance anadromous
34 fish habitat; and

35 (vii) The granting of the variance is consistent with the general purpose
36 and intent of the Columbia County Comprehensive Plan and
37 adopted development regulations.

38 (b) Conditions May Be Required: In granting any variance, the County may
39 prescribe such conditions and safeguards as are necessary to secure

1 adequate protection of critical areas from adverse impacts, and to ensure
2 conformity with this ~~ordinance~~chapter.

3 (c) Time Limit: The County may prescribe a time limit within which the
4 action for which the variance is required shall be begun, completed, or
5 both. Failure to begin or complete such action within the established time
6 limit may void the variance.

7 (d) Burden of Proof: The burden of proof shall be on the applicant to bring
8 forth evidence in support of the application and upon which any decision
9 has to be made on the application.

10 (18) Administrative procedures.

11 (a) The administrative procedures followed during the critical area review
12 process shall conform to the standards and requirements of the County
13 development regulations. This shall include, but not be limited to, timing,
14 appeals, and fees associated with applications covered by this
15 ~~ordinance~~chapter.

16 (b) Amendments:

17 (i) The Board of County Commissioners, the Planning Commission,
18 the Department, or an interested person may initiate an amendment
19 of the Critical Areas ~~Ordinance~~Chapter. In the case of an
20 amendment initiated by an interested person, an application shall
21 be filed with the Columbia County Planning Department consistent
22 with ~~CCC 18.05.060 Section 1.11.120 of the Columbia County~~
23 ~~Zoning Ordinance~~. Such amendment(s) may be adopted, modified,
24 or denied by the Board of County Commissioners in accordance
25 with procedures specified in ~~CCC 18.05.060. Chapter 1.10 of the~~
26 ~~Columbia County Zoning Ordinance~~.

27 (ii) Amendments to this ~~ordinance~~chapter shall be based on; 1) change
28 in circumstances pertaining to Comprehensive Plan or public
29 policy, 2) a change in circumstances beyond the control of the
30 landowner pertaining to the subject property, 3) an error in
31 designation and/or, 4) new information on critical areas status.

32 (c) Interpretations:

33 (i) In the interpretation and application of this ~~ordinance~~chapter, the
34 provisions of this section shall be considered to be the minimum
35 requirements necessary, shall be liberally construed to serve the
36 purpose of this ~~ordinance~~chapter, and shall be deemed to neither
37 limit nor repeal any other provisions under state statute.

- 1 (ii) Requests to the Planning Department for rulings and/or
2 interpretations as to the meaning, intent, or proper general
3 application of the provisions of this ~~ordinance~~chapter and impacts
4 of the application of ~~the its~~ provisions to development and land use
5 shall be made in writing to the Planning Department by an
6 interested citizen or public official. The County Planning Director
7 shall present a ruling or interpretation in writing and within
8 twenty-one (21) days in a timely fashion to the person submitting
9 the request for interpretation.
- 10 (d) Appeals:
- 11 (i) Any aggrieved person dissatisfied with an interpretation of this
12 ~~ordinance~~chapter or any decision to approve, condition, or deny a
13 development proposal or other activity based on the requirements
14 of this ~~ordinance~~chapter may appeal the decision to the hearing
15 ~~examiner~~body provided that the person files a written notice of
16 appeal within 20 days of receipt of the written notice. Those
17 aggrieved persons dissatisfied with the decision regarding the
18 administrative appeal may file an additional appeal in superior
19 court if within 30 days of completion of the administrative appeal.
- 20 (e) Administrative Rules: Applicable departments within the County are
21 authorized to adopt such administrative rules and regulations as necessary
22 and appropriate to implement this ~~ordinance~~chapter and to prepare and
23 require the use of such forms as necessary for its administration.
- 24 (f) Severability: If any clause, sentence, paragraph, section, or part of this
25 ~~ordinance~~chapter or the application thereof to any person or circumstances
26 shall be judged by any court of competent jurisdiction to be invalid, such
27 order or judgment shall be confined in its operation to the controversy in
28 which it was rendered. The decision shall not affect or invalidate the
29 remainder of any part thereof and to this end the provisions of each clause,
30 sentence, paragraph, section, or part of this ~~chapter~~law are hereby declared
31 to be severable.
- 32 (19) Property Tax Relief:
- 33 (a) The Columbia County Assessor shall consider the Wetland and Wetland
34 Buffer Areas, Fish and Wildlife Habitat Conservation Areas and
35 Geologically Hazardous Areas contained in this ~~ordinance~~chapter when
36 determining fair market value of land.
- 37 (b) Any landowner of a wetland, wetland buffer area, and/or fish and wildlife
38 conservation area who has dedicated a conservation easement or entered
39 into a perpetual conservation restriction with a department of local, state,
40 or federal government; or a non-profit organization to permanently control

1 some or all the uses and activities within these areas may request that the
2 Columbia County Assessor re-evaluate that specific area consistent with
3 those restrictions and provisions of open space land current use taxation.

4 (20) Violations, Enforcement, and Penalties

5 (a) Violations

6 (i) When a critical area or its buffer has been altered in violation of
7 this ~~ordinance~~chapter, -the County shall have the authority to issue
8 a stop work order to cease all ongoing development work, and
9 order restoration, rehabilitation or replacement measures at the
10 owner's or other responsible party's expense to compensate for
11 violation of provisions of this ~~ordinance~~chapter.

12 (b) Enforcement and Penalties:

13 (i) Any person, party, firm, corporation, or other legal entity
14 convicted of violating any of the provisions of this
15 ~~ordinance~~chapter shall be guilty of a misdemeanor. Each day or
16 portion of a day during which a violation of this ~~ordinance~~chapter
17 is committed or continued shall constitute a separate offense.
18 Upon conviction of a violation of any provision of this
19 ~~ordinance~~chapter, the defendant shall be punished by a fine not to
20 exceed one-hundred dollars (\$100.00) or imprisonment not to
21 exceed thirty (30) days, or by both fine and imprisonment. Any
22 development carried out contrary to the provisions of this
23 ~~ordinance~~chapter shall constitute a public nuisance and may be
24 enjoined as provided by the statutes of the state of Washington.
25 The County may levy civil penalties against any person, party,
26 firm, corporation, or other legal entity for violation of any of the
27 provisions of this ~~ordinance~~chapter. The civil penalty shall be
28 assessed at a maximum rate of one-hundred dollars (\$100.00) per
29 day per violation.

30 ~~(21) Effective Date. This ordinance shall take effect and be in full force upon its~~
31 ~~passage and adoption.~~

32
33 **16.10.110 General Mitigation Requirements**

34 (1) General Mitigation Standards:

35 (a) This section provides general mitigation requirements, as applicable to
36 alteration of critical areas. Additional specific mitigation requirements are
37 found under the sections for the particular type of critical area.

1 (b) All proposed alterations to critical areas or associated buffers shall require
2 mitigation sufficient to provide for and maintain the functions and values
3 of the critical area, or to prevent risk from a critical area hazard, and shall
4 give adequate consideration to the reasonable economically viable use of
5 the property. Mitigation of one critical area impact should not result in
6 unmitigated impacts to another critical area. Mitigation may include
7 buffers, setbacks, limits on clearing and grading, BMPs for erosion control
8 and maintenance of water quality, or other conditions appropriate to avoid
9 or mitigate identified adverse impacts.

10 (c) Any approval of mitigation to compensate for impacts on a critical area or
11 its buffer shall be supported by the best available science.

12 (d) It is the applicant’s duty to demonstrate that they have followed the
13 mitigation steps before a critical area can be impacted.

14 (2) Mitigation Sequencing.

15 (a) Mitigation includes avoiding, minimizing, or compensating for adverse
16 impacts to regulated critical areas or their buffers, unless part of a
17 restoration plan for significantly degraded wetland or stream buffer.

18 (b) Applicants shall apply the following mitigation sequencing steps in order
19 of priority to avoid or minimize significant adverse effects and significant
20 ecological impacts (with i. being top priority):

21 (i) Avoid the adverse impact altogether by not taking a certain action
22 or parts of an action;

23 (ii) Minimize adverse impacts by limiting the degree or magnitude of
24 the action and its implementation by using appropriate technology
25 or by taking affirmative steps to avoid or reduce impacts;

26 (iii) Rectify the adverse impact by repairing, rehabilitating, or restoring
27 the affected environment to the conditions existing at the time of
28 the initiation of the project;

29 (iv) Reduce or eliminate the adverse impact over time by preservation
30 and maintenance operations;

31 (v) Compensate, as applicable, for the adverse impact by replacing,
32 enhancing, or providing substitute resources or environments; and

33 (vi) Monitor the adverse impact and the compensation projects and
34 taking appropriate corrective measures.

35 (3) Mitigation Timing. Mitigation shall be completed immediately following
36 disturbances and prior to use or occupancy of the activity or development or

1 when seasonally appropriate. Construction of mitigation projects shall be
2 timed to reduce impacts on existing fisheries, wildlife, and water quality.

3 (4) Restoration/Rehabilitation Requirements:

4 (a) Restoration/rehabilitation is required when a critical area or its buffers
5 have been altered on a site in violation of County regulations prior to
6 development approval, and, as a consequence, its ecological functions
7 have been degraded. Restoration is also required when the alteration
8 occurs in violation of County regulations during the construction of an
9 approved development proposal. At a minimum, all impacted areas shall
10 be restored to their previous condition pursuant to an approved mitigation
11 plan.

12 (b) Restoration/rehabilitation is required when the critical area or its buffers
13 will be temporarily altered during the construction of an approved
14 development proposal. At a minimum, all impacted areas shall be restored
15 to their previous condition pursuant to an approved mitigation plan.

16 (5) Compensation. Compensation for approved critical area or buffer alterations,
17 as applicable, shall meet the following minimum performance standards and
18 shall occur pursuant to an approved mitigation plan:

19 (a) The buffer for a created, restored, or enhanced critical area, proposed as
20 compensation for approved alterations, shall be the same as the buffer
21 required for the existing critical area.

22 (b) On-site and In-kind. Except as noted below or otherwise approved, all
23 critical area impacts shall be compensated through restoration or creation
24 of replacement areas that are in-kind, on-site, and of similar or better
25 critical area category. Mitigation shall be timed prior to or concurrent
26 with the approved alteration and shall have a high probability of success.

27 (c) Off-site and In-kind. The Director may consider and approve off-site
28 compensation where the applicant demonstrates that greater biological and
29 hydrological functions and values will be achieved. The preferred
30 location for off-site mitigation is areas within or adjoining designated fish
31 and wildlife habitat corridors or as part of other applicable habitat
32 restoration efforts. The compensation may include restoration, creation, or
33 enhancement of critical areas. The compensation ratios specified under
34 the on-site compensation section for each critical area shall also apply for
35 off-site compensation. The Director may request contractual linkage to
36 the off-site parcel to ensure its availability and landowner willingness.

37 (d) Increased Replacement Ratios. The Director may increase the ratios under
38 any of the following circumstances:

- 1 (i) Uncertainty exists as to the probable success of the proposed
2 restoration or creation due to an unproven methodology or
3 proponent
- 4 (ii) A significant time period will elapse between impact and
5 replication of critical area functions
- 6 (iii) The impact was unauthorized
- 7 (e) Decreased Replacement Ratios. The Director may decrease the ratios
8 required in the “on-site” ratios specified under the compensation section of
9 each critical area when all the following criteria are met:
- 10 (i) A minimum replacement ratio of 1:1 will be maintained.
- 11 (ii) Documentation by a qualified professional demonstrates that the
12 proposed mitigation actions have a very high rate of success.
- 13 (iii) Documentation by a qualified professional demonstrated that the
14 proposed mitigation actions will provide ecological functions and
15 values that are significantly greater than the critical area being
16 impacted.
- 17 (iv) The proposed mitigation actions are conducted in advance of the
18 impact and have been shown to be successful.
- 19 (6) Critical Area Enhancement as Mitigation
- 20 (a) Impacts on wetland and stream functions may be mitigated by
21 enhancement of existing significantly degraded areas. Applicants
22 proposing to use enhancement must produce a critical area report that
23 identifies how enhancement will increase the functions of the degraded
24 resource and how this increase will adequately mitigate for the loss of
25 critical area and its function at the impact site. An enhancement proposal
26 must also show whether existing critical area functions will be reduced by
27 the enhancement actions.
- 28 (7) Monitoring
- 29 (a) The County requires long-term monitoring of development proposals,
30 unless otherwise accepted where alteration of critical areas or their buffers
31 are approved. Such monitoring shall be an element of the required
32 mitigation plan and shall document and track impacts of development on
33 the ecological functions and values of critical areas, as well as the success
34 and failure of mitigation requirements. Monitoring may include, but is not
35 limited, to:

- 1 (i) Establishing vegetation transects or plots to track changes in plant
2 species composition over time
- 3 (ii) Using aerial or other photography to evaluate vegetation
4 community response
- 5 (iii) Sampling surface and groundwater to determine pollutant loading
- 6 (iv) Measuring base flow rates and stormwater runoff to model and
7 evaluate water quantity predictions
- 8 (v) Measuring sedimentation rates
- 9 (vi) Sampling fish and wildlife populations to determine habitat
10 utilization, species abundance, and diversity
- 11 (vii) Sampling of water temperatures for wetlands and streams.
- 12 (b) The Director may require that a qualified professional, at the direction of
13 the Director and at the applicant's expense, monitor the development
14 proposal site during construction and for a sufficient period of time after
15 construction to ensure satisfactory mitigation of impacts on the critical
16 area. The qualified professional shall monitor per the provisions outlined
17 in the approved mitigation plan based on the conditions or restrictions
18 imposed by the County and such administrative rules as the Director shall
19 prescribe.
- 20 (c) Performance Bond or Assignment of Savings. Prior to issuance of any
21 permit or approval that authorizes site disturbance, the Director may
22 require performance security including but not limited to a performance
23 bond, assignment of savings or other appropriate security, consistent with
24 requirements specified in ~~Section 19.01~~ Section 16.10.110 (11), Mitigation
25 Security.
- 26 (8) Contingencies/Adaptive Management. When monitoring reveals a
27 significant deviation from predicted impacts or a failure of mitigation
28 measures, the applicant shall be responsible for appropriate corrective action.
29 Contingency plans developed as part of the original mitigation plan shall
30 apply but may be modified to address a specific deviation or failure.
31 Contingency plan measures shall be subject to the monitoring requirement to
32 the same extent as the original mitigation measures.
- 33 (9) Mitigation Plan. All proposed mitigation components shall be included in
34 the ~~c~~Critical ~~a~~Area ~~r~~Report. In addition to applicable mitigation plan
35 requirements included in ~~Section 19.01~~ Section 16.10.120 to 160, proposed
36 mitigation components shall include:

- 1 (a) A description of specific proposed mitigation, including a delineation of
2 critical areas lost and critical areas gained
- 3 (b) An analysis of avoidance, minimization, reduction, and compensation of
4 impacts to maintain critical area function
- 5 (c) An analysis of how the proposed mitigation will maintain the critical area
6 function and values
- 7 (d) A statement of any ongoing monitoring and/or inspection measures and
8 schedule that may be required, including specification of method and
9 frequency of submittal of reports on results to the County.
- 10 (e) A statement of any required critical area expertise necessary to install,
11 monitor, or inspect the proposed mitigation
- 12 (f) A listing of any other security required to ensure performance and/or
13 maintenance of the proposed mitigation
- 14 (g) The Director shall make the final determination regarding required
15 mitigation. Required mitigation shall be included in an approved
16 mitigation plan.
- 17 (10) Buffers
- 18 (a) As described in more detail in each relevant section, buffers have, in some
19 cases, been determined to be necessary and appropriate to protect critical
20 areas and their functions or to prevent risk from a critical area hazard. In
21 the sections where specific buffers are identified, those buffers are deemed
22 “required” or “standard” buffers. See ~~Section 19.01~~Section 16.10.160 (6)
23 and Table ~~16.10.160(4)(i). XX-XX.210 (4)(i)~~ for riparian buffers, and
24 ~~Section 19.01~~Section 16.10.120 for wetland buffers. If a project or
25 activity does not propose any alteration to those buffers or to the
26 associated critical area, then additional mitigation will not be required to
27 protect the critical area.
- 28 (b) If, however, based on unique features of the particular critical area or its
29 buffer or of the proposed development, the Director determines that
30 additional buffers and/or mitigation measures beyond these standard
31 buffers are necessary to adequately protect the function of the critical area
32 or to prevent risk of a hazard from the critical area, the Director may
33 impose such additional mitigation requirements, provided the Director can
34 demonstrate, based on the best available science, why that additional
35 mitigation or buffering is required to adequately protect the critical area
36 function or to prevent a hazard from a critical area.
- 37 (c) If portions of a parcel that contain a proposed development activity have
38 not had their critical areas and associated buffers delineated because they

were outside the project or area affected by the project, pursuant to ~~Section 19.01~~Section 16.10.100 (940) and (104), General Review Process and ~~Critical Area Report~~critical area report rRequirements, then additional critical area assessments may be required in the future prior to any change in use or development activity for that portion of the site.

