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63

64 **PURPOSE AND GENERAL PROVISIONS**

65

66 **Section 9.05.010 – Repeal**

67 The current Whitman County Codes Chapter 9.10 – Wetlands, Chapter 9.20 – Fish and
68 Wildlife Habitat Conservation Areas, Chapter 9.40 –Critical Aquifer Recharge Area
69 Designation and Prevention, and Chapter 19.50 – Flood Management Overlay District
70 are hereby repealed in their entirety and are replaced with this Chapter. Repeal of
71 Chapters 9.10, 9.20, 9.40 and 19.50 does not affect any existing permits, land use
72 applications or requirements, or existing enforcement actions.

73

74 **Section 9.05.020 – Authority and Title**

- 75 A. As provided herein, the County Planner is given the authority to interpret and apply,
76 and the responsibility to enforce this Chapter to accomplish the stated purpose.
- 77
- 78 B. The County may withhold, condition, or deny development permits or activity
79 approvals to ensure that the proposed action is consistent with this Chapter.
- 80
- 81 C. This Chapter is known as the Whitman County Critical Areas Ordinance.

82

83 **Section 9.05.030 – Purpose**

- 84 A. The purpose of this Chapter is to designate and classify ecologically sensitive and
85 hazardous areas and to protect these areas and their functions and values, while
86 also allowing for reasonable use of private property.
- 87
- 88 B. This Chapter is to implement the goals, policies, guidelines, and requirements of the
89 Whitman County Comprehensive Plan and the Growth Management Act.
- 90
- 91 C. The County finds that critical areas provide a variety of valuable and beneficial
92 biological and physical functions that benefit the County and its residents, and/or

93 may pose a threat to human safety or to public and private property. The beneficial
94 functions and values provided by critical areas include, but are not limited to, water
95 quality protection and enhancement, fish and wildlife habitat, food chain support,
96 flood storage, conveyance and attenuation of flood waters, ground water recharge
97 and discharge, erosion control, protection from hazards, historical, archaeological,
98 and aesthetic value protection, and recreation.

99
100 **D. Goals.** By limiting development and alteration of critical areas, this Chapter seeks
101 to:

- 102
103 1. Protect members of the public and public resources and facilities from injury,
104 loss of life, or property damage due to landslides and steep slope failures,
105 erosion, seismic events, effects from volcanic eruptions, or flooding;
- 106
107 2. Maintain healthy, functioning ecosystems through the protection of unique,
108 fragile, and valuable elements of the environment, including ground and
109 surface waters, wetlands, fish and wildlife and their habitats, and to conserve
110 the biodiversity of plant and animal species;
- 111
112 3. Direct activities not dependent on critical areas resources to less ecologically
113 sensitive sites and mitigate unavoidable impacts to critical areas by regulating
114 alterations in and adjacent to critical areas; and
- 115
116 4. Prevent cumulative adverse environmental impacts to water quality, wetlands,
117 fish and wildlife habitat, and the overall net loss of wetlands, frequently
118 flooded areas, and habitat conservation areas.

119
120
121 **E.** The regulations of this Chapter are intended to protect critical areas in accordance
122 with the Growth Management Act and through the application of the best available
123 science, as determined according to WAC 365-195-900 through 365-195-925, and in
124 consultation with state and federal agencies and other qualified professionals.

125
126 **F.** This Chapter is to be administered with flexibility and attention to site-specific
127 characteristics. It is not the intent of this Chapter to make a parcel of property
128 unusable by denying its owner reasonable economic use of the property or to
129 prevent the provision of public facilities and services necessary to support existing
130 development and planned for by the community without decreasing current service
131 levels below minimum standards.

132
133 **G.** The County's enactment or enforcement of this Chapter shall not be construed for
134 the benefit of any individual person or group of persons other than the general
135 public.

139 **Section 9.05.040 – Relationship to Other Regulations**

- 140 A. These critical areas regulations shall apply as an overlay and in addition to zoning
141 and other regulations adopted by the County.
142
- 143 B. Any individual critical area adjoined by another type of critical area shall have the
144 buffer and meet the requirements that provide the most protection to the critical
145 areas involved. When any provision of this Chapter or any existing regulation,
146 easement, covenant, or deed restriction conflicts with this Chapter, that which
147 provides more protection to the critical areas shall apply.
148
- 149 C. Compliance with the provisions of this Chapter does not constitute compliance with
150 other federal, state, and local regulations and permit requirements that may be
151 required (for example, Shoreline Substantial Development permits, Floodplain
152 Development permits, Hydraulic Permit Act (HPA) permits, Section 106 of the
153 National Historic Preservation Act, U.S. Army Corps of Engineers Section 404
154 permits, State Section 401 Water Quality Certifications or Administrative Orders, and
155 National Pollution Discharge Elimination System permits). The applicant is
156 responsible for complying with these requirements, apart from the process
157 established in this Chapter.
158
- 159 D. Whitman County has opted in to the Voluntary Stewardship Program (VSP) pursuant
160 to RCW 36.70A.700-760. Agricultural activities in and around critical areas will be
161 addressed through the county’s implementation of the VSP. However, compliance
162 with the VSP does not constitute compliance with other federal, state, and local
163 regulations and permit requirements as described in 9.05.040 (C).
164

165 **Section 9.05.050 – Severability**

166 If any clause, sentence, paragraph, section, or part of this Chapter or the application
167 thereof to any person or circumstances shall be judged by any court of competent
168 jurisdiction to be invalid, such order or judgment shall be confined in its operation to the
169 controversy in which it was rendered. The decision shall not affect or invalidate the
170 remainder of any part thereof and to this end the provisions of each clause, sentence,
171 paragraph, section, or part of this law are hereby declared to be severable.
172

173 **Section 9.05.060 - Jurisdiction of Critical Areas**

- 174 A. The County shall regulate all uses, activities, and developments within, adjacent to,
175 or likely to affect, one or more critical areas, consistent with the best available
176 science and the provisions herein.
177
- 178 B. Critical areas regulated by this Chapter include:
179
- 180 1. Wetlands as designated in Wetlands, Chapter 9.05A;
 - 181
 - 182 2. Fish and wildlife habitat conservation areas as designated in Fish and Wildlife
183 Habitat Conservation Areas, Chapter 9.05B;
 - 184

- 185 3. Critical aquifer recharge areas as designated in Critical Aquifer Recharge
186 Areas, Chapter 9.05C;
187
188 4. Geologically hazardous areas as designated in Geologically Hazardous
189 Areas, Chapter 9.05D; and
190
191 5. Frequently flooded areas as designated in Frequently Flooded Areas, Chapter
192 9.05E.
193
194 C. All areas within the County meeting the definition of one or more critical areas,
195 regardless of any formal identification, are hereby designated critical areas and are
196 subject to the provisions of this Chapter.
197

198 **Section 9.05.070 - Protection of Critical Areas**

199 Any action taken pursuant to this Chapter shall result in equivalent or greater functions
200 and values of the critical areas associated with the proposed action, as determined by
201 the best available science. All actions and developments shall be designed and
202 constructed in accordance with Mitigation Sequencing, Section 9.05.190 to avoid,
203 minimize, and restore all adverse impacts. Applicants must first demonstrate an
204 inability to avoid or reduce impacts, before restoration and compensation of impacts will
205 be allowed. No activity or use shall be allowed that results in a net loss of the functions
206 or values of critical areas.
207

208 **BEST AVAILABLE SCIENCE**

209
210 **Section 9.05.080 – Best Available Science**

- 211 A. **Protect Functions and Values of Critical Areas With Special Consideration to**
212 **Anadromous Fish.** Critical area reports and decisions to alter critical areas shall
213 rely on the best available science to protect the functions and values of critical areas
214 and must give special consideration to conservation or protection measures
215 necessary to preserve or enhance anadromous fish, such as salmon and bull trout,
216 and their habitat.
217
218 B. **Best Available Science to be Consistent with Criteria.** The best available science
219 is that scientific information applicable to the critical area prepared by local, state, or
220 federal natural resource agencies, a qualified scientific professional, or team of
221 qualified scientific professionals that is consistent with criteria established in WAC
222 365-195-900 through WAC 365-195-925.
223
224 C. **Characteristics of a Valid Scientific Process.** In the context of critical areas
225 protection, a valid scientific process is one that produces reliable information useful
226 in understanding the consequences of a local government’s regulatory decisions,
227 and in developing critical areas policies and development regulations that will be
228 effective in protecting the functions and values of critical areas. To determine
229 whether information received during the permit review process is reliable scientific
230 information, the County Planner shall determine whether the source of the