(d) Further, if the applicant seeks a variance to reduce these buffers or to alter the critical area or its required buffer, then the applicant shall demonstrate, based on the best available science, why such buffer and/or critical area modification, together with such alternative mitigation proposed in the ~~cCritical aArea rReport~~, is sufficient to provide equal or better protection of the critical area function. If necessary, variances shall provide for long-term buffer protection. Variance requests shall be reviewed pursuant to ~~Section 19.01~~Section 16.10.100 (17).

(e) The ~~cCritical aArea rReport~~ and the conditions of approval shall provide for long-term buffer protection. Regarding land division, critical areas and their associated buffers may be placed in separate tracts to be owned by all lot owners in common, by a homeowners' association, or some other separate legal entity such as a land trust. However, critical areas and/or buffers identified and defined in this section do not require any provisions for public access, and appropriate restrictions may be included in the easement or title documents. Critical areas and/or buffers identified are, however, subject to periodic inspection by the Director, upon prior notification to the landowner, to ensure long-term protection.

(11) Mitigation Security

(a) The Director shall have the discretion to withhold issuance of a development permit or approval until required mitigation has been completed. Alternatively, the Director may require a security instrument be put in place that will ensure compliance with the approved mitigation plan if there will be activity (e.g., monitoring or maintenance) or construction to take place after the issuance of a permit or other approval. The amount of the security shall not exceed 150% of the estimated cost of the uncompleted actions or construction as determined by the Director. When the Director determines that the mitigation plan has been successfully completed, the security shall be released to the applicant. If the mitigation plan is not successfully completed, the County shall be entitled to keep all or part of the security to the extent necessary to rectify the deficiencies regarding the completion of the mitigation plan.

(12) Protection of Designated Critical Areas:

(a) Identification and Recording of Critical Areas. Approval of development projects and other land-use activities that require a ~~cCritical aArea rReport~~ pursuant to ~~Section 19.01~~Section 16.10.100 (940) and (104), General

1 Review Process and ~~Critical Area Report~~critical area report
2 rRequirements, shall be subject to the identification and designation of all
3 critical areas and their buffers identified in the assessment process. ~~Each~~
4 ~~critical area shall~~As applicable, critical areas shall be clearly defined and
5 labeled to show calculated area and type and/or class of critical area within
6 each lot. The Director shall require of the applicant that such designated
7 critical areas be recorded on the final plat map or site plan, clearly
8 showing the locations of critical areas, existing vegetation, and buffers.

9 (i) Construction Marking. During construction, clearly visible,
10 temporary marking, such as flagging and staking, shall be installed
11 and maintained along the outer limits of the proposed site
12 disturbance outside of the critical area. Such field markings may
13 be field-approved by the Director prior to the commencement of
14 permitted activities. Markings shall be maintained throughout the
15 duration of any construction activities.

16 (ii) Mitigation Signing and Fencing. The Director may require
17 permanent signing and/or fencing where it is determined a
18 necessary component of a mitigation plan. The intent of this
19 subsection is to provide clear and sufficient notice, identification,
20 and protection of critical areas on-site where damage to a critical
21 area or buffer by humans or livestock is probable due to the
22 proximity of the adjacent activity.

23 (iii) Sign, Marker, and Fence Maintenance. It shall be the
24 responsibility of the landowner to maintain, including replacement
25 of, the markers, signs, and fences required under this section in
26 working order throughout the duration of the development project
27 or land-use activity. Removal of required markers, signs, and
28 fences without written approval of the Director shall be considered
29 a violation of this ~~ordinance~~chapter.

30
31 **16.10.120 Wetlands**

32 (1) Purpose.

33 (a) The purpose of this section is to promote public health and welfare by
34 instituting local measures to preserve naturally occurring wetlands that
35 exist in the County for their associated value. These areas may serve a
36 variety of vital functions, including, but not limited to, hydrologic
37 functions, flood storage and conveyance, water quality protection,
38 recharge and discharge areas for groundwater, erosion control, sediment
39 control, fish and wildlife habitat, recreation, education, and scientific
40 research.

1 (2) Classification and Designation

2 (a) Wetlands shall be identified and delineated using the methods and
3 standards set forth in the currently approved 1987 USACE Federal
4 Wetlands Delineation Manual, as amended, and its regional applicable
5 regional supplements, as amended. (The Arid West Final Regional
6 Supplement was last updated in 2008 at the time of ~~ordinance~~chapter
7 adoption).

8 (b) Classification and rating of wetlands will be done using the Washington
9 State Wetlands Rating System for Eastern Washington, Ecology
10 Publication #14-06-030 (October 2014), as amended. The most current
11 copy of this document should be used in classifying wetlands and
12 developing wetland mitigation plans.

13 (3) Determination Process

14 (a) The following progressive steps will occur upon a determination by the
15 County, per ~~Section 19.01~~Section 16.10.100 (09) and
16 (10), General Review Process and ~~Critical Area Report~~critical area report
17 ~~r~~Requirements, that a wetland area may exist on a site proposed for a
18 permit.

19 (i) The Director will determine if the proposed activity is within an
20 ~~Area of Project Review~~area of project review and if there are any
21 possible wetland areas on-site. This determination shall be made
22 following a review of information available, as well as a site
23 inspection and/or a consultation with a qualified wetland biologist,
24 if deemed necessary by the County. If no wetland area is
25 determined to be present, this section shall not apply to the review
26 of the proposed development, unless wetlands are discovered to be
27 present during project development.

28 (A) If it is determined by the Director that wetland areas may
29 be present, a site inspection and consultation with a
30 qualified wetland biologist shall be conducted to more
31 definitively determine if a wetland area exists on the site.
32 If yes, the applicant shall complete a ~~Critical Area~~
33 ~~Report~~critical area report consistent with ~~Section~~
34 ~~19.01~~Section 16.10.100 (104), ~~Critical Area Report~~critical
35 ~~area report r~~Requirements, and ~~Section 19.01~~Section
36 16.10.120 (4), ~~Critical Area Report~~Critical Area
37 ~~Report~~Wetland Management and Mitigation Plan, and
38 conduct a wetland delineation and rating using the
39 Washington State Department of Ecology Eastern
40 Washington WA Rating document manual, using the
41 approved Federal Wetlands Delineation Manual and

1 applicable regional supplement and the 2008 USACE Arid
2 West Supplement to the 1987 Wetlands Delineation
3 Manual.

4 (4) ~~Critical Area Report~~Critical Area Report/Wetland Management and
5 Mitigation Plan

- 6 (a) As determined necessary, provided for in this section, a wetland
7 management and mitigation plan shall be required when impacts to a
8 wetland are unavoidable during project development.
- 9 (b) Wetland management and mitigation plans shall be prepared by a qualified
10 professional as described in ~~Section 19.01~~Section 16.10.170, Definitions,
11 and be prepared per ~~Section 19.01~~Section 16.10.110 (9) in addition to the
12 requirements included in this section.
- 13 (c) Mitigation plans must be consistent with the following guidance
14 documents:
- 15 (i) Washington State Department of Ecology, U.S. Army Corps of
16 Engineers Seattle District, and U.S. Environmental Protection
17 Agency Region 10. Wetland Mitigation in Washington State, Part
18 1: Agency Policies and Guidance (Version 1, Publication #06-06-
19 011a, March 2006), as revised.
- 20 (ii) Wetland Mitigation in Washington State, Part 2: Developing
21 Mitigation Plans (Version 1, Publication #06-06-011b, March
22 2006)
- 23 (iii) Selecting Wetland Mitigation Sites Using a Watershed Approach
24 (Eastern Washington) (Publication #10-06-07, November 2010).
- 25 (iv) Interagency Regulatory Guide: Advance Permittee-Responsible
26 Mitigation (Ecology Publication #12-06-015, Olympia, WA,
27 December 2012)
- 28 (d) The wetland management and mitigation plan shall demonstrate, when
29 implemented, that there shall be protections and adequate mitigation of the
30 ecological function and values or acreage of the wetland.
- 31 (e) The wetland management and mitigation plan shall identify how impacts
32 from the proposed project shall be mitigated, as well as the necessary
33 monitoring and contingency actions for the continued maintenance of the
34 wetland and its associated buffer. See ~~Section 19.01~~Section 16.10.110 for
35 General Mitigation Requirements. Monitoring shall be for a period
36 necessary to establish that performance standards have been met.
37 Generally, plans shall include a 5-year monitoring plan unless a longer
38 timeline is required during the review process. Forested or scrub-shrub

1 communities shall include an 8-year monitoring plan unless a longer time
2 is established during the review process. Monitoring does not need to
3 occur each year during this period.

4 (f) The wetland management and mitigation plan shall be developed to be
5 consistent with ~~Section 19.01~~Section 16.10.110, General Mitigation
6 Requirements, and contain a report that includes, but is not limited to, the
7 following information:

- 8 (i) Location maps, regional 1:24,000 and local 1:4,800.
- 9 (ii) A map or maps indicating the boundary delineation of the wetland;
10 the width and length of all existing and proposed structures,
11 utilities, roads, and easements; wastewater and stormwater
12 facilities; adjacent land uses, zoning districts, and comprehensive
13 plan designations.
- 14 (iii) A description of the proposed project, such as the nature, density,
15 and intensity of the proposed development and the associated
16 grading, structures, utilities, and stormwater facilities, in sufficient
17 detail to allow analysis of such land-use change upon the identified
18 wetland.
- 19 (iv) A detailed description of vegetative, faunal, and hydrologic
20 conditions, soil and substrate characteristics, and topographic
21 features within and surrounding the wetland.
- 22 (v) A detailed description of vegetative, faunal, and hydrologic
23 conditions, soil and substrate characteristics, and topographic
24 features within any compensation site.
- 25 (vi) A detailed description of the proposed project's effect on the
26 wetland and the associated hydrology, and a discussion of any
27 federal, state, or local management recommendations that have
28 been developed for the area.
- 29 (vii) A discussion of mitigation alternatives as they relate to the
30 proposal. The mitigation alternatives shall be proposed in a
31 manner that considers the sequence of steps per
32 ~~Section 19.01~~Section 16.10.110 (2), Mitigation Sequencing, to
33 avoid or minimize significant adverse effects and significant
34 ecological impacts.
- 35 (viii) A plan by the applicant that explains how any adverse impacts
36 created by the proposed development will be mitigated, including,
37 without limitation, the following techniques:
 - 38 (A) Establishment of buffer zones

- 1 (B) Preservation of critically important plants and trees
- 2 (C) Limitation of access to the wetland area
- 3 (D) Seasonal restriction of construction activities
- 4 (E) Establishment of a monitoring program within the plan
- 5 (F) Drainage and erosion control techniques
- 6 (ix) A detailed discussion of ongoing management practices, which
- 7 will protect the wetland after the project site has been fully
- 8 developed, including proposed monitoring, contingency,
- 9 maintenance, and surety programs.
- 10 (x) All reports will be provided in an electronic format (word
- 11 processor) and all geographic entities (e.g., maps) will be provided
- 12 in a geo-coded format for use in GIS systems (e.g., ArcView,
- 13 MapInfo, and AutoCAD).
- 14 (g) Mitigation ratios shall be used when impacts to wetlands cannot be
- 15 avoided. As identified below, the first number specifies the acreage of
- 16 replacement wetlands, and the second number specifies the acreage of
- 17 wetlands altered. The mitigation ratios by wetland type are shown in
- 18 Table ~~1916.010~~.120 (4)(i).
- 19 (h) Mitigation for lost or diminished wetland and buffer functions shall rely
- 20 on the approaches listed below when it is demonstrated the mitigation
- 21 would provide appropriate compensation for the proposed impacts:
 - 22 (i) Wetland mitigation banks. Credits from a certified wetland
 - 23 mitigation bank may be used to compensate for impacts located
 - 24 within a specified mitigation bank. Credits from a certified
 - 25 wetland mitigation bank may be used to compensate for impacts
 - 26 located within the service area specified in the mitigation bank
 - 27 instrument. Use of credits from a wetland mitigation bank
 - 28 certified under Chapter 173-700 WAC is allowed if:
 - 29 (A) The approval authority determines that it would provide
 - 30 appropriate compensation for the proposed impacts; and
 - 31 (B) The impact site is located in the service area of the bank.
 - 32 (C) The proposed use of credits is consistent with the terms and
 - 33 conditions of the certified mitigation bank instrument.

1 (D) Replacement ratios for projects using bank credits is
2 consistent with replacement ratios specified in the certified
3 mitigation bank instrument.

4 (ii) In-Lieu-Fee Mitigation: Credits from an approved in-lieu-fee
5 program may be used when all of the following apply:

6 (A) The approval authority determines that it would provide
7 environmentally appropriate compensation for the proposed
8 impacts.

9 (B) The proposed use of credits is consistent with the terms and
10 conditions of the approved in-lieu-fee program instrument.

11 (C) Projects using in-lieu-fee credits shall have debits
12 associated with the proposed impacts calculated by the
13 applicant's qualified wetland professional using the credit
14 assessment method specified in the approved instrument for
15 the in-lieu-fee program.

16 ~~(A)~~(D) The impacts are located within the service area specified in
17 the approved in-lieu-fee instrument.

18 ~~(ii) In Lieu Fee Mitigation. Credits from an approved in lieu fee~~
19 ~~program when demonstrated the mitigation would provide~~
20 ~~environmentally appropriate compensation for the proposed~~
21 ~~impacts.~~

22 (iii) Permittee-responsible mitigation. Mitigation is performed by the
23 applicant after the permit is issued at the development site or at an
24 off-site location within the same watershed. Mitigation plans shall
25 demonstrate by a qualified wetland professional that the
26 compensation offsets the proposed impacts.

27 (iv) Advance Mitigation. Mitigation for projects with pre-identified
28 impacts to wetlands may be constructed in advance of the impacts
29 if the mitigation is implemented according to federal rules, state
30 policy on advance mitigation, and state water quality regulations
31 consistent with *Interagency Regulatory Guide: Advance Permittee-*
32 *Responsible Mitigation* (Ecology Publication #12-06-015,
33 Olympia, WA, December 2012)

34 (v) Enhancement as mitigation. Impacts to wetlands may be mitigated
35 by enhancement of existing wetlands. Applicants proposing to
36 enhance wetlands must produce a ~~Critical Area Report~~critical area
37 report that identifies how enhancement will increase the functions
38 of the wetland and how this increase will adequately mitigate for
39 the loss of wetland area and function at the impact site. An

1 enhancement proposal must also show if existing wetland
2 functions will be reduced by the enhancement actions.

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(i) Mitigation Ratios

Table 16.10.120(4)(i). Mitigation Ratios (for Eastern Washington)

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only ¹	Re-establishment or Creation and Rehabilitation ¹	Re-establishment or Creation and Enhancement ¹	Enhancement Only ¹
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible ²	6:1 Rehabilitation of a Natural Heritage site	R/C not considered possible ²	R/C not considered possible ²	Case-by-case

Notes:

1. These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

2. Natural Heritage sites, alkali wetlands, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would, therefore, result in a loss of some functions no matter what kind of compensation is proposed.

E = Enhancement

R/C = Re-establishment or Creation

RH = Rehabilitation

Reference: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-011a. Olympia, Washington, Management Recommendation and Standards

(5) Wetland Protections

(a) Wetlands shall be protected based on their quality established from the rating system and from alterations, which may create adverse impacts. The greatest protection shall be provided to Category I and II Wetlands.

(b) Alteration shall not mean BMPs for agriculture which, by design, could not be considered a change in land use, including, but not limited to, improved chemical application or practice, which is intended to improve crop production and enhance areas adjacent to wetlands. Chemical applications should follow regulations of the state Department of Agriculture, the U.S. Environmental Protection Agency, and the state Department of Ecology, which regulates the use of herbicides to control nuisance weeds and algae in lakes and streams.

(c) Activities and construction necessary on an emergency basis to prevent threats to public health and safety may be allowed if reasonable justification warrants cause for a waiver. These activities should avoid impacts to the extent practicable, and mitigation for unavoidable wetland impacts shall be required upon remedy of the emergency.

(d) The County will coordinate wetland preservation strategy and effort with appropriate state and federal agencies and private conservation organizations to take advantage of both technical and financial assistance and to avoid duplication of efforts.

(e) Criteria for Wetland Alterations

(i) A regulated wetland or its required buffer can only be altered if the wetlands ~~Critical Area Report~~critical area report pursuant to ~~Section 19.01~~Section 16.10.120 (4) shows that the proposed alteration does not degrade the quantitative and qualitative functioning of the wetland, or any degradation can be adequately mitigated to protect the wetland function, and maintain wetland ecological functions and values as a result of the overall project. Any alteration approved pursuant to this section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland.

(f) Required measures shall be implemented to minimize impacts to wetlands as provided in Table ~~16.9.01~~16.10.120 (5)(f).

Table 16.10.120 (5)(f). Required Measures to Minimize Impacts to Wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland

Noise	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (for more information refer to the drainage ordinance chapter and manual)
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	Use best management practices to control dust

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(g) Wetland buffers widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland ecological functions and values at the time of the proposed activity. If the vegetation is inadequate, then the buffer width shall be increased or the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land-use intensity, are provided in Table 169.1004.120 (5)(g)(ii), Wetland Buffer Widths.

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(i) The Land Use Intensity Table 169.1004.120 (5)(g)(i) describes the types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.

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Table 16.10.120 (5)(g)(i). Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	<ul style="list-style-type: none"> • Commercial • Urban • Industrial • Institutional • Retail sales • Residential (more than 1 unit/acre) • High-intensity recreation (e.g., golf courses and ball fields)
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less) • Moderate-intensity open space (e.g., parks with biking and jogging) • Paved driveways and gravel driveways serving three or more residences • Paved trails
Low	<ul style="list-style-type: none"> • Low-intensity open space (e.g., hiking, bird-watching, and preservation of natural resources) • Timber management • Gravel driveways serving two or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management

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(ii) Buffer widths, based on the types of land use, are provided in Table 16.10.120 (5)(g)(ii).

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Table 16.10.120 (5)(g)(ii). Wetland Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use
Category IV Wetlands (for wetlands scoring less than 16 points for all functions)	
Score for all three basic functions is less than 16 points	Low – 25 feet Moderate – 40 feet High – 50 feet
Category III Wetlands (for wetlands scoring 16 to 18 points or more for all functions)	
Moderate level of function for habitat (score for habitat 6 to 7 points) *If wetland scores 8 to 9 habitat points, use Category II buffers	Low – 75 feet Moderate – 110 feet High – 150 feet
Score habitat for 3 to 45 points	Low – 40 feet Moderate – 60 feet High – 80 feet
Category II Wetlands (for wetlands scoring 19 to 21 points or more for all functions or having the “special characteristics” identified in the rating system)	

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet
Moderate level of function for habitat (score for habitat 6 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet
High level of function for water quality improvement and low for habitat (score for water quality 8 to 9 points; habitat less than 5 points <u>or less, as is Cat. I table</u>)	Low – 50 feet Moderate – 75 feet High – 100 feet
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions
Not meeting above characteristic	Low – 50 feet Moderate – 75 feet High – 100 feet
Vernal pool	Low – 100 feet Moderate – 150 feet High – 200 feet Or develop a regional plan to protect the most important vernal pool complexes; buffers of vernal pools outside protection zones can then be reduced to: Low – 40 feet Moderate – 60 feet High – 80 feet
Category I Wetlands (for wetlands scoring 22 points or more for all functions or having the “special characteristics” identified in the rating system)	
Wetlands of High Conservation Value	Low – 125 feet Moderate – 190 feet High – 250 feet
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet
Moderate level of function for habitat (score for habitat 6 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet
High level of function for water quality improvement (8 to 9 points) and low for habitat (5 points or less)	Low – 50 feet Moderate – 75 feet High – 100 feet
Not meeting above characteristics	Low – 50 feet Moderate – 75 feet High – 100 feet

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- 2 (h) Wetland buffers shall be retained in their natural conditions unless change
- 3 is proposed in a portion of a wetland buffer that will have a positive effect
- 4 on the wetland or adequate mitigation cannot or will not be provided by
- 5 pre-development conditions. Integrity of the wetland shall be maintained
- 6 as a function of the buffer.

- 1 (i) Buffer Averaging
- 2 (i) Standard buffer widths may be modified by the Director for an
- 3 averaging to improve wetland protection when all of the following
- 4 conditions are met:
 - 5 (A) Buffer averaging is necessary to avoid hardship to the
 - 6 person seeking this option, which is caused by
 - 7 circumstances peculiar to the property, to accomplish the
 - 8 purposes of the proposed development or land-use activity,
 - 9 and no reasonable alternative is available.
 - 10 (B) The wetland contains variation in sensitivity due to existing
 - 11 physical characteristics, as confirmed in a ~~Critical Area~~
 - 12 ~~Report~~critical area report, and the reduction from standard
 - 13 buffer widths will occur only contiguous to the area of the
 - 14 wetland determined to be least sensitive.
 - 15 (C) The wetland has significant differences in characteristics
 - 16 that affect its habitat functions, such as a wetland with a
 - 17 forested component adjacent to a degraded emergent
 - 18 component, or a “dual-rated” wetland with a Category I
 - 19 area adjacent to a lower rated area.
 - 20 (D) The buffer is increased adjacent to the higher functioning
 - 21 area of habitat or more sensitive portion of the wetland and
 - 22 decreased adjacent to the lower functioning or less sensitive
 - 23 portion.
 - 24 (E) The wetland contains variation in sensitivity due to existing
 - 25 physical characteristics, as confirmed in a ~~Critical Area~~
 - 26 ~~Report~~critical area report, and the reduction from standard
 - 27 buffer widths will occur only contiguous to the area of the
 - 28 wetland determined to be least sensitive.
 - 29 (F) Buffer width averaging will not adversely impact wetland
 - 30 ecological functions and values.
 - 31 (G) The total area of the buffer after averaging is equal to the
 - 32 area required without averaging.
 - 33 (H) The buffer at its narrowest point is never less than 3/4 of
 - 34 the required width.
 - 35 (j) Allowed uses in buffers. Low-impact uses and activities, which are
 - 36 consistent with the purpose and function of the habitat buffer and do not
 - 37 detract from its integrity, may be permitted within the buffer depending on
 - 38 the sensitivity of the habitat involved, provided that such activity shall not

1 result in a decrease in wetland ecological functions and values and shall
2 not prevent or inhibit the buffer's recovery to at least pre-altered condition
3 or function. Examples of uses and activities, which may be permitted in
4 appropriate cases, as long as the activity does not retard the overall
5 recovery of the buffer, include removal of noxious vegetation, pedestrian
6 trails, and viewing platforms.

7 (i) Trails. Public and private trails may be allowed within wetland
8 buffers where they can be demonstrated in a ~~Critical Area~~
9 ~~Report~~critical area report that the wetland and wetland buffer
10 ecological functions and values will not be degraded by trail
11 construction or use. Trail planning, construction, and maintenance
12 shall adhere to all of the following criteria:

13 (A) Permeable surface trail alignment shall be located only in
14 the outer 25% of a wetland buffer width, except as needed
15 to access viewing platforms or to cross the wetland.
16 Private trails shall be a maximum of 5 feet wide, but public
17 trails may be as wide as 7 feet if they are part of a regional
18 trail network. Trails may be placed on existing levees,
19 railroad grades, or road grades where those features exist in
20 any part of a wetland buffer and may occupy the full width
21 of the levee, railroad grade, or road grade.

22 (B) Trails and associated viewing platforms shall be
23 constructed of pervious materials, unless impervious
24 surfaces are necessary for conformance to the ADA. The
25 trail surface shall meet all other requirements, including
26 water quality standards set forth in the Stormwater
27 Management Manual for Eastern Washington
28 (September 2004) or as revised.

29 (C) Trail alignment shall avoid trees in excess of 6 inches in
30 diameter of any tree trunk at a height of 4.5 feet above the
31 ground on the upslope side of the tree where feasible.

32 (D) Access trails to viewing platforms within the wetland may
33 be provided. Trail access and platforms shall be aligned
34 and constructed to minimize disturbance to valuable
35 functions of the wetland, or its buffer and other habitat
36 elements, and still provide enjoyment of the resource.
37 ~~Viewing platforms should be on pins. Only non-treated~~
38 ~~wood should be used for trails, boardwalks, and platforms.~~
39 ~~Trails within wetlands should be on boardwalks on pins.~~

40 (E) Buffer widths shall be increased, where possible, equal to
41 the width of the trail corridor, including disturbed areas.

- 1 (ii) Utilities. The criteria for alignment, construction, and maintenance
2 within the wetland buffers shall apply to utility corridors within
3 wetland buffers. In addition, corridors shall not be aligned parallel
4 with any stream channel unless the corridor is outside the buffer,
5 and crossings shall be minimized. Installation shall be
6 accomplished by boring beneath the scour depth and hyporheic
7 zone of the waterbody where feasible. Crossings shall be
8 contained within the existing footprint of an existing or new road
9 or utility crossing where possible. Otherwise, crossings shall be at
10 an angle greater than 60 degrees to the centerline of the channel.
11 The criteria for stream crossings shall also apply.

- 12 (iii) Stormwater Management Facilities. Stormwater management
13 facilities are limited to stormwater dispersion outfalls and
14 bio-swales. They may be allowed within the outer 25% of the
15 buffer of Category III or IV wetlands only, provided that:
 - 16 (A) No other location is feasible, and
 - 17 (B) The location of such facilities will not degrade the
18 functions or values of the wetland.

- 19 (iv) Stormwater management facilities are not allowed in buffers of
20 Category I or II wetlands.

- 21 (k) Activities or uses that would strip vegetative cover, cause substantial
22 erosion or sedimentation, or affect aquatic life should be prohibited.

23 **16.10.130 Critical Aquifer Recharge Areas**

- 24 (1) Purpose.
 - 25 (a) The purpose and intent of this section is to safeguard groundwater
26 resources from hazardous substance and hazardous waste pollution by
27 controlling or abating future pollution from new land uses or activities.

- 28 (2) Classification. Aquifer recharge areas shall be classified as following:
 - 29 (a) Wellhead Protection Areas: Wellhead protection areas ~~may be~~ are defined
30 by the boundaries of the 10-year time of groundwater travel or boundaries
31 established using alternate criteria approved by the Department of Health
32 in those settings where groundwater time of travel is not a reasonable
33 delineation criterion, in accordance with WAC 246-290-135.

 - 34 (b) Sole Source Aquifers: Sole source aquifers are areas designated by the
35 U.S. Environmental Protection Agency pursuant to the Federal Safe Water
36 Drinking Act.

- 1 (c) Susceptible Groundwater Management Areas: Susceptible groundwater
2 management areas have been designated in an adopted groundwater
3 management program developed pursuant to WAC 173-100.
- 4 (d) Special Protection Areas: Defined pursuant to WAC 173-200-090.
- 5 (e) Moderately, highly vulnerable, or highly susceptible aquifer recharge
6 areas: Aquifer recharge areas that are moderately, highly vulnerable, or
7 highly susceptible to degradation or depletion due to hydrogeologic
8 characteristics are delineated by a hydrogeologic study prepared in
9 accordance with Washington State Department of Ecology (Ecology)
10 guidelines or criteria.
- 11 (3) Determination Process
- 12 (a) The following progressive steps will occur upon a determination by the
13 County, per ~~Section 19.01~~~~Section 100 (10) and (11)~~16.10.100 (09) and
14 (10), General Review Process and ~~Critical Area Report~~critical area report
15 rRequirement, that a critical aquifer recharge area may exist on a site
16 proposed for a permit:
- 17 (i) The Director will determine if the proposed development activity
18 is within an aArea of pProject rReview.
- 19 (ii) If it is determined by the Director that the proposed development
20 activity is within an aArea of pProject rReview, compliance with
21 ~~Section 19.01~~Section 16.10.100 (09) and (10), General Review
22 Process and ~~Critical Area Report~~critical area report rRequirements,
23 of this ~~ordinance~~chapter and development of a cCritical aArea
24 rReport is required.
- 25 (4) Standards. The following standards will apply to development proposals
26 determined to be located within critical aquifer recharge areas, as defined and
27 described herein:
- 28 (a) Regulated Activities: A site analysis and cCritical aArea rReport is
29 required for uses and activities that have the potential to impact aquifer
30 recharge areas.
- 31 (b) Activities proposed within an aArea of pProject rReview for Critical
32 Aquifer Recharge, shall comply with local, state, and federal agency
33 requirements for, ~~as applicable each of the following~~: connections to
34 sanitary sewer systems; on-site sewage disposal systems; connections to
35 public water supplies; existing and proposed wells; and water
36 rights-related issues.
- 37 (c) Regulated activities and uses may only be permitted in a critical aquifer
38 recharge area if the applicant can show that the proposed activity will not

adversely affect the recharging of the aquifer and that the proposed activity will not cause contaminants to enter the aquifer.