231 information displays the characteristics of a valid scientific process. Such
232 characteristics are as follows:

- 233
234 1. **Peer Review.** The information has been critically reviewed by other persons
235 who are qualified scientific experts in that scientific discipline. The
236 proponents of the information have addressed the criticism of the peer
237 reviewers. Publication in a refereed scientific journal usually indicates that
238 the information has been appropriately peer-reviewed;
- 239
240 2. **Methods.** The methods used to obtain the information are clearly stated and
241 reproducible. The methods are standardized in the pertinent scientific
242 discipline or, if not, the methods have been appropriately peer-reviewed to
243 ensure their reliability and validity;
- 244
245 3. **Logical Conclusions and Reasonable Inferences.** The conclusions
246 presented are based on reasonable assumptions supported by other studies
247 and consistent with the general theory underlying the assumptions. The
248 conclusions are logically and reasonably derived from the assumptions and
249 supported by the data presented. Any gaps in information and
250 inconsistencies with other pertinent scientific information are adequately
251 explained;
- 252
253 4. **Quantitative Analysis.** The data have been analyzed using appropriate
254 statistical or quantitative methods;
- 255
256 5. **Context.** The information is placed in proper context. The assumptions,
257 analytical techniques, data, and conclusions are appropriately framed with
258 respect to the prevailing body of pertinent scientific knowledge; and
- 259
260 6. **References.** The assumptions, analytical techniques, and conclusions are
261 well referenced with citations to relevant, credible literature and other
262 pertinent existing information.

263
264 E. **Absence of Valid Scientific Information.** Where there is an absence of valid
265 scientific information or incomplete scientific information relating to a critical area
266 leading to uncertainty about the risk to critical area function of permitting an
267 alteration of or impact to the critical area, the County Planner shall take a
268 “precautionary or a no-risk approach,” that strictly limits development and land use
269 activities until the uncertainty is sufficiently resolved.

270 271 **APPLICABILITY, EXEMPTIONS, AND EXCEPTIONS**

272 273 **Section 9.05.090 – Applicability**

274 A. The provisions of this Chapter shall apply to all lands, all land uses and development
275 activity, and all structures and facilities in the County, whether or not a permit or
276 authorization is required, and shall apply to every person, firm, partnership,

277 corporation, group, governmental agency, or other entity that owns, leases, or
278 administers land within the County. No person, company, agency, or applicant shall
279 alter a critical area or buffer except as consistent with the purposes and
280 requirements of this Chapter.

281
282 B. The County shall not approve any permit or otherwise issue any authorization to
283 alter the condition of any land, water, or vegetation, or to construct or alter any
284 structure or improvement in, over, or on a critical area or associated buffer, without
285 first ensuring compliance with the requirements of this Chapter, including, but not
286 limited to, the following: building permit, clearing and grading permit, forest practices
287 permit, conditional use permit, shoreline conditional use permit, shoreline substantial
288 development permit, shoreline exemption, shoreline variance, short subdivision,
289 subdivision, planned unit development, binding site plan, zoning variance, zoning
290 code amendment, or any other adopted permit or required approval not expressly
291 exempted by this Chapter.

292
293 C. Approval of a permit or development proposal pursuant to the provisions of this
294 Chapter does not discharge the obligation of the applicant to comply with the
295 provisions of this Chapter.

296
297 **Section 9.05.100 – Exemptions**

298 A. **Exemption Request and Review Process.** The proponent of the activity may
299 submit a written request for exemption to the County Planner that describes the
300 activity and states the exemption listed in this Section that applies. The County
301 Planner shall review the exemption request to verify that it complies with this
302 Chapter and approve or deny the exemption. If the exemption is approved, it shall be
303 placed on file with the Planning Department. If the exemption is denied, the
304 proponent may continue in the review process and shall be subject to the
305 requirements of this Chapter.

306
307 B. **Exempt Activities and Impacts to Critical Areas.** All exempted activities shall use
308 reasonable methods to avoid potential impacts to critical areas. To be exempt from
309 this Chapter does not give permission to degrade a critical area or ignore risk from
310 natural hazards. Any incidental damage to, or alteration of, a critical area that is not
311 a necessary outcome of the exempted activity shall be restored, rehabilitated, or
312 replaced at the responsible party's expense.

313
314 C. **Exempt Activities.** The following developments, activities, and associated uses
315 shall be exempt from the provisions of this Chapter, provided that they are otherwise
316 consistent with the provisions of other local, state, and federal laws and
317 requirements:

318
319 1. **Emergencies.** Those activities necessary to prevent an immediate threat to
320 public health, safety, or welfare, or that pose an immediate risk of damage to
321 private property and that require remedial or preventative action in a

322 timeframe too short to allow for compliance with the requirements of this
323 Chapter.

324
325 Emergency actions that create an impact to a critical area or its buffer shall
326 use reasonable methods to address the emergency; in addition, they must
327 have the least possible impact to the critical area or its buffer. The person or
328 agency undertaking such action shall notify the County within one (1) working
329 day following commencement of the emergency activity. Within thirty (30)
330 days, the County Planner shall determine if the action taken was within the
331 scope of the emergency actions allowed in this Subsection. If the County
332 Planner determines that the action taken, or any part of the action taken, was
333 beyond the scope of an allowed emergency action, then enforcement
334 provisions of Unauthorized Alterations and Enforcement (Section 9.05.290)
335 shall apply.

336
337 After the emergency, the person or agency undertaking the action shall fully
338 fund and conduct necessary restoration and/or mitigation for any impacts to
339 the critical area and buffers resulting from the emergency action in
340 accordance with an approved critical area report and mitigation plan. The
341 person or agency undertaking the action shall apply for review, and the
342 alteration, critical area report, and mitigation plan shall be reviewed by the
343 County in accordance with the review procedures contained herein.
344 Restoration and/or mitigation activities must be initiated within one (1) year of
345 the date of the emergency, and completed in a timely manner.

346
347 2. **Operation, Maintenance, or Repair.** Operation, maintenance, or repair of
348 existing structures, infrastructure improvements, utilities, public or private
349 roads, dikes, levees, or drainage systems, that do not require construction
350 permits, if the activity does not further alter or increase the impact to, or
351 encroach further within, the critical area or buffer and there is no increased
352 risk to life or property as a result of the proposed operation, maintenance, or
353 repair. Operation and maintenance includes vegetation management
354 performed in accordance with best management practices that is part of
355 ongoing maintenance of structures, infrastructure, or utilities, provided that
356 such management actions are part of regular and ongoing maintenance, do
357 not expand further into the critical area, are not the result of an expansion of
358 the structure or utility, and do not directly impact an endangered or threatened
359 species.

360
361 3. **Passive Outdoor Activities.** Recreation, education, and scientific research
362 activities that do not degrade the critical area, including fishing, hiking, and
363 bird watching. Trails must be constructed pursuant to Public and Private
364 Pedestrian Trails [Section 9.05.130(C)(5)]; and

365
366 4. **Forest Practices.** Forest practices regulated and conducted in accordance
367 with the provisions of Chapter 76.09 RCW and forest practices regulations,

368 Title 222 WAC, and those that are exempt from the County's jurisdiction,
369 provided that forest practice conversions are not exempt.

370
371 5. **All Existing and Ongoing Agricultural Activities.** Existing and ongoing
372 agricultural activities as defined in RCW 84.34.020(2) and Section 9.05.300 –
373 Definitions (Existing and Ongoing Agricultural Activities) are exempt from this
374 Chapter. If agricultural activities cease then that land would be subject to this
375 ordinance.

376
377 **Section 9.05.110 – Public Agency and Utility Exception**

378 A. If the application of this Chapter would prohibit a development proposal by a public
379 agency or public utility, the agency or utility may apply for an exception pursuant to
380 this Section.

381
382 B. **Exception Request and Review Process.** An application for a public agency and
383 utility exception shall be made to the County and shall include a critical area
384 identification form; critical area report, including mitigation plan, if necessary; and
385 any other related project documents, such as permit applications to other agencies,
386 special studies, and environmental documents prepared pursuant to the State
387 Environmental Policy Act (Chapter 43.21C RCW). The County Planner shall
388 prepare a recommendation to the Board of Adjustment or Hearing Examiner based
389 on review of the submitted information, a site inspection, and the proposal's ability to
390 comply with public agency and utility exception review criteria in Subsection (D).

391
392 C. **Hearing Body/Examiner Review.** The Board of Adjustment or Hearing Examiner
393 shall review the application and the County Planner's recommendation, and conduct
394 a public hearing pursuant to the provisions of the applicable County code. The
395 Board of Adjustment or Hearing Examiner shall approve, approve with conditions, or
396 deny the request based on the proposal's ability to comply with all of the public
397 agency and utility exception criteria in Subsection (D).

398
399 D. **Public Agency and Utility Review Criteria.** The criteria for review and approval of
400 public agency and utility exceptions follow:

- 401
- 402 1. There is no other practical alternative to the proposed development with less
403 impact on the critical areas;
 - 404
 - 405 2. The application of this Chapter would unreasonably restrict the ability to
406 provide utility services to the public;
 - 407
 - 408 3. The proposal does not pose an unreasonable threat to the public health,
409 safety, or welfare on or off the development proposal site;
 - 410
 - 411 4. The proposal attempts to protect and mitigate impacts to the critical area
412 functions and values consistent with the best available science; and
 - 413

414 5. The proposal is consistent with other applicable regulations and standards.
415

416 E. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth
417 evidence in support of the application and to provide sufficient information on which
418 any decision has to be made on the application.
419

420 **Section 9.05.120 - Reasonable Use Exception**

421 A. If the application of this Chapter would deny all reasonable economic use of the
422 subject property, the County shall determine if compensation is an appropriate
423 action, or the property owner may apply for an exception pursuant to this Section.
424

425 B. **Exception Request and Review Process.** An application for a reasonable use
426 exception shall be made to the County and shall include a critical area identification
427 form; critical area report, including mitigation plan, if necessary; and any other
428 related project documents, such as permit applications to other agencies, special
429 studies, and environmental documents prepared pursuant to the State
430 Environmental Policy Act (Chapter 43.21C RCW) (SEPA documents). The County
431 Planner shall prepare a recommendation to the Board of Adjustment or Hearing
432 Examiner based on review of the submitted information, a site inspection, and the
433 proposal's ability to comply with reasonable use exception criteria in Subsection (D).
434

435 C. **Hearing Body/Examiner Review.** The Board of Adjustment or Hearing Examiner
436 shall review the application and conduct a public hearing pursuant to the provisions
437 of the applicable County code. The Board of Adjustment or Hearing Examiner shall
438 approve, approve with conditions, or deny the request based on the proposal's
439 ability to comply with all of the reasonable use exception review criteria in
440 Subsection (D).
441

442 D. **Reasonable Use Review Criteria.** Criteria for review and approval of reasonable
443 use exceptions follow, one or more may apply:
444

- 445 1. The application of this Chapter would deny all reasonable economic use of
446 the property;
- 447
- 448 2. No other reasonable economic use of the property has less impact on the
449 critical area;
- 450
- 451 3. The proposed impact to the critical area is the minimum necessary to allow for
452 reasonable economic use of the property;
- 453
- 454 4. The inability of the applicant to derive reasonable economic use of the
455 property is not the result of actions by the applicant after the effective date of
456 this Chapter, or its predecessor;
- 457
- 458 5. The proposal does not pose an unreasonable threat to the public health,
459 safety, or welfare on or off the development proposal site;

- 460 6. The proposal will result in no net loss of critical area functions and values
- 461 consistent with the best available science; or
- 462
- 463 7. The proposal is consistent with other applicable regulations and standards.
- 464

465 E. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth

466 evidence in support of the application and to provide sufficient information on which

467 any decision has to be made on the application.

468

469 **ALLOWED ACTIVITIES**

470

471 **Section 9.05.130 - Allowed Activities**

472 A. **Critical Area Report.** Activities allowed under this Chapter shall have been

473 reviewed and permitted or approved by the County or other agency with jurisdiction,

474 but do not require submittal of a separate critical area identification form or critical

475 area report, unless such submittal was required previously for the underlying permit.

476 The County Planner may apply conditions to the underlying permit or approval to

477 ensure that the allowed activity is consistent with the provisions of this Chapter to

478 protect critical areas.

479

480 B. **Required Use of Best Management Practices.** All allowed activities shall be

481 conducted using best management practices that result in the least amount of

482 impact to the critical areas. Best management practices shall be used for tree and

483 vegetation protection, construction management, erosion and sedimentation control,

484 water quality protection, and regulation of chemical applications. The County shall

485 observe the use of best management practices to ensure that the activity does not

486 result in degradation to the critical area. Any incidental damage to, or alteration of a

487 critical area shall be restored, rehabilitated, or replaced at the responsible party's

488 expense.

489

490 C. **Allowed Activities.** The following activities are allowed:

491

492 1. **Permit Requests Subsequent to Previous Critical Area Review.**

493 Development permits and approvals that involve both discretionary land use

494 approvals (such as subdivisions, rezones, or conditional use permits), and

495 construction approvals (such as building permits) if all of the following

496 conditions have been met:

497

- 498 a. The provisions of this Chapter have been previously addressed as part
- 499 of another approval;
- 500
- 501 b. There have been no material changes in the potential impact to the
- 502 critical area or buffer since the prior review;
- 503
- 504 c. There is no new information available that is applicable to any critical
- 505 area review of the site or particular critical area;

- 506 d. The permit or approval has not expired or, if no expiration date, no
507 more than five years has elapsed since the issuance of that permit or
508 approval; and
- 509
- 510 e. Compliance with any standards or conditions placed upon the prior
511 permit or approval has been achieved or secured.
- 512
- 513 2. **Modification to Existing Structures.** Structural modification of, addition to,
514 or replacement of an existing legally constructed structure that does not
515 further alter or increase the impact to the critical area or buffer and there is no
516 increased risk to life or property as a result of the proposed modification or
517 replacement, provided that restoration of structures substantially damaged by
518 fire, flood, or act of nature must be initiated within one (1) year of the date of
519 such damage, as evidenced by the issuance of a valid building permit, and
520 diligently pursued to completion.
- 521
- 522 3. **Activities within the Improved Right-of-Way.** Replacement, modification,
523 installation, or construction of utility facilities, lines, pipes, mains, equipment,
524 or appurtenances, not including substations, when such facilities are located
525 within the improved portion of the public right-of-way or a County authorized
526 private roadway except those activities that alter a wetland or watercourse,
527 such as culverts or bridges, or result in the transport of sediment or increased
528 stormwater; subject to the following:
- 529
- 530 a. Critical area and/or buffer widths shall be increased, where possible,
531 equal to the width of the right-of-way improvement, including disturbed
532 areas; and
- 533
- 534 b. Retention and replanting of native vegetation shall occur wherever
535 possible along the right-of-way improvement and resulting disturbance.
- 536
- 537 4. **Minor Utility Projects.** Utility projects which have minor or short-duration
538 impacts to critical areas, as determined by the County Planner in accordance
539 with the criteria below, and which do not significantly impact the function or
540 values of a critical area(s), provided that such projects are constructed with
541 best management practices and additional restoration measures are
542 provided. Minor activities shall not result in the transport of sediment or
543 increased stormwater. If utilities cross under or go over streams this may
544 require an HPA from the Washington Department of Fish and Wildlife. Such
545 allowed minor utility projects shall meet the following criteria:
- 546
- 547 a. There is no practical alternative to the proposed activity with less
548 impact on critical areas;
- 549
- 550 b. The activity involves the placement of a utility pole, street signs,
551 anchor, or vault or other small component of a utility facility; and