(d) Regulated activities must, at a minimum, comply with the ~~water source~~ source water protection requirements and recommendations of the federal Environmental Protection Agency, Washington State Department of Health, and ~~the local Health Department~~ Columbia County Public Health, as applicable.

(e) Activities proposed within a critical aquifer recharge area that have a high potential for contamination are not allowed unless it is demonstrated that no other options are feasible. A hydrogeologic study for these proposed activities shall be required and shall be prepared by a qualified ~~geologist~~ professional. The study shall focus, at a minimum, on the following:

(i) Geologic setting, site location map, topography, and well logs for the surrounding area

(ii) Current available data on springs or seeps for the surrounding area

(iii) Background water quality data

(iv) Water source/supply to facility

(v) Depth/location of any perched water tables or geological features that could form perch water tables if recharge is increased

(vi) Groundwater flow direction and gradient

(vii) An analysis of physical parameters of the aquifer to include:

(A) Soil types

(B) Hydraulic conductivity

(C) Annual recharge

(D) Depth to water

(E) Importance of the ~~v~~ Vadose ~~z~~ Zone based on the geology above the aquifer

(viii) Description (both qualitative and quantitative) of the impacts the project will have on surrounding wells

(ix) Discussion of the effects of proposed project on groundwater resources

~~(ix)~~(x) Proposed groundwater quality protection and mitigation measures, if the proposed project could have an adverse impact on groundwater resources

~~(x)~~(xi) Other information required by the Planning Director in consultation with other agencies of expertise

(f) Mitigation measures may be required to assure ~~for~~ groundwater protection ~~may be required~~. Implementation of protection measures to prevent contamination is required. ~~A qualified professional shall discuss potential mitigation measures if the proposed project should have an adverse impact on groundwater resources.~~

(g) Parks, Schools, and Recreation Facilities. Fertilizer and pesticide management practices of schools, parks, other recreation facilities, and similar uses shall shall be applied in strict conformance to the manufacturer’s recommendations and in accordance with relevant state and federal laws ~~use BMPs as prescribed by the local eConservation dDistrict.~~

~~(i) Within 25 feet of a waterbody, herbicides, fungicides, fertilizers, and pesticides shall be applied in strict conformance to the manufacturer’s recommendations and in accordance with relevant state and federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. EPA shall not be applied within 60 feet for ground applications or within 300 feet for aerial applications of the subject waterbodies and shall be applied by a qualified professional in accordance with state and federal law.~~

(h) All major and minor developments shall have an informational note placed on the face of plat stating, “This subdivision is located within an aquifer recharge area. BMPs shall be used for the containment of stormwater and the application of pesticides and fertilizers.”

16.10.140 Frequently Flooded Areas

(1) Purpose

(a) The purpose of this section is to promote the public health, safety, and welfare of the community by recognizing potential hazards that may be caused by development in areas where severe flooding is anticipated to occur. The intent of this section is to assist with minimizing public and private losses due to flood hazards by avoiding development in frequently flooded areas and implementing protective measures contained in the Columbia County Flood Plain ~~Ordinance~~Chapter, as updated.

- 1 (2) Classification. Classification of frequently flooded areas, according to
2 FEMA minimum requirements, should include, at a minimum, the 100-year
3 floodplain designations of FEMA and the National Flood Insurance Program.
4 The following categories of frequently flooded areas established for the
5 purpose of classification are:
- 6 (a) Floodways – The channel of a stream, plus any adjacent floodplain areas,
7 that must be kept free of encroachment so the base flood can be carried
8 without substantial increases in flood heights.
- 9 (b) Floodplains – The floodway and special flood hazard areas, as applicable.
- 10 (c) Special Flood Hazard Areas – The area adjoining the floodway which is
11 subject to a 1% or greater chance of flooding in any given year and
12 determined by the Federal Insurance and Mitigation Administration.
- 13 (3) Designation. The ~~Area of Project Review~~ area of project review for the
14 purposes of this section include all County lands and waters that meet the
15 following criteria:
- 16 (a) Currently identified as frequently flooded areas by the Federal Insurance
17 and Mitigation Administration in a scientific and engineering report titled
18 the Flood Insurance Study for the County with accompanying flood
19 insurance rate maps. If and when this study becomes updated to reflect
20 new conditions, designation of frequently flooded areas will include the
21 changes.
- 22 (b) Within the 100-year floodplain, ~~or~~ having experienced historic flooding.
- 23 (4) Determination Process
- 24 (a) The following progressive steps will occur upon a determination by the
25 County, per ~~Section 19.04~~ Section 16.10.100 (940) and (104), General
26 Review Process and ~~Critical Area Report~~ critical area report
27 ~~r~~Requirements, that a frequently flooded area may exist on a site proposed
28 for a development permit:
- 29 (i) The Director will determine if the proposed development activity
30 is within an ~~Area of Project Review~~ area of project review.
- 31 (ii) If it is determined by the Director that the proposed development
32 activity is within an ~~Area of Project Review~~ area of project review,
33 compliance with the County’s Flood Damage Prevention
34 ~~Ordinance~~ Chapter 16.20, as amended, is required. Completion of
35 a ~~Critical Area Report~~ critical area report is not required for
36 Frequently Flooded Areas.

1 (5) Management Recommendations and Protection Standards. The following
2 management recommendations and standards will apply to development
3 proposals determined to be located within frequently flooded areas, as
4 defined and described herein:

5 (a) New development is permitted when sited and designed in a manner that
6 does not alter the direction, velocity, or volume of flood waters in a
7 manner that adversely impacts other properties within or adjacent to
8 Frequently Flooded Areas.

9 (b) All developments must follow the provisions of the Columbia County
10 Flood Damage Prevention ~~ordinance~~chapter, CCC Chapter 16.1520, as
11 updated.

12 (c) Water quality standards for Frequently Flooded Areas shall correspond
13 with appropriate state and federal standards.

14 **16.10.150 Geologically Hazardous Areas**

15 (1) Purpose.

16 (a) The purpose of this section is to reduce the threats to public health and
17 safety posed by geologic hazards. The intent is to reduce incompatible
18 development in areas of significant geologic hazard. Development
19 incompatible with geologic hazards may not only place itself at risk, but
20 also may increase the hazard to surrounding development. Some geologic
21 hazards can be reduced or mitigated by engineering, design, or modified
22 construction or altering mining practices so risks to health and safety are
23 minimized. When technology cannot reduce the risks to acceptable levels,
24 development in the hazard area is best to be avoided.

25 (2) Identification and Designation

26 (a) Geologically Hazardous Areas shall be designated consistent with the
27 definitions provided in WAC 365-190-080(4). Geologically hazardous
28 areas shall include all of the following:

29 (i) Erosion Hazards

30 (ii) Landslide Hazards

31 (iii) Mine Hazards

32 (iv) Seismic Hazards

33 (b) Erosion Hazard Areas: Those areas identified as having high or very high
34 water erosion hazard by the U.S. Department of Agriculture Natural

1 Resources Conservation Service as designated by the Natural Resources
2 Conservation Service local office.

3 (c) Landslide Hazard Areas: Those areas potentially subject to landslides
4 based upon the following combination of geologic, topographic, and
5 hydrologic factors are as follows:

6 (i) Areas of historic failure with all of the following characteristics:

7 (A) Areas having a 30% slope or steeper, a vertical relief of
8 30 feet or more, and soil types identified by the Natural
9 Resource Conservation Service as unstable and prone to
10 landslide hazard

11 (B) Areas designated as quaternary slumps, earthflows,
12 mudflows, lahars, or landslides on maps or technical
13 reports published by the USGS, such as topographic or
14 geologic maps, or the Geology and Earth Resources
15 Division of the Washington Department of Natural
16 Resources, or other documents authorized by government
17 agencies.

18 (ii) Areas with all of the following characteristics:

19 (A) A gradient of 15% or greater

20 (B) Hillsides intersecting geologic contacts with a relatively
21 permeable sediment overlying a relatively impermeable
22 sediment or bedrock

23 (C) Springs or groundwater seepage

24 (D) Areas that have shown movement during the Holocene
25 Epoch or which are underlain or covered by mass wastage
26 debris of the epoch

27 (E) Slopes that are parallel or sub-parallel to planes of
28 weakness (such as bedding planes, joint systems, and fault
29 planes) in subsurface materials

30 (F) Slopes having gradients greater than 80% subject to
31 rockfall during seismic shaking

32 (G) Areas potentially unstable as a result of rapid stream
33 incision and streambank erosion

- 1 (H) Areas located in a canyon or on an active alluvial fan,
2 presently or potentially subject to inundation by debris
3 flows or catastrophic flooding
- 4 (I) Any area with a slope of 40% or steeper and with a vertical
5 relief of 10 or more feet, except areas composed of solid
6 rock. A slope is delineated by establishing its toe and top
7 and measured by averaging the inclination over at least
8 10 feet of vertical relief.
- 9 (d) Mine Hazard Areas: Those areas that fall within 100 horizontal feet of a
10 mine opening at the surface or an area designated as a mine hazard area by
11 the Washington State Department of Natural Resources.
- 12 (e) Seismic Hazard Areas: Those areas subject to severe risk of damage as a
13 result of earthquake-induced ground shaking, slope failure, settlement, soil
14 liquefaction, or surface faulting, include the following characteristics:
- 15 (i) Areas described in ~~Section 19.01~~ Section 16.10.150 (2)(b) and (c)
16 or having a potential for soil liquefaction and soil strength loss
17 during ground shaking.
- 18 (ii) Areas located on a Holocene fault line identified by USGS
19 investigative maps and studies.
- 20 (f) Seismic hazards shall be identified in the Washington State Department of
21 Natural Resources seismic hazard susceptibility maps for Eastern
22 Washington and other geologic resources.
- 23 (3) Mapping of Geologically Hazardous Areas
- 24 (a) The approximate location and extent of Geologically Hazardous Areas are
25 shown in the adopted critical area maps. The adopted critical area maps
26 include all of the following:
- 27 (i) USGS landslide hazard, seismic hazard, and volcano hazard maps
- 28 (ii) Department of Natural Resources slope stability maps
- 29 (iii) FEMA flood insurance maps
- 30 (iv) Locally adopted maps
- 31 (b) These maps are to be used as a guide for the County, project applicants,
32 and/or property owners, and may be continuously updated as new critical
33 areas are identified. They are a reference and do not provide a final
34 critical area designation.

- 1 (4) Determination Process
- 2 (a) Determination of Need for Geologic Hazard Area Report. A Geologic
3 Hazard Area Detailed Study of a geologic hazard area shall be required if
4 the following indicators are present:
- 5 (i) The project area is listed in the County’s Critical Area Map as
6 possessing either a Known or Suspected Risk for erosion,
7 landslide, flood, seismic, or mine hazard.
- 8 (ii) The project area is listed in the County’s Critical Area Map as
9 possessing an Unknown Risk for erosion, landslide, flood, seismic,
10 or mine hazard and any of the following conditions are identified
11 by the applicant or County:
- 12 (A) A qualified geologist finds that any of the following exist:
13 evidence of past significant events of the hazard in question
14 on or adjacent to the site; the presence of necessary and
15 sufficient factors for events of the hazard in question on or
16 adjacent to the site; or reasonable uncertainty concerning
17 the hazard the potential for significant risk to or from the
18 proposed activity.
- 19 (B) The Director possesses a reasonable belief that a geologic
20 hazard may exist. Such reasonable belief shall be
21 supported by a site visit and subsequent consultation with a
22 qualified geologist.
- 23 (5) Geotechnical Report. The Director may require a Geotechnical Report
24 prepared by a civil engineer or geologist who is licensed to practice in the
25 State of Washington. The Geotechnical report shall include the following
26 information:
- 27 (a) A detailed narrative describing the project, including, but not limited to,
28 associated grading and filling, structures, and utilities.
- 29 (b) Classification of the type of hazard that exists.
- 30 (c) Site plan that depicts the following information: location of all proposed
31 improvements; height of slope; slope gradient; cross section of the site;
32 location of springs, seeps, or other surface expressions of groundwater;
33 and any evidence of surface or stormwater runoff.
- 34 (d) A geotechnical evaluation that includes, at a minimum, a description
35 and/or evaluation of all of the following information:
- 36 (i) Site location, topography, drainage, and surface waterbodies.

- 1 (ii) Soils and geologic units underlying the site.
- 2 (iii) An assessment of the geologic characteristics and engineering
3 properties of the soils, sediments, and/or rock of the subject
4 property and potentially affected adjacent properties. Soil analysis
5 shall be accomplished in accordance with the Unified Soil
6 Classification System.
- 7 (iv) Determination of height of slope and slope gradient, including
8 slope cross sections.
- 9 (v) A description of load intensity, including surface and groundwater
10 conditions, public and private sewage disposal systems, fills and
11 excavations, and all structural development.
- 12 (vi) An estimate of slope stability and the effect construction and
13 placement of structures will have on the slope throughout the
14 estimated life of the structure.
- 15 (vii) An estimate of the bluff retreat rate which recognizes and reflects
16 potential catastrophic events such as seismic activity or a 100-year
17 storm event.
- 18 (viii) An assessment describing the extent and type of vegetation.
- 19 (ix) A detailed description of the project, its relationship to geologic
20 hazard(s), and its potential impact upon the hazard area, the subject
21 property, and affected adjacent properties.
- 22 (e) A proposed mitigation plan pursuant to ~~Section 19.04~~Section 16.10.110
23 (9).
- 24 (f) Qualifications of Qualified Geotechnical Professional. ~~Critical Area~~
25 ~~Report~~critical area reports prepared pursuant to this section shall be
26 prepared by a Professional Engineer registered in the State of Washington,
27 trained and qualified to analyze geologic, geotechnical, hydrologic, and
28 groundwater flow systems, or a geologist or geotechnical engineer who
29 has received a degree from an accredited 4-year college or university and
30 who has relevant training and experience in analyzing geologic,
31 geotechnical, hydrologic, and groundwater flow systems. Such
32 qualifications shall be demonstrated to the satisfaction of the Director.
- 33 (g) The Director shall evaluate documentation submitted pursuant to this
34 section and condition permit approvals to minimize risk on both the
35 subject property and proposed improvements, as well as affected adjacent
36 properties. All conditions on approvals shall be based on known,
37 available, and reasonable methods of prevention, control, and treatment.
38 Evaluation of geotechnical reports may also constitute grounds for denial

1 of the proposal. Any County permits or approvals issued shall contain a
2 statement on the face of the permit notifying the permit recipient that the
3 permit involves work within or adjacent to a geologic hazard and/or its
4 buffer and that the permit recipient assumes the risk and associated
5 liability for such activity.

6 (6) Protection Standards

7 (a) Erosion and Landslide Hazard Areas

8 (i) Grading

9 (A) Clearing, grading, and other construction activities shall not
10 aggravate or result in slope instability or surface sloughing.

11 (B) Undergrowth shall be preserved to the extent practicable.

12 (C) No dead vegetation, fill, or other foreign material shall be
13 placed within a landslide hazard area, other than that
14 approved for bulkheads or other methods of stabilization,
15 unless a geotechnical report shows that the activity will not
16 exacerbate landslide hazards.

17 (D) Ground disturbance shall be minimized to the extent
18 practicable.

19 (ii) Ground Surface Erosion Control Management

20 (A) There shall be minimum disturbance of vegetation in order
21 to minimize erosion and maintain existing stability of
22 hazard areas.

23 (B) Vegetation removal on the slopes of banks between the
24 ordinary high water mark (OHWM) and the top of the
25 banks shall be minimized.

26 (C) Vegetation and organic soil material shall be removed from
27 a fill site prior to the placement of clean earthen material.

28 (D) Vegetative cover shall be re-established on any disturbed
29 surface to the extent practicable.

30 (E) To the extent practicable, soil stabilization materials, such
31 as filter fabrics, riprap, and similarly designed materials,
32 shall be placed on any disturbed surface when future
33 erosion is likely.

34 (iii) Drainage

- 1 (A) Surface drainage, including downspouts, shall not be
2 directed across the face of a hazard area; if drainage must
3 be discharged from the top of a hazard area to its toe, it
4 shall be collected above the top and directed to the toe by
5 tight line drain and provided with an energy-dissipative
6 device at the toe for discharge to a swale or other
7 acceptable natural drainage areas.
- 8 (B) Stormwater retention and detention systems, including
9 infiltration systems utilizing buried pipe, may be used if a
10 geotechnical assessment indicates such a system shall not
11 affect slope stability and the system is designed by a
12 licensed civil engineer; the licensed civil engineer shall also
13 certify that the system is installed as designed.
- 14 (iv) Buffers
- 15 (A) An undisturbed 30-foot buffer, as measured on the top
16 surface, is required from the top, toe, and along all sides of
17 any existing landslide or erosion hazard areas.
- 18 (B) Based on the results of a geotechnical assessment, the
19 Director may increase or decrease the buffer.
- 20 (C) The buffer shall be clearly staked before any construction
21 or clearing (grading) takes place.
- 22 (D) Normal non-destructive pruning and trimming of
23 vegetation for maintenance purposes, or thinning of limbs
24 of individual trees to provide a view corridor, shall not be
25 subject to these buffer requirements.
- 26 (v) Design Guidelines
- 27 (A) Foundations shall conform to the natural contours of the
28 slope and foundations should be stepped or tiered where
29 possible to conform to existing topography.
- 30 (B) Roads, walkways, and parking areas shall be designed with
31 low gradients or be parallel to the natural contours of the
32 site.
- 33 (C) To the extent practicable, access shall be in the least
34 sensitive area of the site.
- 35 (D) Structures and improvements shall be clustered to avoid
36 Geologically Hazardous Areas and other critical areas.

- 1 (E) Structures and improvements shall minimize alterations to
2 the natural contours of the slope, and foundations shall be
3 tiered where possible to conform to existing topography.
- 4 (F) Structures and improvements shall be located to preserve
5 the most critical portion of the site and its natural landforms
6 and vegetation.
- 7 (G) The proposed development shall not result in greater risk or
8 a need for increased buffers on neighboring properties.
- 9 (H) New development that would require structural
10 stabilization throughout the life of the development is
11 prohibited except when the applicant can demonstrate that
12 stabilization is necessary to protect allowed uses where no
13 alternative locations are available and maintenance of
14 ecological functions will result.
- 15 (I) The use of a retaining wall that allows the maintenance of
16 existing natural slopes is preferred over graded artificial
17 slopes.
- 18 (J) Development shall be designed to minimize impervious lot
19 coverage.
- 20 (K) New development, or the creation of new lots, that would
21 cause foreseeable risk from geological conditions to people
22 or improvements during the life of the development is
23 prohibited.
- 24 (b) Additional Standards for Erosion and Landslide Hazard Areas
- 25 (i) No critical facilities shall be constructed or located within an
26 erosion or landslide hazard area.
- 27 (ii) No new structures shall be located on a permanent foundation
28 within an erosion or landslide hazard area, unless the foundation is
29 located at a distance landward of the OHWM that is greater than or
30 equal to the amount of land that is expected to erode within the
31 next 30 years as determined by the Director.
- 32 (iii) New septic system drainfields in an erosion hazard area shall be
33 located landward of any new structure.
- 34 (c) Mine Hazard Areas: Development within a mine hazard area is prohibited.

- 1 (d) Seismic Hazard Areas: Development within areas that meet the
2 classification criteria for seismic hazard areas shall comply with the
3 Uniform Building Code requirements for Seismic Risk Zone 2a.
- 4 (e) Mitigation: When mitigation is required by this section, a mitigation plan
5 shall be prepared by a Qualified Geotechnical Professional and shall
6 include the following information:
 - 7 (i) A discussion on how the project has been designed to avoid and
8 minimize the impacts to Geologically Hazardous Areas
 - 9 (ii) A recommendation for the minimum building setback from any
10 bluff edge and/or other geologic hazard, based upon the
11 Geotechnical Report
 - 12 (iii) The location and methods of drainage, locations and methods of
13 erosion control, a vegetation management and/or restoration plan,
14 and/or other means for maintaining long-term stability of slopes
 - 15 (iv) Address the potential impact of mitigation on the hazard area, the
16 subject property, and proposed improvements and affected
17 adjacent properties
 - 18 (v) A temporary erosion and sedimentation control plan
 - 19 (vi) A drainage plan for the collection, transport, treatment, and
20 discharge of surface water
 - 21 (vii) Demonstration of compliance with this section

22 **16.10.160 Fish and Wildlife Habitat Conservation Areas**

- 23 (1) Purpose.
 - 24 (a) The purpose of this section is to provide a framework to evaluate the
25 development, design, and location of buildings to ensure critical fish and
26 wildlife habitat is preserved and protected, ecological functions and values
27 are maintained, and habitat fragmentation is avoided. These regulations
28 seek to protect critical habitat areas so populations of endangered,
29 threatened, and sensitive species are given consideration during the
30 development review process.
- 31 (2) Identification and Designation
 - 32 (a) The following information, data, and resources are used by the County to
33 identify and designate Fish and Wildlife Habitat Conservation Areas
34 (HCA), as defined below.

- 1 (i) Areas within which federal and/or state-listed threatened or
2 endangered fish and wildlife species exist, or state-sensitive,
3 state-candidate, and state-monitor species have a primary
4 association, and as designated under the Federal Endangered
5 Species Act or within the WAC 232-12 (Priority Species and
6 Habitats).
- 7 (ii) Riparian Habitat Areas: For the protection of habitat along rivers,
8 streams, and lakes, the buffer widths provided in
9 Table 169.010.120 (5)(f)(ii) apply.
- 10 (iii) Naturally occurring ponds fewer than 20 acres and their submerged
11 aquatic beds that provide fish or wildlife habitat.
- 12 (iv) The following important habitat areas, which are not based on use
13 by a specific species, include those areas protected by their
14 conservation ownership or management status, in addition to the
15 protection standards within this section:
- 16 (A) National wildlife refuges, national monuments, natural area
17 preserves, or any preserve or reserve designated under
18 WAC 332-30-151
- 19 (B) State natural area preserves or natural resource
20 conservation areas identified by state law and managed by
21 the Department of Natural Resources
- 22 (v) Mapping information sources for identification of Fish and
23 Wildlife Habitat Conservation Areas include, but are not limited,
24 to:
- 25 (A) WDFW Priority Habitat and Species (PHS) maps
- 26 (B) Wetlands mapped under the National Wetland Inventory by
27 the U.S. Department of Interior, Fish and Wildlife Service
- 28 (C) WDFW/Department of Natural Resources, Washington
29 Rivers Inventory System maps
- 30 (D) Maps and reference documents in the Southeast
31 Washington Coalition's SMP Inventory, Analysis, and
32 Characterization Report, as applicable
- 33 (vi) The County allows for the nomination of Species/Habitats of Local
34 Importance. In order to nominate Species/Habitats of Local
35 Importance as candidates for designation within the category of
36 Important Habitat Areas, an individual or organization must:

- 1 (A) Demonstrate a need for special consideration
- 2 (B) Propose relevant management strategies considered
- 3 effective and within the scope of this section
- 4 (C) Provide species habitat location(s) on a map (scale of
- 5 1:24,000)

- 6 (vii) It is recognized that the list of Fish and Wildlife Habitat
- 7 Conservation Area (including species and habitats) will change
- 8 from time to time. Further, the locations of species may also
- 9 change over time. With this, the Planning Department will
- 10 maintain and update, as necessary, its list and mapping data of
- 11 federal and state threatened, endangered, sensitive, monitoring, and
- 12 candidate species and habitats for the County. Coordination with
- 13 the necessary federal and state agencies will need to occur to
- 14 obtain the applicable data updates. Restrictions may apply as to
- 15 the County’s ability to disseminate, both written and mapped
- 16 sensitive fish and wildlife information, to the general public.

- 17 (3) Determination Process

- 18 (a) The Director will review each development permit application in
- 19 accordance with ~~Section 19.01~~Section 16.10.100 (09+0) and (10+),
- 20 General Review Process and ~~Critical Area Report~~critical area report
- 21 ~~r~~Requirements, of this ~~ordinance~~chapter to determine if the provisions of
- 22 this section will be applied to the project.

- 23 (b) In making the determination, the Director may use any of the inventories
- 24 or reference maps identified in ~~Section 19.01~~Section 16.10.100 (5) and
- 25 ~~Section 19.01~~Section 16.10.160 (4).

- 26 (c) The following progressive steps will occur upon a determination by the
- 27 Director, per ~~Section 19.01~~Section -100 (10) and (11)16.10.100 (09) and
- 28 (10), General Review Process and ~~Critical Area Report~~critical area report
- 29 ~~r~~Requirements, that a Fish and Wildlife Habitat Conservation Area may
- 30 exist on a site proposed for a development permit.

- 31 (i) The Director will determine if the proposed development activity
- 32 is within an ~~a~~Area of ~~p~~Project Review. If the proposal is in or near
- 33 an ~~Area of Project Review~~area of project review, a site inspection
- 34 and consultation with federal and/or state wildlife agency
- 35 personnel or a qualified biologist may be conducted to more
- 36 definitively determine if a Fish and Wildlife Habitat Conservation
- 37 Area exists on the site if deemed necessary by the County.

- 38 (ii) If it is determined by the Director that the proposed development
- 39 activity is within an ~~Area of Project Review~~area of project review,

1 compliance with ~~Section 19.01~~Section 16.10.100 (10) and (11), General Review Process and ~~Critical Area~~
2 ~~Report~~critical area report requirements, of this ~~ordinance~~chapter
3 and development of a ~~Critical Area Report~~critical area report is
4 required. If it is determined that the activity is not in an ~~Area of~~
5 ~~Project Review~~area of project review, this section shall not apply
6 to the review of the proposed permit activity.
7

8 (4) Fish/Wildlife Habitat Assessment and Identification

- 9 (a) If it is determined through the process identified herein that a Fish and
10 Wildlife Habitat Conservation Area exists on a site that is the subject of a
11 development permit application, a fish/wildlife habitat boundary survey
12 and evaluation shall be conducted by a professional biologist, as
13 appropriate, who is knowledgeable of fish and wildlife habitat within the
14 County. The fish and wildlife habitat boundary shall be field staked, as
15 necessary, by the biologist and identified on all final plats, maps, and
16 associated documentation.
- 17 (b) The fish/wildlife habitat boundary and any associated buffer shall be
18 identified on all plats, maps, plans, and specifications submitted for the
19 project.

20 (5) Fish/Wildlife Habitat Management and Mitigation Plan

- 21 (a) A fish/wildlife habitat management and mitigation plan is required for all
22 proposed developments determined to be within a Fish and Wildlife
23 Habitat Conservation Area.
- 24 (b) When required, a fish/wildlife habitat management and mitigation plan
25 shall be prepared by a professional biologist who is knowledgeable of fish
26 and wildlife habitat within the County.
- 27 (c) The fish/wildlife habitat management and mitigation plan shall
28 demonstrate, when implemented, that the protection or mitigation of
29 habitat functions is addressed.
- 30 (d) Based on the best available science, ~~Section 19.01~~Section 16.10.100 (8)
31 the fish/wildlife habitat management and mitigation plan shall identify
32 how impacts from the proposed project shall be mitigated, as well as the
33 necessary monitoring and contingency actions for the continued
34 maintenance of the Fish and Wildlife Habitat Conservation Area and any
35 associated buffer.
- 36 (e) The fish/wildlife habitat management and mitigation plan shall include
37 maps and narrative descriptions that address at least the following items:

- 1 (i) Avoiding the impact altogether by not taking a certain action or
2 parts of an action;
- 3 (ii) Minimizing impacts by limiting the degree or magnitude of the
4 action and its implementation, by using appropriate technology, or
5 by taking affirmative steps to avoid or reduce impacts;
- 6 (iii) Rectifying the impact by repairing, rehabilitating or restoring the
7 affected environment;
- 8 (iv) Compensating for the impact by replacing, enhancing, or providing
9 substitute resources or environments.
- 10 (f) A plan by the applicant that explains how any adverse impacts created by
11 the proposed development will be mitigated, shall include, but not be
12 limited to, the following techniques:
- 13 (i) Use of any federal, state, or local management recommendations
14 which have been developed for the species or habitats in the area
- 15 (ii) Application of appropriate and adequate buffers (see
16 Table ~~16.010~~.120 (5)(f)(ii))
- 17 (iii) Preservation of critically important plants and trees
- 18 (iv) Limitation of access to the habitat conservation area
- 19 (v) Seasonal restriction of construction activities
- 20 (vi) Establishment of a timetable for periodic review of the plan
- 21 (g) A detailed discussion of ongoing management practices which will protect
22 the habitat conservation area after the project site has been fully
23 developed, including proposed monitoring, contingency, maintenance, and
24 surety programs.
- 25 (6) Protection Standards
- 26 (a) No development permit or approval pursuant to this section shall be
27 granted unless adverse effects to Fish and Wildlife Habitat Conservation
28 Areas resulting from proposed development activities located within a
29 designated Fish and Wildlife Habitat Conservation Area are mitigated
30 pursuant to ~~Section 19.01~~Section 16.10.110 and ~~19.16.010~~.160 (7).
- 31 (b) Fish and Wildlife Habitat Conservation Areas shall be protected in
32 accordance with the Director's determination of appropriate conditions
33 and site-specific information supplied by the applicant. In making such a
34 determination, the Director may solicit and consider comments and

1 recommendations provided by Ecology, WDFW, and any Technical
 2 Interdisciplinary Team participating in review for the proposed
 3 development. Possible conditions may include the following:

- 4 (i) Applying buffers
- 5 (ii) Preservation of critically important vegetation
- 6 (iii) Limitation of access to the Fish and Wildlife Habitat Conservation
 7 Area
- 8 (iv) Seasonal restriction(s) for construction activities

9 (c) Buffers – Fish and Wildlife Habitat Conservation Area Buffers shall be
 10 applied consistent with the methodology provided in paragraph (h) below
 11 and standard provided in Table 16.10.120(4)(i).

12 **Table 16.10.120(4)(i). Stream Buffer Widths**

Stream Type	Recommended Buffer Width ^{(1) (2)}
Type S	See Shoreline Master Program, Article V, 19.01.560
Type F 5 to 20 feet wide	<ul style="list-style-type: none"> • 75 feet for areas where riparian habitat area is 60 feet in width or less • Where a riparian habitat area width is greater than 60 feet but less than 135 feet, then the buffer extends 15 feet beyond the edge of the riparian area • 150 feet where riparian habitat area is 135 feet in width or greater • To the edge of the CREP lands contracted edge; no maximum buffer width applies to these lands
Type F less than 5 feet wide	50 feet
Type Np and Ns	50 feet

1
2 1 = Measured from the OHWM or top of bank, on each side of the channel as applicable.
3 2 = Accompanied by stormwater management measures/facilities, geologic hazard
4 protections, wetland buffers, priority habitat and species-specific management
5 recommendations, and other Shoreline Master Program conditions, as applicable.
6 CREP = Conservation Reserve Enhancement Program
7 OHWM = ordinary high water mark
8

9 (d) Special Provisions – Anadromous Salmonids

10 (i) Activities, uses, and alterations proposed to be located in
11 waterbodies used by anadromous salmonids, or in areas that affect
12 such waterbodies, shall give special consideration to the
13 preservation and enhancement of anadromous salmonid habitat,
14 including, but not limited to, the following:

15 (A) Activities shall be timed to occur only during the allowable
16 work window, as designated by the WDFW.