- 552 c. The activity involves disturbance of an area less than 75 square feet.
553
- 554 5. **Public and Private Pedestrian Trails.** Public and private pedestrian trails,
555 except in wetlands, fish and wildlife habitat conservation areas, or their
556 buffers, subject to the following:
557
- 558 a. Critical area and/or buffer widths shall be increased, where possible,
559 equal to the width of the trail corridor, including disturbed areas; and
560
- 561 b. Trails proposed to be located in landslide or erosion hazard areas shall
562 be constructed in a manner that does not increase the risk of landslide
563 or erosion and in accordance with an approved geotechnical report.
564
- 565 6. **Select Vegetation Removal Activities.** The following vegetation removal
566 activities, provided that no vegetation shall be removed from a critical area or
567 its buffer without approval from the County Planner:
568
- 569 a. The removal of the following vegetation with hand labor and light
570 equipment:
571
- 572 i. Invasive and noxious weeds as listed by the Whitman County
573 Weed Department.
574
- 575 b. The removal of trees from critical areas and buffers that are hazardous,
576 posing a threat to public safety, or posing an imminent risk of damage
577 to private property, provided that:
578
- 579 i. The applicant submits a report from a certified arborist,
580 registered landscape architect, or professional forester that
581 documents the hazard and provides a replanting schedule for
582 the replacement trees;
583
- 584 ii. Tree cutting shall be limited to pruning and crown thinning,
585 unless otherwise justified by a qualified professional. Where
586 pruning or crown thinning is not sufficient to address the hazard,
587 trees should be removed or converted to wildlife snags;
588
- 589 iii. All vegetation cut (tree stems, branches, etc.) shall be left within
590 the critical area or buffer unless removal is warranted due to the
591 potential for disease or pest transmittal to other healthy
592 vegetation;
593
- 594 iv. The landowner shall replace any trees that are removed with
595 new trees at a ratio of two replacement trees for each tree
596 removed (2:1) within one (1) year in accordance with an
597 approved restoration plan. Replacement trees may be planted

598 at a different nearby location if it can be determined that planting
599 in the same location would create a new hazard or potentially
600 damage the critical area. Replacement trees shall be species
601 that are native and indigenous to the site and a minimum of one
602 (1) inch in diameter-at-breast height (dbh) for deciduous trees
603 and a minimum of six (6) feet in height for evergreen trees as
604 measured from the top of the root ball;

605
606 v. If a tree to be removed provides critical habitat, such as an
607 eagle perch, a qualified wildlife biologist shall be consulted to
608 determine timing and methods of removal that will minimize
609 impacts; and

610
611 vi. Hazard trees determined to pose an imminent threat or danger
612 to public health or safety, to public or private property, or of
613 serious environmental degradation may be removed or pruned
614 by the landowner prior to receiving written approval from the
615 county provided that within fourteen (14) days following such
616 action, the landowner shall submit a restoration plan that
617 demonstrates compliance with the provisions of this Chapter.

618
619 c. Measures to control a fire or halt the spread of disease or damaging
620 insects consistent with the state Forest Practices Act; Chapter 76.09
621 RCW, provided that the removed vegetation shall be replaced in-kind
622 or with similar native species within one (1) year in accordance with an
623 approved restoration plan; and

624
625 d. Unless otherwise provided, or as a necessary part of an approved
626 alteration, removal of any vegetation or woody debris from a habitat
627 conservation area or wetland shall be prohibited.

628
629 7. **Chemical Applications.** The application of herbicides, pesticides, organic or
630 mineral-derived fertilizers, or other hazardous substances, if necessary, as
631 approved by the County, provided that their use shall be restricted in
632 accordance with state Department of Fish and Wildlife Management
633 Recommendations and the regulations of the state Department of Agriculture
634 and the U.S. Environmental Protection Agency;

635
636 8. **Minor Site Investigative Work.** Work necessary for land use submittals,
637 such as surveys, soil logs, percolation tests, and other related activities,
638 where such activities do not require construction of new roads or significant
639 amounts of excavation. In every case, impacts to the critical area shall be
640 minimized and disturbed areas shall be immediately restored.

641
642 9. **Agricultural Ditch Cleaning and Construction.** Historically, agricultural
643 landowners have cleaned out drainages on their property for flood control and

644 cleaning out drain tiles. This practice can continue on existing (prior to
645 December 23, 1985) ditches, but a floodplain evaluation is required if a
646 floodplain is present and a wetland evaluation is required if a wetland (not
647 farmed) is present. Construction of new drainage ditches or the relocation of
648 existing drainage ditches through farmed or non-farmed wetlands requires
649 permitting.

650

651 **CRITICAL AREA PROJECT REVIEW PROCESS**

652

653 **Section 9.05.140 - General Requirements**

654 A. As part of this review, the County shall:

655

656 1. Verify the information submitted by the applicant;

657

658 2. Evaluate the project area and vicinity for critical areas;

659

660 3. Determine whether the proposed project is likely to impact the functions or
661 values of critical areas; and

662

663 4. Determine if the proposed project adequately addresses the impacts and
664 avoids impacts to the critical area associated with the project.

665

666 B. If the proposed project is within, adjacent to, or is likely to impact a critical area, the
667 County shall:

668

669 1. Require a critical area report from the applicant that has been prepared by a
670 qualified professional;

671

672 2. Review and evaluate the critical area report;

673

674 3. Determine whether the development proposal conforms to the purposes and
675 performance standards of this Chapter, including the criteria in Review
676 Criteria, Section 9.05.220;

677

678 4. Assess the potential impacts to the critical area and determine if they can be
679 avoided or minimized; and

680

681 5. Determine if any mitigation proposed by the applicant is sufficient to protect
682 the functions and values of the critical area and public health, safety, and
683 welfare concerns consistent with the goals, purposes, objectives, and
684 requirements of this Chapter.

685

686 **Section 9.05.150 – Critical Area Pre-application Consultation**

687 Any person preparing to submit an application for development or use of land that may
688 be regulated by the provisions of this Chapter shall conduct a consultation meeting with
689 the County Planner prior to submitting an application for development or other approval.

690 At this meeting, the County Planner shall discuss the requirements of this Chapter;
691 provide critical area maps, scientific information, and other source materials; outline the
692 review process; and work with the activity proponent to identify any potential concerns
693 that might arise during the review process, in addition to discussing other permit
694 procedures and requirements.
695

696 **Section 9.05.160 - Critical Area Identification Form**

697 A. **Submittal.** Prior to the County’s consideration of any proposed activity not found to
698 be exempt under Exemptions [Section 9.05.100] or allowed pursuant to Allowed
699 Activities [Section 9.05.130], the applicant shall submit to the department a complete
700 critical area identification form on forms provided by the County.
701

702 B. **Site Inspection.** Upon receipt of a project application and a critical area
703 identification form, the County Planner shall, if he/she deems necessary, conduct a
704 site inspection to review critical area conditions on site. The County Planner shall
705 notify the property owner of the inspection prior to the site visit. Reasonable access
706 to the site shall be provided by the property owner for the purpose of inspections
707 during any proposal review, restoration, emergency action, or monitoring period.
708

709 C. **Critical Area Identification Form Review Process.** The County Planner, or
710 his/her designee, shall review the critical area identification form, conduct a site
711 inspection if necessary, and review other information available pertaining to the site
712 and the proposal and make a determination as to whether any critical areas may be
713 affected by the proposal and if a more detailed critical area report shall be submitted.
714

715 1. **Decision Indicators.** The County Planner may use the following indicators to
716 assist in determining the need for a critical area report:
717

- 718 a. Indication of a critical area on the County critical areas maps that may
719 be impacted by the proposed activity;
- 720
- 721 b. Information and scientific opinions from appropriate agencies, including
722 but not limited to the departments of Fish and Wildlife, Natural
723 Resources, and Ecology;
- 724
- 725 c. Documentation, from a scientific or other reasonable source, of the
726 possible presence of a critical area; or
727
- 728 d. A finding by a qualified professional or a reasonable belief by the
729 County Planner that a critical area may exist on or adjacent to the site
730 of the proposed activity.
- 731

732 D. **Decision on Identification Form.**
733

734 1. **No Critical Areas Present.** If after a site visit and review of all pertinent data
735 the County Planner’s analysis indicates that the project area is not within or

736 adjacent to a critical area or buffer and that the proposed activity is unlikely to
737 degrade the functions or values of a critical area, then the County Planner
738 shall rule that the critical area review is complete and note on the
739 identification form the reasons that no further review is required. A summary
740 of this information shall be included in any staff report or decision on the
741 underlying permit.

742
743 **2. Critical Areas Present, But No Impact – Waiver.** If the County Planner
744 determines that there are critical areas within or adjacent to the project area,
745 but that the best available science shows that the proposed activity is unlikely
746 to degrade the functions or values of the critical area, the County Planner
747 may waive the requirement for a critical area report. A waiver may be granted
748 if there is substantial evidence that all of the following requirements will be
749 met:

- 750
751 a. There will be no alteration of the critical area or buffer;
- 752
753 b. The development proposal will not impact the critical area in a manner
754 contrary to the purpose, intent, and requirements of this Chapter; and
- 755
756 c. The proposal is consistent with other applicable regulations and
757 standards.

758
759 A summary of this analysis and the findings shall be included in any staff
760 report or decision on the underlying permit.