17 (B) The activity is designed so that it will minimize the
18 degradation of the functions or values of the fish habitat or
19 other critical areas.

20 (C) Any impact on the ecological functions and values of the
21 habitat conservation area are mitigated in accordance with
22 an approved ~~Critical Area Report~~ critical area report.

23 (ii) Structures that prevent the migration of anadromous salmonids
24 shall not be allowed in the portion of the waterbodies currently
25 used by salmonids. Fish bypass facilities shall be provided that
26 allow the upstream migration of adult fish and prevent juveniles
27 migrating downstream from being trapped or harmed.

28 (iii) Fills waterward of the OHWM, when authorized, shall minimize
29 the adverse impacts on anadromous salmonids and their habitat,
30 shall mitigate any unavoidable impacts, and shall only be allowed
31 for water-dependent uses or for uses that enable public access or
32 recreation for significant numbers of the public.

33 (e) Special provisions – Wildlife. Bald eagle habitat shall be protected
34 pursuant to the Washington State Bald Eagle Protection Rules
35 (WAC 232-12-292).

36 (f) Special Provisions – Wetland Habitats. All proposed activities within or
37 adjacent to habitat conservation areas containing wetlands shall, at a
38 minimum, conform to the wetland development performance standards set
39 forth in ~~Section 19.01~~ Section 16.10.120, Wetlands, in addition to meeting
40 the habitat conservation area standards in this section.

- 1 (g) Special Provisions – Riparian Habitat. Unless otherwise allowed in this
2 section, all structures and activities shall be located outside of the riparian
3 habitat buffers.
- 4 (h) Variable buffer widths
- 5 The methodology for applying a variable buffer approach to determine
6 buffer widths includes the following steps:
- 7 (i) Determine (approximate) the location of the OHWM or top of
8 bank (as applicable) for the parcel of the proposed development.
9 For this method, the OHWM is assumed to be the area next to the
10 stream channel where the vegetation stops and the rock and cobble
11 of the channel begins, or the top of bank in steep bank conditions,
12 as applicable. Aerial imagery (2013) provided to the County is the
13 imagery that is to be used to identify the OHWM or top of bank. A
14 site visit, in addition to consulting aerial imagery, is recommended.
- 15 (ii) Confirm the development proposal is outside of 150 feet of the
16 approximated OHWM, or outside of established CREP contract or
17 conservation easement. If the development is outside of these
18 boundaries, then no further work to identify riparian areas is
19 required. If a development is proposed within 150 feet of the
20 approximated OHWM then proceed to Step iii.
- 21 (iii) Determine the presence of any known or suspected wetland, steep
22 slope areas, , priority habitat or species mapping, or other potential
23 condition identified next to or adjacent to the proposed
24 development. If yes, then address requirement(s) associated with
25 one or more of these conditions, and apply applicable protection
26 conditions. Is the development still expected to occur within 150
27 feet of the OHWM? If yes, then go to Step iv. If no, then stop this
28 procedure, as these other requirements are also protective of
29 riparian functions.
- 30 (iv) Is there a functional break wholly within 150 feet of the OHWM
31 (established road, railroad bed, parking area or other similar
32 continuous development feature that provides a continuous
33 functional break in the riparian area) that extends along the edge of
34 the proposed development area/parcel between the site
35 development area and the waterbody? If no, proceed to Step v. If
36 yes, then establish the riparian area upland boundary to the
37 waterward edge of the facility maintenance area (disturbed area).
38 Development would need to be located on the landward side of the
39 functional break.

- 1 (v) Delineate the upland extent of the riparian area as defined above—
2 the area where there is a distinct change in species composition
3 and vegetation structure—using the 2013 aerial imagery (as
4 provided in the GIS dataset provided to the County as part of the
5 SMP update). Measure directly adjacent and waterward of the
6 proposed development on a horizontal plane from the approximate
7 OHWM to the edge of the riparian area. The line along the edge of
8 the riparian area could be highly variable within a given parcel, as
9 the area where the change in vegetation occurs is based on the
10 underlying topographic elevation and area where the waterbody
11 influences riparian vegetation growth. For example, in some areas,
12 the vegetation could extend out to 150 feet or more and in others it
13 could be much narrower.
- 14 (vi) Add 15 feet beyond the edge of the riparian area (up to 150 feet)
15 and draw a line delineating the preliminary location of the riparian
16 buffer outer boundary.
- 17 (vii) Additional setbacks for structures or other facilities would be
18 added on to identified buffer width, as applicable.
- 19 (viii) Buffers in conjunction with other critical areas. Where other
20 critical areas defined in this section fall within the waterbody
21 buffer, the buffer area shall be the most beneficial of the buffers
22 applicable to any applicable critical area.
- 23 (i) Buffer Reductions. Buffers may be administratively modified as outlined
24 below:
- 25 (i) Where a legally established road or railway, or other type of
26 continuous development, crosses or extends along a critical area
27 buffer and provides a functional break, the Director may approve a
28 modification of the minimum required buffer width to the
29 waterward edge of the improved continuous development,
30 provided the upland side of the continuous development area meets
31 all of the following criteria:
- 32 (A) Does not provide additional protection of the waterbody or
33 stream
- 34 (B) Provides little (less than 20%) to no biological, geological,
35 or hydrological buffer functions relating to the riparian and
36 upland portions of the buffer
- 37 (ii) Standard Buffer Reduction. Reductions of up to 25% of the
38 standard buffer may be approved if the applicant demonstrates to
39 the satisfaction of the Director that a mitigation plan developed by
40 a qualified professional pursuant to ~~Section 19.04~~ Section

1 16.10.110 (9) indicates that enhancing the buffer (by removing
2 invasive plants or impervious surfaces, planting native vegetation,
3 installing habitat features, or other means) will result in a reduced
4 buffer that functions at a higher level than the standard buffer.

5 (j) Proposed developments or land-use activities located within a designated
6 Habitat Conservation Area shall be reviewed for potential habitat impacts,
7 considering the recommendations provided by Ecology, WDFW, and any
8 Technical Interdisciplinary Team participating in review for the proposed
9 development.

10 (k) Allowed uses in Fish and Wildlife Habitat Conservation Areas and
11 Riparian Habitat Area -Buffers.

12 (i) Roads, bridges, and utilities. Road, bridge, and utility
13 maintenance, repair, and construction may be permitted across a
14 Fish and Wildlife Habitat Conservation Area and/or buffers under
15 all of the following conditions:

16 (A) It is demonstrated to the Director that there are no
17 alternative routes that can be reasonably used to achieve the
18 proposed development.

19 (B) The activity will have minimum adverse impact to the Fish
20 and Wildlife Habitat Conservation Area.

21 (C) The activity will not significantly degrade surface or
22 groundwater.

23 (D) The intrusion into the Fish and Wildlife Habitat
24 Conservation Area and its buffers is mitigated.

25 (ii) Limited park or recreational access to a Fish and Wildlife Habitat
26 Conservation Area and/or stream buffers, provided that all of the
27 following are satisfied:

28 (A) The access is part of a public park or a recreational resort
29 development that is dependent on the access for its location
30 and recreational function.

31 (B) The access is limited to the minimum necessary to
32 accomplish the recreational function.

33 (C) The intrusion is mitigated.

34 (iii) Low-impact uses and activities that are consistent with the purpose
35 and function of the stream setback and do not detract from its
36 integrity. Examples of low-impact uses and activities include

- 1 removal of noxious vegetation and stormwater management
2 facilities such as grass-lined swales.
- 3 (l) Temporary and permanent erosion and sedimentation controls shall be
4 provided to prevent the introduction of sediments or pollutants to
5 waterbodies or watercourses within the Habitat Conservation Area.
- 6 (m) Clearing and grading shall be limited to that necessary for establishment
7 of the use or development and shall be conducted to avoid significant
8 adverse impacts and minimize the alteration of the volume, rate, or
9 temperature of freshwater flows to or within the Habitat Conservation
10 Area and any buffer required by this section.
- 11 (n) The proposed development shall not discharge hazardous substances to the
12 Habitat Conservation Area that would have significant adverse impacts on
13 that area.
- 14 (o) Stream flows shall be protected from changes to the normal flow,
15 temperature, turbidity, and discharge to the maximum extent practicable.
- 16 (p) Septic drainfields and any required replacement drainfield area shall be at
17 least 100 feet from the edge of any Habitat Conservation Area.
- 18 (q) Exceptions to the above protection standards may be allowed by the
19 Director based on a special report prepared by a qualified professional that
20 demonstrates that such exception would not adversely impact the habitat
21 system, functions, and values of the Habitat Conservation Area.
- 22 (r) Activities may only be permitted in a stream or stream buffer if the
23 applicant can show that the proposed activity will not degrade the
24 ecological functions and values of the stream, stream buffer, or other
25 critical area.
- 26 (s) Stream Crossings – Stream crossings shall be minimized, but when
27 necessary, they shall conform to the applicable provisions of this
28 ~~ordinance~~ chapter and other laws (see WDFW or Ecology).
- 29 (t) Stormwater conveyance facilities – Stormwater conveyance facilities may
30 be permitted, provided that they are only located in the buffer when no
31 practicable alternative exists outside the buffer. Stormwater facilities shall
32 be planted with native plantings where feasible to provide habitat, and/or
33 less intrusive facilities should be used.
- 34 (u) Floodway-dependent Structures – Floodway-dependent structures or
35 installations may be permitted within streams or their buffers if allowed or
36 approved by other ~~ordinance~~ chapters or other agencies with jurisdiction.
37 See ~~Section 19.01~~ Section 16.10.140, Frequently Flooded Areas, for more
38 information on allowed uses and activities within flood hazard areas.

- (v) Trails – The criteria for alignment, construction, and maintenance of trails within wetlands and their buffers shall apply to trails within stream buffers. Outer buffer trails may not exceed 10 feet in width and may be constructed with impermeable surface materials if on-site infiltration is utilized.
- (w) Utilities – The criteria for alignment, construction, and maintenance within the wetland buffers shall apply to utility corridors within stream buffers. In addition, corridors shall not be aligned parallel with any stream channel unless the corridor is outside the buffer and crossings shall be minimized. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the waterbody where feasible. Crossings shall be contained within the existing footprint of an existing or new road or utility crossing where possible. Otherwise, crossings shall be at an angle greater than 60 degrees to the centerline of the channel. The criteria for stream crossings shall also apply.
- (x) No net effective impervious surfaces may be created in the outer buffer area beyond what is otherwise permitted.
- (y) No structures or related improvements, including buildings or decks, shall be permitted within the stream buffer except as otherwise allowed in ~~169.1004~~.100, General Provisions.

16.10.170 Definitions

- (1) “Adaptive Management” -Adaptive management relies on scientific methods to evaluate how well regulatory and non-regulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty.
- (2) “Adjacent,” Adjacent means immediately adjoining (in contact with the boundary of the influence area) or within a distance less than that needed to separate activities from critical areas to ensure protection of the functions and values of the critical areas. Adjacent shall mean any activity or development located:
 - (a) On-site immediately adjoining a critical area, or
 - (b) A distance equal to or less than the required critical area buffer width and building setback.
- (3) “Agricultural activities” means agricultural uses and practices, 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

1 adverse agricultural market conditions; allowing land used for agricultural
 2 activities to lie dormant because the land is enrolled in a local, state, or
 3 federal conservation program, or the land is subject to a conservation
 4 easement; conducting agricultural operations; maintaining, repairing, and
 5 replacing agricultural equipment; maintaining, repairing, and replacing
 6 agricultural facilities, provided that the replacement facility is no closer to the
 7 shoreline than the original facility; and maintaining agricultural lands under
 8 production or cultivation.

9 (4) “Alteration” Any human induced change in an existing condition of a critical
 10 area or its buffer. Alterations include, but are not limited to grading, filling,
 11 channelizing, dredging, clearing (vegetation), construction, compaction,
 12 excavation or any other activity that changes the character of the critical area.

13 (5) “Amendment” A revision, addition, alteration to the wording, context,
 14 critical area map designations or substance of the ~~ordinance~~ chapter.

15 (6) “Anadromous Fisheries” Fish that spawn and rear in freshwater and mature
 16 in the marine environment. While Pacific salmon die after their first
 17 spawning, adult char (bull trout) can live for many years, moving in and out
 18 of saltwater and spawning each year. The life history of Pacific salmon and
 19 char contains critical periods of time when these fish are more susceptible to
 20 environmental and physical damage than at other times. The life history of
 21 salmon, for example, contains the following stages: upstream migration of
 22 adults, spawning, inter-gravel incubation, rearing, smoltification (the time
 23 period needed for juveniles to adjust their body functions to live in the
 24 marine environment), downstream migration, and ocean rearing to adults.

25 (7) “Applicant” A person who files an application for a permit under this
 26 ~~ordinance~~ chapter and who is either the owner of the land on which the
 27 proposed regulated activity would be located, a contract purchaser, or the
 28 authorized agent of such a person.

29 (8) “Aquifer” A ~~water bearing~~ geological ~~al~~ formation, a group of formations, or
 30 part of a formation that is capable of yielding a significant amount of
 31 groundwater to ~~a~~ wells or springs.

32 (9) “Aquifer Recharge Areas” Areas that, due to the presence of certain soils,
 33 geology, and surface water, act to recharge ground water by percolation.

34 (10) “Aquifer, Sole Source” An area designated by the U.S. Environmental
 35 Protection Agency under the Safe Drinking Water Act of 1974, (Public Law
 36 93-523.42 U.S. C. 300 et. Seq., Section 1424(e). ~~The aquifer(s) must supply~~
 37 ~~fifty percent (50%) or more of the drinking water for an area without a~~
 38 ~~sufficient replacement available.~~

39 (11) “Best Available Science” A valid scientific process that includes organized
 40 investigations and observations conducted by qualified personnel using

1 documented methods leading to verifiable results and conclusions consistent
2 with the following characteristics:

- 3 (a) Peer review
- 4 (b) Methods
- 5 (c) Logical conclusions and reasonable references
- 6 (d) Quantitative analysis
- 7 (e) Context
- 8 (f) References

9 The County may use information that local, state and federal natural resource
10 agencies have determined represents the best available science consistent with
11 WAC 365-195-900.