761
762 **3. Critical Areas May Be Affected by Proposal.** If the County Planner
763 determines that a critical area or areas may be affected by the proposal, then
764 the County Planner shall notify the applicant that a critical area report must be
765 submitted prior to further review of the project, and indicate each of the critical
766 area types that should be addressed in the report.

767
768 **E. County Planner’s Determination Subject to Reconsideration.** A determination
769 regarding the apparent absence of one or more critical areas by the County Planner
770 is not an expert certification regarding the presence of critical areas and the
771 determination is subject to possible reconsideration and reopening if new information
772 is received.

773
774 If the applicant wants greater assurance of the accuracy of the critical area review
775 determination, the applicant may choose to hire a qualified professional to provide
776 such assurances.

777
778
779
780
781

782 **CRITICAL AREA REPORT**

783
784 **Section 9.05.170 - Critical Area Report Requirements**

785 A. **Preparation by Qualified Professional.** If required by the County Planner in
786 accordance with Section 9.05.160(D)(3), the applicant shall submit a critical area report
787 prepared by a qualified professional as defined herein.

788
789 B. **Incorporating of Best Available Science.** The critical area report shall use
790 scientifically valid methods and studies in the analysis of critical area data and field
791 reconnaissance and reference the source of science used. The critical area report
792 shall evaluate the proposal and all probable impacts to critical areas in accordance
793 with the provisions of this Chapter.

794
795 C. **Minimum Report Contents.** At a minimum, the report shall contain the following:

- 796
797 1. The name and contact information of the applicant, a description of the
798 proposal, and identification of the permit requested;
799
800 2. A copy of the site plan for the development proposal including:
801
802 a. A map to scale depicting critical areas, buffers, the development
803 proposal, and any areas to be cleared; and
804
805 b. In the case of commercial or industrial development, a description of
806 the proposed stormwater management plan for the development and
807 consideration of impacts to drainage alterations. No stormwater plan is
808 required for single-family residential construction.
809
810 3. The dates, names, and qualifications of the persons preparing the report and
811 documentation of any fieldwork performed on the site;
812
813 4. Identification and characterization of all critical areas, wetlands, water bodies,
814 and buffers adjacent to the proposed project area;
815
816 5. A statement specifying the accuracy of the report, and all assumptions made
817 and relied upon;
818
819 6. An assessment of the probable cumulative impacts to critical areas resulting
820 from development of the site and the proposed development;
821
822 7. An analysis of site development alternatives including a no development
823 alternative;
824
825 8. A description of reasonable efforts made to apply mitigation sequencing
826 pursuant to Mitigation Sequencing Section 9.05.190 to avoid, minimize, and
827 mitigate impacts to critical areas;

- 828 9. Plans for adequate mitigation, as needed, to offset any impacts, in
829 accordance with Mitigation Plan Requirements Section 9.05.200, including,
830 but not limited to:
831
832 a. The impacts of any proposed development within or adjacent to a
833 critical area or buffer on the critical area; and
834
835 b. The impacts of any proposed alteration of a critical area or buffer on
836 the development proposal, other properties and the environment.
837
838 10. A discussion of the performance standards applicable to the critical area and
839 proposed activity;
840
841 11. Any additional information required for the critical area as specified in the
842 corresponding chapter.
843
844 D. Unless otherwise provided, a critical area report may be supplemented by or
845 composed, in whole or in part, of any reports or studies required by other laws and
846 regulations or previously prepared for and applicable to the development proposal
847 site, as approved by the County Planner.
848

849 **Section 9.05.180 - Critical Area Report – Mitigation Requirements**

- 850 A. The applicant shall avoid all impacts that degrade the functions and values of a
851 critical area or areas. Unless otherwise provided in this Chapter, if alteration to the
852 critical area is unavoidable, all adverse impacts to or from critical areas and buffers
853 resulting from a development proposal or alteration shall be mitigated using the best
854 available science in accordance with an approved critical area report, so as to result
855 in no net loss of critical area functions and values.
856
857 B. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the
858 functions and values of the critical area, and to prevent risk from a hazard posed by
859 a critical area.
860
861 C. Mitigation shall not be implemented until after County approval of a critical area
862 report that includes a mitigation plan, and mitigation shall be in accordance with the
863 provisions of the approved critical area report.
864

865 **Section 9.05.190 - Mitigation Sequencing**

- 866 Applicants shall demonstrate that all reasonable efforts have been examined with the
867 intent to avoid and minimize impacts to critical areas. When an alteration to a critical
868 area is proposed, such alteration shall be avoided, minimized, or compensated for in the
869 following sequential order of preference:
870
871 A. Avoiding the impact altogether by not taking a certain action or parts of an action;
872

- 873 B. Minimizing impacts by limiting the degree or magnitude of the action and its
874 implementation, by using appropriate technology, or by taking affirmative steps, such
875 as project redesign, relocation, or timing, to avoid or reduce impacts;
876
- 877 C. Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded
878 areas, and habitat conservation areas by repairing, rehabilitating, or restoring the
879 affected environment to the historical conditions or the conditions existing at the time
880 of the initiation of the project;
881
- 882 D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area
883 through engineered or other methods;
884
- 885 E. Reducing or eliminating the impact or hazard over time by preservation and
886 maintenance operations during the life of the action;
887
- 888 F. Compensating for the impact to wetlands, critical aquifer recharge areas, frequently
889 flooded areas, and habitat conservation areas by replacing, enhancing, or providing
890 substitute resources or environments; and
891
- 892 G. Monitoring the hazard or other required mitigation and taking remedial action when
893 necessary.
894

895 Mitigation for individual actions may include a combination of the above measures.
896

897 **Section 9.05.200 - Mitigation Plan Requirements**

898 When mitigation is required, the applicant shall submit for approval by the County a
899 mitigation plan as part of the critical area report. The mitigation plan shall include:
900

- 901 A. **Environmental Goals and Objectives.** The mitigation plan shall include a written
902 report identifying environmental goals and objectives of the compensation proposed
903 and including:
904
- 905 1. A description of the anticipated impacts to the critical areas and the mitigating
906 actions proposed and the purposes of the compensation measures, including
907 the site selection criteria; identification of compensation goals; identification of
908 resource functions; and dates for beginning and completion of site
909 compensation construction activities. The goals and objectives shall be
910 related to the functions and values of the impacted critical area;
911
- 912 2. A review of the best available science supporting the proposed mitigation and
913 a description of the report author's experience to date in restoring or creating
914 the type of critical area proposed; and
915
- 916 3. An analysis of the likelihood of success of the compensation project.
917

918 **B. Performance Standards.** The mitigation plan shall include measurable specific
919 criteria for evaluating whether or not the goals and objectives of the mitigation
920 project have been successfully attained and whether or not the requirements of this
921 Chapter have been met.

922
923 **C. Detailed Construction Plans.** The mitigation plan shall include written
924 specifications and descriptions of the mitigation proposed, such as:

- 925
926 1. The proposed construction sequence, timing, and duration;
- 927
928 2. Grading and excavation details;
- 929
930 3. Erosion and sediment control features;
- 931
932 4. A planting plan specifying plant species, quantities, locations, size, spacing,
933 and density; and
- 934
935 5. Measures to protect and maintain plants until established.

936
937 These written specifications shall be accompanied by detailed site diagrams, scaled
938 cross-sectional drawings, topographic maps showing slope percentage and final grade
939 elevations, and any other drawings appropriate to show construction techniques or
940 anticipated final outcome.

941
942 **D. Monitoring Program.** The mitigation plan shall include a program for monitoring
943 construction of the compensation project and for assessing a completed project. A
944 protocol shall be included outlining the schedule for site monitoring (for example,
945 monitoring shall occur in years 1, 3, 5, and 7 after site construction), and how the
946 monitoring data will be evaluated to determine if the performance standards are
947 being met. A monitoring report shall be submitted as needed to document
948 milestones, successes, problems, and contingency actions of the compensation
949 project. The compensation project shall be monitored for a period necessary to
950 establish that performance standards have been met, but not for a period less than
951 five (5) years.

952
953 **E. Contingency Plan.** The mitigation plan shall include identification of potential
954 courses of action, and any corrective measures to be taken if monitoring or
955 evaluation indicates project performance standards are not being met.

956
957 **Section 9.05.210 – Innovative Mitigation**

958 **A.** The County may encourage, facilitate, and approve innovative mitigation projects
959 that are based on the best available science. Advance mitigation or mitigation
960 banking are examples of alternative mitigation projects allowed under the provisions
961 of this Section wherein one or more applicants, or an organization with
962 demonstrated capability, may undertake a mitigation project together if it is
963 demonstrated that all of the following circumstances exist:

- 964 1. Creation or enhancement of a larger system of critical areas and open space
965 is preferable to the preservation of many individual habitat areas;
966
967 2. The group demonstrates the organizational and fiscal capability to act
968 cooperatively;
969
970 3. The group demonstrates that long-term management of the habitat area will
971 be provided; and
972
973 4. There is a clear potential for success of the proposed mitigation at the
974 identified mitigation site.
975
976 B. Conducting mitigation as part of a cooperative process does not reduce or eliminate
977 the required replacement ratios.
978

979 **DETERMINATION PROCESS**

980
981 **Section 9.05.220 – Determination**

982 The County Planner shall make a determination as to whether the proposed activity and
983 mitigation, if any, is consistent with the provisions of this Chapter. The County
984 Planner’s determination shall be based on the criteria of Review Criteria, Section
985 9.05.230.
986

987 **Section 9.05.230 - Review Criteria**

988 A. Any alteration to a critical area, unless otherwise provided for in this Chapter, shall
989 be reviewed and approved, approved with conditions, or denied based on the
990 proposal’s ability to comply with all of the following criteria:
991

- 992 1. The proposal minimizes the impact on critical areas in accordance with
993 Mitigation Sequencing, Section 9.05.190;
994
995 2. The proposal does not pose an unreasonable threat to the public health,
996 safety, or welfare on or off the development proposal site;
997
998 3. The proposal is consistent with the general purposes of this Chapter and the
999 public interest;
1000
1001 4. Any alterations permitted to the critical area are mitigated in accordance with
1002 Mitigation Requirements, Section 9.05.180;
1003
1004 5. The proposal protects the critical area functions and values consistent with
1005 the best available science and results in no net loss of critical area functions
1006 and values; and
1007
1008 6. The proposal is consistent with other applicable regulations and standards.
1009

1010 B. The County may condition the proposed activity as necessary to mitigate impacts to
1011 critical areas and to conform to the standards required by this Chapter.

1012
1013 C. Except as provided for by this Chapter, any project that cannot adequately mitigate
1014 its impacts to critical areas in the sequencing order of preferences in Section
1015 9.05.190 shall be denied.

1016
1017 **Section 9.05.240 - Favorable Determination**
1018 If the County Planner determines that the proposed activity meets the criteria in Review
1019 Criteria, Section 9.05.230 and complies with the applicable provisions of this Chapter,
1020 the County Planner shall prepare a written notice of determination and identify any
1021 required conditions of approval. The notice of determination and conditions of approval
1022 shall be included in the project file and be considered in the next phase of the County's
1023 review of the proposed activity in accordance with any other applicable codes or
1024 regulations.

1025
1026 Any conditions of approval included in a notice of determination shall be attached to the
1027 underlying permit or approval. Any subsequent changes to the conditions of approval
1028 shall void the previous determination pending re-review of the proposal and conditions
1029 of approval by the County Planner.

1030
1031 A favorable determination should not be construed as endorsement or approval of any
1032 underlying permit or approval.

1033
1034 **Section 9.05.250 - Unfavorable Determination**
1035 If the County Planner determines that a proposed activity does not adequately mitigate
1036 its impacts on the critical areas and/or does not comply with the criteria in Review
1037 Criteria, Section 9.05.230 and the provisions of this Chapter, the County Planner shall
1038 prepare written notice of the determination that includes findings of noncompliance.

1039
1040 No proposed activity or permit shall be approved or issued if it is determined that the
1041 proposed activity does not adequately mitigate its impacts on the critical areas and/or
1042 does not comply with the provisions of this Chapter.

1043
1044 Following notice of determination that the proposed activity does not meet the review
1045 criteria and/or does not comply with the applicable provisions of this Chapter, the
1046 applicant may request consideration of a revised critical area report. If the revision is
1047 found to be substantial and relevant to the critical area review, the County Planner may
1048 reopen the critical area review and make a new determination based on the revised
1049 report.

1050
1051 **Section 9.05.260 - Completion of the Critical Area Review**
1052 The County's administrative determination regarding critical areas pursuant to this
1053 Chapter shall be final concurrent with the final decision to approve, condition, or deny
1054 the development proposal or other activity involved.

1055

1056 **Section 9.05.270 – Appeals**

1057 Any decision to approve, condition, or deny a development proposal or other activity
1058 based on the requirements of this Chapter may be appealed to the Board of Adjustment
1059 according to the provisions set out in Whitman County Code Section 19.05.030.

1060

1061 **VARIANCES**

1062

1063 **Section 9.05.280 – Variances**

1064 A. Variances from the standards of this Chapter may be authorized by the County in
1065 accordance with the procedures set forth in Section 19.06 of the Whitman County
1066 Code. The Board of Adjustment shall review the request and make a written finding
1067 that the request meets or fails to meet the variance criteria.

1068

1069 B. **Variance Criteria.** A variance may be granted only if the applicant demonstrates
1070 that the requested action conforms to all of the criteria set forth as follows:

1071

- 1072 1. Special conditions and circumstances exist that are peculiar to the land, the
1073 lot, or something inherent in the land, and that are not applicable to other
1074 lands in the same district;
- 1075
- 1076 2. The special conditions and circumstances do not result from the actions of the
1077 applicant;
- 1078
- 1079 3. A literal interpretation of the provisions of this Chapter would deprive the
1080 applicant of all reasonable economic uses and privileges permitted to other
1081 properties in the vicinity and zone of the subject property under the terms of
1082 this Chapter, and the variance requested is the minimum necessary to
1083 provide the applicant with such rights;
- 1084
- 1085 4. Granting the variance requested will not confer on the applicant any special
1086 privilege that is denied by this Chapter to other lands, structures, or buildings
1087 under similar circumstances;
- 1088
- 1089 5. The granting of the variance is consistent with the general purpose and intent
1090 of this Chapter, and will not further degrade the functions or values of the
1091 associated critical areas or otherwise be materially detrimental to the public
1092 welfare or injurious to the property or improvements in the vicinity of the
1093 subject property;
- 1094
- 1095 6. The decision to grant the variance includes the best available science and
1096 gives special consideration to conservation or protection measures necessary
1097 to preserve or enhance anadromous fish habitat; and
- 1098
- 1099 7. The granting of the variance is consistent with the general purpose and intent
1100 of the Whitman County Comprehensive Plan and adopted development
1101 regulations.

- 1102 C. **Conditions May Be Required.** In granting any variance, the County may prescribe
1103 such conditions and safeguards as are necessary to secure adequate protection of
1104 critical areas from adverse impacts, and to ensure conformity with this Chapter.
1105
- 1106 D. **Time Limit.** The County shall prescribe a time limit within which the action for which
1107 the variance is required shall be begun, completed, or both. Failure to begin or
1108 complete such action within the established time limit shall void the variance.
1109
- 1110 E. **Burden of Proof.** The burden of proof shall be on the applicant to bring forth
1111 evidence in support of the application and upon which any decision has to be made
1112 on the application.
1113

1114 **UNAUTHORIZED ALTERATIONS AND ENFORCEMENT**

1115
1116 **Section 9.05.290 - Unauthorized Critical Area Alterations and Enforcement**

- 1117 A. When a critical area or its buffer has been altered in violation of this Chapter, all
1118 ongoing development work shall stop and the critical area shall be restored. The
1119 County shall have the authority to issue a stop work order to cease all ongoing
1120 development work, and order restoration, rehabilitation, or replacement measures at
1121 the owner's or other responsible party's expense to compensate for violation of
1122 provisions of this Chapter.
1123
- 1124 B. **Requirement for Restoration Plan.** All development work shall remain stopped
1125 until a restoration plan is prepared and approved by the County. Such a plan shall
1126 be prepared by a qualified professional using the best available science and shall
1127 describe how the actions proposed meet the minimum requirements described in
1128 Subsection (C). The County Planner shall, at the violator's expense, seek expert
1129 advice in determining the adequacy of the plan. Inadequate plans shall be returned
1130 to the applicant or violator for revision and resubmittal.
1131