- 12 (12) “Base flood” means a flood having a 1% chance of being equaled or
13 exceeded in any given year. Also referred to as the “100-year flood.”
14 Designated on FIRMs with the letters A or V.
- 15 (13) “Best Management Practices” Conservation practices or systems of practices
16 and management measures that:
 - 17 (a) Control soil loss and reduce water quality degradation caused by high
18 concentrations of nutrients, animal waste, toxics, and sediment;
 - 19 (b) Minimize adverse impacts to surface water and ground water flow,
20 circulation patterns, and to the chemical, physical, and biological
21 characteristics of wetlands;
 - 22 (c) Protect trees and vegetation designated to be retained during and following
23 site construction; and
 - 24 (d) Provide standards for proper use of chemical herbicides within critical
25 areas. Columbia County shall monitor the application of best management
26 practices to ensure that the standards and policies of this ~~ordinance~~chapter
27 are adhered to.
- 28 (14) “Buffer” or “Buffer Zone” An area contiguous to and that protects a critical
29 area which is required for the continued maintenance, functioning, and/or
30 structural stability of a critical area.
- 31 (15) “Clearing” The destruction or removal of vegetation ground cover, shrubs
32 and trees including, but not limited to, root material removal and/or topsoil
33 removal.

- 1 (16) “Compensation” Compensation includes actions necessary to replace or
2 enhance the critical area or its buffer depending on the scope of the approved
3 alteration and what is needed to maintain or improve the critical area or
4 buffer functions, including , including land acquisition, planning,
5 construction plans, monitoring and contingency actions.
- 6 (17) “Conservation Easement” A legal agreement that the property owner enters
7 into to restrict uses of the land. Such restrictions can include, but are not
8 limited to, passive recreation uses such as trails or scientific uses and fences
9 or other barriers to protect habitat. The easement is recorded on a property
10 deed, runs with the land, and is legally binding on all present and future
11 owners of the property, therefore, providing permanent or long-term
12 protection.
- 13 (18) “County” means Columbia County
- 14 (19) “County Planning Director” The individual relegated the authority for
15 administering, interpreting and enforcing the Critical Area
16 ~~Ordinance~~Chapter.
- 17 ~~(20) — “Critical Aquifer Recharge Area” Areas designated by WAC 365-190-~~
18 ~~080(2) that are determined to have a critical recharging effect on aquifers~~
19 ~~used for potable water as defined by WAC 365-190-030(2).~~
- 20 ~~(21)~~(20) “Critical Areas” Critical areas include the following areas and
21 ecosystems:
- 22 (a) Wetlands;
- 23 (b) Areas with critical recharging effect on the aquifers used for potable
24 water;
- 25 (c) Fish and wildlife habitat conservation areas;
- 26 (d) Geologically hazardous areas; and
- 27 (e) Frequently flooded areas (Please refer to the Columbia County Flood Plain
28 ~~Ordinance~~Chapter for further information).
- 29 ~~(22)~~(21) “Critical Aquifer Recharge Areas” Areas with a critical recharging effect
30 on aquifers used for potable water, ~~including~~ ~~or~~ areas where ~~the as n~~ aquifer
31 that is a source of drinking water is vulnerable to contamination that would
32 affect the potability of the water ~~or is susceptible to reduced recharge~~.
- 33 ~~(23)~~(22) “Department” means the Columbia County Building and Planning
34 Department.

1 ~~(24)~~(23) “Development” Any activity upon the land consisting of construction or
2 alteration of structures, earth movement, dredging, dumping, grading, filling,
3 mining, removal of any sand, gravel, or minerals, driving of piles, drilling
4 operations, bulkheading, clearing of vegetation, or other land disturbance.
5 Development includes the storage or use of equipment or materials
6 inconsistent with the existing use. Development also includes approvals
7 issued by Columbia County that binds land to specific patterns of use,
8 including but not limited to, subdivisions, short subdivisions, zone changes,
9 conditional use permits, and binding site plans. Development activity does
10 not include the following activities:

- 11 (a) Interior building improvements.
- 12 (b) Exterior structure maintenance activities, including painting and roofing.
- 13 (c) Routine landscape maintenance of established, ornamental landscaping,
14 such as lawn mowing, pruning and weeding.
- 15 (d) Maintenance of the following existing facilities that does not expand the
16 affected area: septic tanks (routine cleaning); wells; individual utility
17 service connections; and individual cemetery plots in established and
18 approved cemeteries.

19 ~~(25)~~(24) “Development Permit” Any permit issued by Columbia County or other
20 authorized agency, for construction, land use, or the alteration of land.

21 ~~(26)~~(25) “Development Regulations” or “Regulations” Any controls placed on
22 development or land use activities by the County including but not limited to
23 the zoning ~~ordinance~~chapter, official controls, planned unit development
24 ~~ordinance~~chapters, subdivision ~~ordinance~~chapter, binding site plan
25 ~~ordinance~~chapters and flood plain ~~ordinance~~chapters together with
26 amendments thereto. A development regulation does not include a decision
27 to approve a project permit application even though the decision may be
28 expressed in a resolution or ~~ordinance~~chapter of the County.

29 ~~(27)~~(26) “Ecological functions” or “shoreline functions” means the work performed
30 or role played by the physical, chemical, and biological processes and species
31 that contribute to the maintenance of the aquatic and terrestrial environments
32 that constitute the shoreline’s natural ecosystem.

33 ~~(28)~~(27) “Ecosystems” The dynamic and interrelating complex of plant and animal
34 communities and their associated environment.

35 ~~(29)~~(28) “Erosion” The wearing away of the grounds surface as a result of mass
36 wasting or the movement of wind, water, soil and/or ice.

1 | ~~(30)~~(29) “Erosion Hazard Areas” Those areas containing soils which, according to
2 | the United States Department of Agriculture Soil Conservation Service Soil
3 | Classification System, may experience severe to very severe erosion.

4 | ~~(31)~~(30) “Feasible” means that an action, such as a development project,
5 | mitigation, or preservation requirement, meets all of the following
6 | conditions: (a) the action can be accomplished with technologies and
7 | methods that have been used in the past in similar circumstances, or studies
8 | or tests have demonstrated in similar circumstances that such approaches are
9 | currently available and likely to achieve the intended results; (b) the action
10 | provides a reasonable likelihood of achieving its intended purpose; and (c)
11 | the action does not physically preclude achieving the project’s primary
12 | intended legal use. In cases where these guidelines require certain actions,
13 | unless they are infeasible, the burden of proving infeasibility is on the
14 | applicant. In determining an action’s infeasibility, the Director may weigh
15 | the relative public costs and public benefits, considered in a long term time
16 | frame, as required by RCW 90.58.020(3).

17 | ~~(32)~~(31) “Fill” means the addition of soil, sand, rock, gravel, sediment, earth-
18 | retaining structure, or other material to an area waterward of the OHWM, in
19 | wetlands, or on other aquatic areas in a manner that raises the elevation or
20 | creates dry land.

21 | ~~(33)~~(32) “Fish and Wildlife Habitat Conservation Areas” Areas necessary for
22 | maintaining species in suitable habitats within their natural geographic
23 | distribution so that isolated subpopulations are not created as designated by
24 | WAC 365-190-130. These areas include:

- 25 | (a) Areas with which endangered, threatened and sensitive species have
26 | primary association;
- 27 | (b) Habitats and species of local importance;
- 28 | (c) Naturally occurring ponds under twenty acres and their submerged aquatic
29 | beds that provide fish and wildlife habitat;
- 30 | (d) Waters of the state;
- 31 | (e) Lakes, ponds streams and rivers planted with game fish by a governmental
32 | or tribal entity; or
- 33 | (f) State natural area preserves and natural resource conservation areas.

34 | "Fish and wildlife habitat conservation areas" does not include such artificial
35 | features or constructs as irrigation delivery systems, irrigation infrastructure,
36 | irrigation canals, or drainage ditches that lie within the boundaries of and are
37 | maintained by a port district or an irrigation district or company.
38 |

1 | ~~(34)~~(33) “Flood or Flooding” A general and temporary condition of partial or
2 | complete inundation of normally dry land areas from the overflow of inland
3 | waters and/or the unusual and rapid accumulation of runoff of surface waters
4 | from any source.

5 | ~~(35)~~(34) “Flood hazard area” means any area subject to inundation by the base
6 | flood or risk from channel migration, including, but not limited to, an aquatic
7 | area, wetland, or closed depression.

8 | ~~(36)~~(35) “Flood Insurance Map” The official map on which the Federal Insurance
9 | Administration has delineated the areas of special flood hazards and include
10 | the risk premium zones applicable to the community. Also known as “flood
11 | insurance rate map” or “FIRM.”

12 | ~~(37)~~(36) “Floodplain” An area adjacent to a lake stream, or other body of water
13 | lying outside the ordinary banks of the water body and periodically inundated
14 | by flood flows.

15 | ~~(38)~~(37) “Floodway” means the area, as identified in a master program, that either:
16 | (i) Has been established in federal emergency management agency flood
17 | insurance rate maps or floodway maps; or (ii) consists of those portions of a
18 | river valley lying streamward from the outer limits of a watercourse upon
19 | which flood waters are carried during periods of flooding that occur with
20 | reasonable regularity, although not necessarily annually, said floodway being
21 | identified, under normal condition, by changes in surface soil conditions or
22 | changes in types or quality of vegetative ground cover condition, topography,
23 | or other indicators of flooding that occurs with reasonable regularity,
24 | although not necessarily annually. Regardless of the method used to identify
25 | the floodway, the floodway shall not include those lands that can reasonably
26 | be expected to be protected from flood waters by flood control devices
27 | maintained by or maintained under license from the federal government, the
28 | state, or a political subdivision of the state;

29 | ~~(39)~~(38) “Frequently Flooded Areas” Land located in the floodplain subject to a
30 | one percent (1%) or greater chance of flooding in any given year. These
31 | areas include, but are not limited to, streams, rivers, lakes, wetlands and the
32 | like. Frequently flooded areas perform important hydrologic functions and
33 | may present a risk to persons and property as designated by WAC 365-190-
34 | 080(3). Classifications of frequently flooded areas include, at a minimum, the
35 | 100-year flood plain designations of the Federal Emergency Management
36 | Agency and the National Flood Insurance Program.

37 | ~~(40)~~(39) “Functions and Values” The beneficial roles served by critical areas
38 | including, but not limited to, water quality protection and enhancement, fish
39 | and wildlife habitat, food chain support, flood storage, conveyance and
40 | attenuation, ground water recharge and discharge, erosion control, wave
41 | attenuation, protection from hazards, historical and archaeological and

1 aesthetic value protection, and recreation. These beneficial roles are not
2 listed in order of priority.

3 ~~(41)~~(40) “Geologically Hazardous Areas” Areas that may not be suited to
4 development consistent with public health, safety or environmental
5 standards, because of their susceptibility to erosion, sliding, earthquake, or
6 other geological events as designated by WAC 365-190-080(4). Types of
7 geologically hazardous areas include: erosion, landslide, seismic, mine, and
8 volcanic hazards.

9 ~~(42)~~(41) “Geotechnical Report” means a scientific study or evaluation conducted
10 by a qualified expert that includes a description of the ground and surface
11 hydrology and geology; the affected landform and its susceptibility to mass
12 wasting, erosion, and other geologic hazards or processes; conclusions and
13 recommendations regarding the effect of the proposed development on
14 geologic conditions; the adequacy of the site to be developed; the impacts of
15 the proposed development; alternative approaches to the proposed
16 development; and measures to mitigate potential site-specific and cumulative
17 geological and hydrological impacts of the proposed development, including
18 the potential adverse impacts on adjacent and down-current properties.
19 Geotechnical Reports shall conform to accepted technical standards and must
20 be prepared by qualified professional engineers or geologists who have
21 professional expertise about the regional and local shoreline geology and
22 processes.

23 ~~(43)~~(42) “Grading” The physical manipulation of the earth’s surface and/or
24 drainage pattern in preparation for an intended use or activity.

25 ~~(44)~~(43) “Ground Water” Water in a saturated zone or stratum beneath the surface
26 of land or a surface water body.

27 ~~(45)~~(44) “Habitat” The specific area or environment in which a particular type of
28 animal or plant lives. An organism’s habitat must provide all the basic
29 requirements for life and should be free of harmful contaminates. Habitat
30 may be tied to temperature, water, soil, sunlight, source of food, refuge from
31 predators, place to reproduce, and other living and non-living factors.

32 ~~(46)~~(45) “Habitats of Local Importance” A seasonal range or habitat element with
33 which a given species has a priority association, and if altered, may reduce
34 the likelihood that the species will maintain and reproduce over the long
35 term. These might include areas of high relative density or species richness,
36 breeding habitat, winter range, and movement corridors. These might also
37 include habitats that are of limited availability or high vulnerability to
38 alteration, such as cliffs, topographic, and hydrological factors.

39 ~~(47)~~(46) “Hazardous substance(s)” means all of the following:

1 (a) A hazardous substance as defined by Section 101(14) of the
2 Comprehensive Environmental Response, Compensation, and Liability
3 Act; any substance designated pursuant to Section 311(b)(2)(A) of the
4 Clean Water Act (CWA); any hazardous waste having the characteristics
5 identified under or listed pursuant to Section 3001 of the Solid Waste
6 Disposal Act (but not including any waste the regulation of which under
7 the Solid Waste Disposal Act has been suspended by Act of Congress);
8 any toxic pollutant listed under Section 307(a) of the CWA; or any
9 imminently hazardous chemical substance or mixture with respect to
10 which the United States Environmental Protection Agency has taken
11 action pursuant to Section 7 of the Toxic Substances Control Act.

12 (b) Hazardous substances that include any liquid, solid, gas, or sludge,
13 including any material, substance, product, commodity, or waste,
14 regardless of quantity, that exhibit any of the physical, chemical, or
15 biological properties described in WAC 173-303-090, 173 303 102, or
16 173-303-103.

17 ~~(48) — “Hearing Body” The individual, committee or agency designated by the~~
18 ~~Board of County Commissioners to conduct public hearings and render~~
19 ~~decisions on subdivisions, zone reclassifications, variances, amendments,~~
20 ~~special permits, conditional uses, appeals and other matters set forth in the~~
21 ~~Columbia County Zoning Code.~~

22 ~~(49)~~(47) “Hydraulic Project Approval (HPA)” A permit issued by the state
23 Department of Fish and Wildlife for modifications to waters of the state in
24 accordance with Chapter 75.20 RCW. The Washington Department of Fish
25 and Wildlife issues Hydraulic Project Approvals (HPA’s) for the protection
26 of all fish life.

27 ~~(50)~~(48) “Hyporheic Zone” The saturated zone located beneath and adjacent to
28 streams that contains some portion of surface waters, serves as a filter for
29 nutrients, and maintains water quality.

30 ~~(51)~~(49) “Impervious Surface” A hard surface area that either prevents or retards
31 the entry of water into the soil mantle as under natural conditions prior to
32 development or that causes water to run off the surface in greater quantities
33 or at an increased rate of flow from the flow present under natural conditions
34 prior to development. Common impervious surfaces include, but are not
35 limited to, roof tops, walkways, patios, driveways, parking lots or storage
36 areas, concrete or asphalt paving, gravel roads, packed earthen materials, and
37 oiled macadam or other surfaces which similarly impede the natural
38 infiltration of stormwater.

39 ~~(52)~~(50) “Infiltration” The downward entry of water into the immediate surface of
40 soil.

1 | ~~(53)~~(51) “Invasive plant species” means the plants listed for Eastern Washington in
2 | Washington State Noxious Weed Board Publication # 820-264E (N/6/09),
3 | the latest version of this document, and any other non-native vegetation,
4 | which is not endemic to the SE Washington Coalition ecoregion and which
5 | expands into native plant communities (e.g., yellow star-thistle, cheatgrass,
6 | and knapweed species).

7 | ~~(54)~~(52) “Landslide Hazard Areas” Areas that are potentially subject to risk of
8 | mass movement due to a combination of geologic landslide resulting from a
9 | combination of geologic, topographic, and hydrologic factors. These areas
10 | are typically susceptible to landslides because of a combination of factors
11 | including: bedrock, soil, slope gradient, slope aspect, geologic structure,
12 | ground water, or other factors.

13 | ~~(55)~~(53) “Mine Hazard Areas” Areas that are underlain by, adjacent to, or affected
14 | by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and
15 | those areas of probable sink holes, gas releases, or subsidence due to mine
16 | workings. Factors that should be considered include: Proximity to
17 | development, depth from ground surface to the mine working, and geologic
18 | material.

19 | ~~(56)~~(54) “Mitigation” Avoiding, minimizing or compensating for adverse critical
20 | areas impacts. Mitigation, in the following order of preference and may
21 | include a combination of these measures:

- 22 | (a) Avoiding the impact altogether by not taking a certain action or parts of an
23 | action;
- 24 | (b) Minimizing impacts by limiting the degree or magnitude of the action and
25 | its implementation, by using appropriate technology, or by taking
26 | affirmative steps, such as project redesign, relocation, or timing, to avoid
27 | or reduce impacts;
- 28 | (c) Rectifying the impact to wetlands, critical aquifer recharge areas, and
29 | habitat conservation areas by repairing, rehabilitating or restoring the
30 | affected environment to the conditions existing at the time of the initiation
31 | of the project;
- 32 | (d) Minimizing or eliminating the hazard by restoring or stabilizing the hazard
33 | area through engineered or other methods;
- 34 | (e) Reducing or eliminating the impact or hazard over time by preservation
35 | and maintenance operations during the life of the action;
- 36 | (f) Compensating for the impact to wetlands, critical aquifer recharge areas,
37 | and habitat conservation areas by replacing, enhancing, or providing
38 | substitute resources or environments; and

(g) Monitoring the hazard or other required mitigation and taking remedial action when necessary.

~~(57)~~(55) “Monitoring” Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

~~(58)~~(56) “Native Vegetation” Plant species that are indigenous to the area in question; or in the case where a site has been cleared, species of a size and type that were on the site or reasonably could have been expected to have been found on the site at the time it was cleared.

~~(59)~~(57) “Non-conforming Activity or Use” A use or structure which was lawfully established or constructed prior to the effective date of this ~~ordinance~~chapter or amendments thereto, but which does not conform to present regulations or standards contained in this ~~ordinance~~chapter.

~~(60)~~(58) “Off-site Compensation” To replace critical areas away from the site on which a critical area has been impacted.

~~(61)~~(59) “On-site Compensation” To replace critical areas at or adjacent to the site on which a critical areas has been impacted.

~~(62)~~(60) “Ordinary High Water Mark (OHWM)” That mark which is found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, that the soil has a character distinct from that of the abutting upland in respect to vegetation.

~~(63)~~(61) “Owner” Any person or entity including a cooperative or a public housing authority (PHA) having the legal rights to sell, lease, or sublease any form of real property.

~~(64)~~(62) “Person” A natural person, his/her heirs, executors, administrators or assignees, or a firm, partnership, or corporation and its or their successors and assignees, or a governmental agency.

~~(65)~~(63) “Person Aggrieved” A corporation, company, association, firm, partnership or joint stock Company, as well as an individual, state, and all political subdivisions of a state or any agency or instrumentality thereof, not in agreement with a decision made by the Department ~~or Hearing Body~~.

~~(66)~~(64) “Pollutants” A contamination that adversely alters the physical, chemical or biological properties of the environment.

- 1 ~~(67)~~(65) “Potable Water” Water that is safe and palatable for human use.
- 2 ~~(68)~~(66) “Practical Alternative” An alternative that is available and capable of
3 being carried out after taking into consideration, cost, existing technology,
4 and logistics in light of overall project purposes, and having less impacts to
5 critical areas.
- 6 ~~(69)~~(67) “Priority Habitat” Habitat type or elements with unique or significant
7 value to one or more species as classified by the Department of Fish and
8 Wildlife. A priority habitat may consist of a unique vegetation type or
9 dominant plant species, a described successional stage, or a specific
10 structural element (WAC 173-26-020(34)).
- 11 ~~(70)~~(68) “Project” See “Development”.
- 12 ~~(71)~~(69) “Project Area” The land area proposed to be disturbed, altered, or used by
13 an activity or the construction of any proposed structures including all areas
14 within fifty (50) feet of the proposed activity or construction.
- 15 ~~(72)~~(70) “Qualified Professional” A person with experience and training in the
16 applicable critical area. A qualified professional must have obtained a B.S.
17 or B.A. or equivalent degree in biology, engineering, environmental studies,
18 fisheries, geomorphology or related field, and two years of related work
19 experience.
- 20 (a) A qualified professional for habitats or wetlands must have a degree in
21 biology and professional experience related to the subject species. A
22 qualified professional for wetlands must be a professional wetland
23 scientist with at least two years of full-time work experience as a wetlands
24 professional, including delineating wetlands using the federal manual and
25 supplements, preparing wetlands reports, conduction function
26 assessments, and developing and implementing mitigation plans.
- 27 (b) A qualified professional for a geological hazard must be a professional
28 engineer or geologist, licensed in the state of Washington.
- 29 (c) A qualified professional for critical aquifer recharge areas means someone
30 who is a currently licensed Washington State geologist holding a current
31 specialty license in hydrogeology a hydrogeologist, geologist, engineer, or
32 other scientist with experience in preparing hydrogeologic assessments.
- 33 ~~(73)~~— ~~“Recharge” The process involved in the absorption and addition of water to~~
34 ~~ground water.~~
- 35 ~~(74)~~(71) “Regulated Activity” Any activity which is directly undertaken or
36 originates in a critical area or associated buffer area.

1 | ~~(75)~~(72) “Repair or Maintenance” An activity that restores the character, scope,
2 size, and design of a serviceable area, structure, or land use to its previously
3 authorized and undamaged condition. Activities that change the character,
4 size, or scope of a project beyond the original design and drain, dredge, fill,
5 flood, or otherwise alter critical areas are not included in this definition.

6 | ~~(76)~~(73) “Restoration” Measures taken to restore an altered or damaged natural
7 feature including:

- 8 (a) Active steps taken to restore damaged wetlands, streams, protected habitat,
9 or their buffers to the functioning condition that existed prior to an
10 unauthorized alteration; and
- 11 (b) Actions performed to reestablish structural and functional characteristics
12 of the critical area that have been lost by alteration, past management
13 activities, or catastrophic events.

14 | ~~(77)~~(74) “Riparian Area” or “Riparian Habitat” An area located adjacent to
15 flowing water that contain elements of both aquatic and terrestrial
16 ecosystems that mutually influence each other. The width of these areas
17 extends to that portion of the terrestrial landscape that directly influences the
18 aquatic ecosystem by providing shade, fine or large woody material,
19 nutrients, organic and inorganic debris, terrestrial insects, or habitat for
20 riparian-associated wildlife. Widths shall be measured from the ordinary
21 high water mark or from the top of bank if the ordinary high water mark
22 cannot be identified. It includes the entire extent of the flood plain and the
23 extent of vegetation adapted to wet conditions as well as adjacent upland
24 plant communities that directly influence the stream system. Riparian habitat
25 areas include those riparian areas severely altered or damaged due to human
26 development activities.

27 | ~~(78)~~(75) “Scientific Process” A valid scientific process is one that produces
28 reliable information useful in understanding the consequences of a decision.
29 The characteristics of a valid scientific process are as follows:

- 30 (a) Peer review: The information has been critically reviewed by other
31 qualified scientific experts in that scientific discipline.
- 32 (b) Methods: The methods that were used are standardized in the pertinent
33 scientific discipline or the methods have been appropriately peer-reviewed
34 to assure their reliability and validity.
- 35 (c) Logical conclusions and reasonable inferences: The conclusions presented
36 are based on reasonable assumptions supported by other studies and are
37 logically and reasonably derived from the assumptions and supported by
38 the data presented.

1 (d) Quantitative analysis: The data have been analyzed using appropriate
2 statistical or quantitative methods.

3 (e) Context: The assumptions, analytical techniques, data, and conclusions
4 are appropriately framed with respect to the prevailing body of pertinent
5 scientific knowledge.

6 (f) References: The assumptions, techniques, and conclusions are well
7 referenced with citations to pertinent existing information.

8 ~~(79)(76)~~ “Section 404 Permit” A permit issued by the Corps of Engineers for the
9 placement of dredge or fill material or clearing in waters of the U.S.,
10 including wetlands, in accordance with 33 USC § 1344. Section 404 permits
11 may also require a consultation under Section 7 of the Federal Endangered
12 Species Act for endangered species consultation. (note: check the
13 appropriate reference for this).

14 ~~(80)(77)~~ “Seeps” A spot where water oozes from the earth, often forming the
15 source of a small stream.

16 ~~(81)(78)~~ “Serviceable” Presently usable.

17 ~~(82)(79)~~ “SEPA” Washington State Environmental Policy Act, Chapter 43.21C
18 RCW, as promulgated through rules adopted in Chapter 197-11 WAC.

19 ~~(83)(80)~~ “Site” Any lot or parcel of land or contiguous combination thereof, where
20 activities are proposed, performed, or permitted.

21 ~~(84)(81)~~ “Soil Survey” The most recent soil survey for the local area or county by
22 the National Resources Conservation Service, U.S. Department of
23 Agriculture.

24 ~~(85)(82)~~ “Special Protection Areas” Aquifer recharge areas ~~defined by~~ described in
25 WAC 173-200-090 that require special consideration or increased protection
26 because of unique characteristics, including, but not limited to:

27 (a) Ground waters that support an ecological system requiring more stringent
28 criteria than drinking water standards;

29 (b) Ground water recharge areas and wellhead protection areas, that are
30 vulnerable to pollution because of hydrogeologic characteristics; and

31 (c) Sole source aquifer status.

32 ~~(86)(83)~~ “Sole Source Aquifer” See “aquifer, sole source.”

33 ~~(87)(84)~~ “Species” Any group of plants, aquatic life, and animals classified as a
34 species or subspecies as commonly accepted by the scientific community.

1 | ~~(88)~~(85) “Species, Endangered” Any fish, wildlife or plant species that is
2 | threatened with extinction throughout all or a significant portion of its range
3 | and is listed by the state or federal government as an endangered species.

4 | ~~(89)~~(86) “Species of Local Importance” Those species that are of local concern
5 | due to their population status or their sensitivity to habitat manipulation or
6 | that are game species.

7 | ~~(90)~~(87) “Species, Priority” Any fish or wildlife species requiring protective
8 | measures and/or management guidelines to ensure their persistence as
9 | genetically viable population levels as classified by the Department of Fish
10 | and Wildlife, including endangered, threatened, sensitive, candidate and
11 | monitor species, and those of recreational, commercial, or tribal importance.

12 | ~~(91)~~(88) “Species, Threatened” Any fish or wildlife species that is likely to
13 | become an endangered species within the foreseeable future throughout a
14 | significant portion of its range without cooperative management or removal
15 | of threats, and is listed by the state or federal government as a threatened
16 | species.

17 | ~~(92)~~(89) “Stream” Water contained within a channel, either perennial or
18 | intermittent, and classified according to WAC 222-16-030 and as listed under
19 | water typing system. Streams also include natural watercourses modified by
20 | man. Streams do not include irrigation ditches, waste ways, drains, outfalls,
21 | operational spillways, channels, storm water runoff facilities or other wholly
22 | artificial watercourses, except those that directly result from the modification
23 | to a natural watercourse.

24 | ~~(93)~~(90) “Structure” means a permanent or temporary edifice or building, or any
25 | piece of work artificially built or composed of parts joined together in some
26 | definite manner, whether installed on, above, or below the surface of the
27 | ground or water.

28 | ~~(94)~~(91) “Subject Property” The site where construction or an activity requiring a
29 | permit or approval under this ~~ordinance~~chapter will occur.

30 | ~~(95)~~(92) “Thinning” means the evenly spaced non-commercial removal of up to
31 | 40% of trees and woody shrubs.

32 | ~~(96)~~(93) “Unavoidable” means adverse impacts that remain after all appropriate
33 | and practicable avoidance and minimization have been achieved.

34 | ~~(97)~~(94) “Vegetation” means plant life growing below, at, and above the soil
35 | surface.

36 | ~~(98)~~(95) “Vulnerability” The combined effect of susceptibility to contamination
37 | and the presence of potential contaminants.

1 ~~(99)~~(96) “Water Table” That surface in an unconfined aquifer at which the
2 pressure is atmospheric. It is defined by the levels at which water stands in
3 wells that penetrate the aquifer just far enough to hold standing water.

4 ~~(100)~~(97) “Water quality” means the physical characteristics of water within
5 shoreline jurisdiction, including water quantity and hydrological, physical,
6 chemical, aesthetic, recreation-related, and biological characteristics. ~~Where~~
7 ~~used in this SMP, the term water quantity refers only to development and~~
8 ~~uses regulated under this SMP and affecting water quantity such as~~
9 ~~impermeable surfaces and stormwater handling practices. Water quantity,~~
10 ~~for purposes of this SMP, does not mean the withdrawal of groundwater or~~
11 ~~diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.~~

12 ~~(101)~~(98) “Well” A bored, drilled or driven shaft, or a dug hole whose depth is
13 greater than the largest surface dimension for the purpose of withdrawing or
14 injecting water or other liquids.

15 ~~(102)~~— “Wellhead Protection Area (WHPA)” ~~The portion of a zone of contribution~~
16 ~~for a well, wellfield or spring, as defined using criteria established by the~~
17 ~~state Department of Ecology.~~

18 ~~(103)~~(99) “Wetland” or “Wetlands” Those areas that are inundated or saturated by
19 surface or ground water at a frequency and duration sufficient to support, and
20 that under normal circumstances do support, a prevalence of vegetation
21 adapted for life in saturated soil conditions. Wetlands generally include
22 swamps, marshes, bogs and similar areas. Wetlands do not include those
23 artificial wetlands intentionally created from non-wetland sites, including,
24 but not limited to, irrigation and drainage ditches, grass-lined swales, canals,
25 detention facilities, wastewater treatment facilities, farm ponds, and
26 landscape amenities, or those wetlands created after July 1, 1990, that were
27 unintentionally created as a result of the construction of a road, street, or
28 highway. Wetlands may include those artificial wetlands intentionally
29 created from non-wetland areas to mitigate the conversion of wetlands. For
30 identifying and delineating a regulated wetland, local government shall use
31 the Washington State Wetland Identification and Delineation Manual.

32 ~~(104)~~(100) “Wetland Buffer” or “Wetland Buffer Area” An area that
33 surrounds and protects a wetland from adverse impacts to the functions and
34 values of a wetland. The wetland buffer shall be determined according to the
35 rating assigned to the wetland. The wetland buffer width is measured
36 outward from the wetland boundary.

37 ~~(105)~~(101) “Zoning” The demarcation of an area by ~~ordinance~~chapter (text
38 and map) into zones and the establishment of development regulations to
39 govern the uses within those zones (commercial, industrial and residential)
40 and the location, bulk, height, shape, and coverage of structures in each zone.

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~~(106) “Zone of Contribution” Land area surrounding a well or spring that encompasses all areas or features that supply ground water recharge to the well or spring.~~