1132 **C. Minimum Performance Standards for Restoration**

- 1133
- 1134 1. For alterations to critical aquifer recharge areas, frequently flooded areas,
1135 wetlands, and habitat conservation areas, the following minimum
1136 performance standards shall be met for the restoration of a critical area,
1137 provided that if the violator can demonstrate that greater functional and
1138 habitat values can be obtained, these standards may be modified:
1139
 - 1140 a. The historic structural and functional values shall be restored, including
1141 water quality and habitat functions;
 - 1142
 - 1143 b. The historic soil types and configuration shall be replicated;
 - 1144
 - 1145 c. The critical area and buffers shall be replanted with native vegetation
1146 that replicates the vegetation historically found on the site in species

1147 types, sizes, and densities. The historic functions and values should
1148 be replicated at the location of the alteration; and
1149

1150 d. Information demonstrating compliance with the requirements in Section
1151 9.05.200 - Mitigation Plan Requirements, shall be submitted to the
1152 County Planner.
1153

1154 2. For alterations to flood and geological hazards, the following minimum
1155 performance standards shall be met for the restoration of a critical area,
1156 provided that, if the violator can demonstrate that greater safety can be
1157 obtained, these standards may be modified:
1158

1159 a. The hazard shall be reduced to a level equal to, or less than, the pre-
1160 development hazard;
1161

1162 b. Any risk of personal injury resulting from the alteration shall be
1163 eliminated or minimized; and
1164

1165 c. The hazard area and buffers shall be replanted with native vegetation
1166 sufficient to minimize the hazard.
1167

1168 D. **Site Investigations.** The County Planner is authorized to make site inspections and
1169 take such actions as are necessary to enforce this Chapter. The County Planner
1170 shall present proper credentials and make a reasonable effort to contact any
1171 property owner before entering onto private property.
1172

1173 E. **Penalties.** Any person, party, firm, corporation, or other legal entity convicted of
1174 violating any of the provisions of this Chapter shall be guilty of a misdemeanor.
1175 Each day or portion of a day during which a violation of this Chapter is committed or
1176 continued shall constitute a separate offense. Any development carried out contrary
1177 to the provisions of this Chapter shall constitute a public nuisance and may be
1178 enjoined as provided by the statutes of the state of Washington. The County may
1179 levy civil penalties against any person, party, firm, corporation, or other legal entity
1180 for violation of any of the provisions of this Chapter. The civil penalty shall be
1181 assessed at a maximum rate of \$300 dollars per day per violation.
1182

1183 **Section 9.05.300 - Definitions**

1184 Words not defined in this Chapter shall be as defined in the County Code, the
1185 Washington Administrative Code, or the Revised Code of Washington. Words not
1186 found in these codes shall be as defined in the Webster's Third New International
1187 Dictionary, latest edition.
1188

1189 **A**

1190
1191 **Active Fault** – A fault that is considered likely to undergo renewed movement
1192 within a period of concern to humans. Faults are commonly considered to be

1193 active if the fault has moved one or more times in the last 10,000 years, but faults
1194 may also be considered active in some cases if movement has occurred in the last
1195 500,000 years.

1196
1197 **Adjacent** – Immediately adjoining (in contact with the boundary of the influence
1198 area) or within a distance that is less than that needed to separate activities from
1199 critical areas to ensure protection of the functions and values of the critical areas.
1200 Adjacent shall mean any activity or development located:

- 1201
1202 a. On a site immediately adjoining a critical area;
1203
1204 b. A distance equal to or less than the required critical area buffer width and
1205 building setback.

1206
1207 **Alluvial Fan Flooding** – Flooding occurring on the surface of an alluvial fan or
1208 similar landform which originates at the apex and is characterized by high-velocity
1209 flows; active processes of erosion, sediment transport, and deposition; and
1210 unpredictable flow paths.

1211
1212 **Alkali Wetlands** - Alkali wetlands are characterized by the occurrence of shallow saline
1213 water. In eastern Washington these wetlands contain surface water with specific
1214 conductance that exceeds 3000 micromhos/cm. The salt concentrations in these
1215 wetlands have resulted from a relatively long-term process of groundwater surfacing
1216 and evaporating.

1217
1218 **Alteration** – Any human induced change in an existing condition of a critical area
1219 or its buffer. Alterations include, but are not limited to grading, filling,
1220 channelizing, dredging, clearing (vegetation), construction, compaction,
1221 excavation, or any other activity that changes the character of the critical area.

1222
1223 **Anadromous Fish** – Fish that spawn and rear in freshwater and mature in the marine
1224 environment. While Pacific salmon die after their first spawning, adult char (bull trout)
1225 can live for many years, moving in and out of saltwater and spawning each year. The
1226 life history of Pacific salmon and char contains critical periods of time when these fish
1227 are more susceptible to environmental and physical damage than at other times. The
1228 life history of salmon, for example, contains the following stages: upstream migration of
1229 adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed
1230 for juveniles to adjust their body functions to live in the marine environment),
1231 downstream migration, and ocean rearing to adults.

1232
1233 **Applicant** – A person who files an application for permit under this Title and who
1234 is either the owner of the land on which that proposed activity would be located, a
1235 contract purchaser, or the authorized agent of such a person.

1236
1237 **Avalanche Hazard** – An area susceptible to a large mass of snow or ice,
1238 sometimes accompanied by other material, moving rapidly down a mountain slope.

1239 **Aquifer** – A geological formation, group of formations, or part of a formation that is
1240 capable of yielding a significant amount of water to a well or spring.

1241
1242 **Aquifer, Confined** – An aquifer bounded above and below by beds of distinctly lower
1243 permeability than that of the aquifer itself and that contains ground water under
1244 sufficient pressure for the water to rise above the top of the aquifer.

1245
1246 **Aquifer Recharge Areas** – Areas that, due to the presence of certain soils, geology,
1247 and surface water, act to recharge ground water by percolation.

1248
1249 **Aquifer, Sole Source** – An area designated by the U.S. Environmental Protection
1250 Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The aquifer(s)
1251 must supply fifty percent (50%) or more of the drinking water for an area without a
1252 sufficient replacement available.

1253
1254 **Aquifer Susceptibility** – The ease with which contaminants can move from the land
1255 surface to the aquifer based solely on the types of surface and subsurface materials in
1256 the area. Susceptibility usually defines the rate at which a contaminant will reach an
1257 aquifer unimpeded by chemical interactions with the vadose zone media.

1258
1259 **Aquifer, Unconfined** – An aquifer not bounded above by a bed of distinctly lower
1260 permeability than that of the aquifer itself and containing ground water under pressure
1261 approximately equal to that of the atmosphere. This term is synonymous with the term
1262 "water table aquifer."

1263
1264 **Area of Shallow Flooding** – An area designated AO or AH Zone on the Flood
1265 Insurance Rate Map(s). The base flood depths range from one (1) to three (3) feet; a
1266 clearly defined channel does not exist; the path of flooding is unpredictable and
1267 indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and
1268 AH indicates ponding.

1269
1270 **B**

1271
1272 **Base Flood** – A flood event having a one percent (1%) chance of being equaled or
1273 exceeded in any given year, also referred to as the 100-year flood. Designations of
1274 base flood areas on Flood Insurance Rate Map(s) always include the letters A or V.

1275
1276 **Basement** – Any area of the building having its floor below ground level on all sides.

1277
1278 **Best Available Science** – Current scientific information used in the process to
1279 designate, protect, or restore critical areas, that is derived from a valid scientific
1280 process as defined by WAC 365-195-900 through 925. Sources of the best
1281 available science are included in Citations of Recommended Sources of Best
1282 Available Science for Designating and Protecting Critical Areas published by the
1283 Washington State Department of Commerce.

1284

- 1285 **Best Management Practices (BMPs)** – Conservation practices or systems of
1286 practices and management measures that:
1287
1288 a. Control soil loss and reduce water quality degradation caused by high
1289 concentrations of nutrients, animal waste, toxics and sediment;
1290
1291 b. Minimize adverse impacts to surface water and ground water flow and
1292 circulation patterns and to the chemical, physical, and biological characteristics of
1293 wetlands;
1294
1295 c. Protect trees and vegetation designated to be retained during and following
1296 site construction and use native plant species appropriate to the site for re-
1297 vegetation of disturbed areas; and
1298
1299 d. Provide standards for proper use of chemical herbicides within critical
1300 areas.

1301
1302 The County shall monitor the application of best management practices to ensure that
1303 the standards and policies of this Chapter are adhered to.
1304

1305 **Biodiversity** – The variety of animal and plant life and its ecological processes and
1306 interconnections – represented by the richness of ecological systems and the life that
1307 depends on them, including human life and economies.
1308

1309 **Bog** – A low-nutrient, acidic wetland with organic soils and characteristic bog plants,
1310 which is sensitive to disturbance and impossible to re-create through compensatory
1311 mitigation.
1312

1313 **Buffer or Buffer Zone** – An area that is contiguous to and protects a critical area
1314 which is required for the continued maintenance, functioning, and/or structural
1315 stability of a critical area.
1316

1317 **C**

1318
1319 **Channel Migration Zone (CMZ)** – The lateral extent of likely movement along a stream
1320 or river during the next one-hundred (100) years as determined by evidence of active
1321 stream channel movement over the past one-hundred (100) years. Evidence of active
1322 movement over the one-hundred (100) year time frame can be inferred from aerial
1323 photos or from specific channel and valley bottom characteristics. The time span
1324 typically represents the time it takes to grow mature trees that can provide functional
1325 large woody debris to streams. A CMZ is not typically present if the valley width is
1326 generally less than two (2) bankfull widths, if the stream or river is confined by terraces,
1327 no current or historical aerial photographic evidence exists of significant channel
1328 movement, and there is no field evidence of secondary channels with recent scour from
1329 stream flow or progressive bank erosion at meander bends. Areas separated from the
1330 active channel by legally existing artificial channel constraints that limit bank erosion

1331 and channel avulsion without hydraulic connections shall not be considered within the
1332 CMZ.

1333
1334 **Compensation Project** – Actions necessary to replace project-induced critical area and
1335 buffer losses, including land acquisition, planning, construction plans, monitoring, and
1336 contingency actions.

1337
1338 **Compensatory Mitigation** – Replacing project-induced losses or impacts to a critical
1339 area, and includes, but is not limited to, the following:

1340
1341 a. Restoration – Actions performed to reestablish wetland functional characteristics and
1342 processes that have been lost by alterations, activities, or catastrophic events within an
1343 area that no longer meets the definition of a wetland;

1344
1345 b. Creation – Actions performed to intentionally establish a wetland at a site where it
1346 did not formerly exist;

1347
1348 c. Enhancement – Actions performed to improve the condition of existing degraded
1349 wetlands so that the functions they provide are of a higher quality; and

1350
1351 d. Preservation – Actions taken to ensure the permanent protection of existing, high-
1352 quality wetlands.

1353
1354 **Conservation Easement** – A legal agreement that the property owner enters into to
1355 restrict uses of the land. Such restrictions can include, but are not limited to, passive
1356 recreation uses such as trails or scientific uses and fences or other barriers to protect
1357 habitat. The easement is recorded on a property deed, runs with the land, and is legally
1358 binding on all present and future owners of the property, therefore, providing permanent
1359 or long-term protection.

1360
1361 **County Planner** - The director of the county planning department or other responsible
1362 official or other city staff granted the authority to act on behalf of the County Planner.

1363
1364 **Creation** – The manipulation of the physical, chemical, or biological characteristics to
1365 develop a wetland on an upland or deepwater site, where a wetland did not previously
1366 exist. Creation results in a gain in wetland acreage and function. A typical action is the
1367 excavation of upland soils to elevations that will produce a wetland *hydroperiod* and
1368 hydric soils, and support the growth of hydrophytic plant species.

1369
1370 **Critical Aquifer Recharge Area** – Areas designated by WAC 365-190-080(2) that are
1371 determined to have a critical recharging effect on aquifers used for potable water as
1372 defined by WAC 365-190-030(2).

1373
1374 **Critical Areas** – Critical areas include any of the following areas or ecosystems:
1375 aquifer recharge areas, fish and wildlife habitat conservation areas, frequently
1376 flooded areas, geologically hazardous areas, and wetlands, as defined in RCW

1377 36.70A.

1378

1379 **Critical Facility** – A facility for which even a slight chance of flooding,
1380 inundation, or impact from a hazard event might be too great. Critical facilities
1381 include, but are not limited to, schools, nursing homes, hospitals, police, fire and
1382 emergency response installations, and installations that produce, use, or store
1383 hazardous materials or hazardous waste.

1384

1385 **Cumulative Impacts or Effects** – The combined, incremental effects of human activity
1386 on ecological or critical area functions and values. Cumulative impacts result when the
1387 effects of an action are added to or interact with the effects of other actions in a
1388 particular place and within a particular time. It is the combination of these effects, and
1389 any resulting environmental degradation, that should be the focus of cumulative impact
1390 analysis and changes to policies and permitting decisions.

1391

1392 **D**

1393

1394 **Delineation** - Wetland delineation establishes the existence (location) and physical
1395 limits (size) of a wetland for the purposes of federal, state, and local regulations.

1396

1397 **Developable Area** – A site or portion of a site that may be utilized as the location of
1398 development, in accordance with the rules of this Chapter.

1399

1400 **Development** – Any activity upon the land consisting of construction or alteration of
1401 structures, earth movement, dredging, dumping, grading, filling, mining, removal of any
1402 sand, gravel, or minerals, driving of piles, drilling operations, bulkheading, clearing of
1403 vegetation, or other land disturbance. Development includes the storage or use of
1404 equipment or materials inconsistent with the existing use. Development also includes
1405 approvals issued by the County that binds land to specific patterns of use, including but
1406 not limited to, subdivisions, short subdivisions, zone changes, conditional use permits,
1407 and binding site plans. Development activity does not include the following activities:

1408

1409 a. Interior building improvements;

1410

1411 b. Exterior structure maintenance activities, including painting and roofing;

1412

1413 c. Routine landscape maintenance of established, ornamental landscaping, such as
1414 lawn mowing, pruning, and weeding; and

1415

1416 d. Maintenance of the following existing facilities that does not expand the affected
1417 area: septic tanks (routine cleaning); wells; individual utility service connections; and
1418 individual cemetery plots in established and approved cemeteries.

1419

1420 **Development Permit** – Any permit issued by the County, or other authorized agency,
1421 for construction, land use, or the alteration of land.

1422

1423 **E**

1424

1425 **Eastside Steppe** - Nonforested vegetation type dominated by broadleaf herbaceous flora (i.e.,
1426 forbs), perennial bunchgrasses, or a combination of both. Bluebunch Wheatgrass
1427 (*Pseudoroegneria spicata*) is often the prevailing cover component along with Idaho Fescue
1428 (*Festuca idahoensis*), Sandberg Bluegrass (*Poa secunda*), Rough Fescue (*F. campestris*), or
1429 needlegrass (*Achnatherum* spp.). Steppe plant communities in drier sites typically have a
1430 sparse cover of grasses and forbs. Meadowlike communities characterized by a very dense
1431 cover of native perennial forbs and bunchgrasses are supported in areas with greater
1432 precipitation or on soils with higher moisture-holding capacity. Shrubs are either absent or
1433 scattered in the overstory of steppe habitat (see Shrub-steppe for sites with more prominent
1434 shrub cover). When sparse shrub cover is present, sagebrush (*Artemisia* spp.) and
1435 rabbitbrush (*Chrysothamnus* spp.) are commonly found in drier steppe, while Bitterbrush
1436 (*Purshia tridentata*), Common Snowberry (*Symphoricarpos albus*) and rose (*Rosa* spp.) are
1437 often present in more meadowlike expressions. Sites with less disturbed soils often have a
1438 layer of algae, mosses, or lichens. At some more disturbed sites, non-native species such as
1439 Cheatgrass (*Bromus tectorum*), Spotted Knapweed (*Centaurea biebersteinii*), Yellow Star-thistle
1440 (*Centaurea solstitialis*), or Kentucky Bluegrass (*Poa pratensis*) may be co-dominant species.
1441 The habitat known as Palouse Prairie fits within the definition of Eastside Steppe.

1442

1443 **Elevated Building** – A building that has no basement and its lowest elevated floor is
1444 raised above ground level by foundation walls, shear walls, post, piers, pilings, or
1445 columns.

1446

1447 **Enhancement** – The manipulation of the physical, chemical, or biological
1448 characteristics of a wetland to heighten, intensify or improve specific function(s) or to
1449 change the growth stage or composition of the vegetation present. Enhancement is
1450 undertaken for specified purposes such as water quality improvement, flood water
1451 retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and
1452 can lead to a decline in other wetland functions, but does not result in a gain in wetland
1453 acres. Examples are planting vegetation, controlling non-native or *invasive species*, and
1454 modifying site elevations to alter hydroperiods.

1455

1456 **Erosion** – The process whereby wind, rain, water, and other natural agents mobilize
1457 and transport particles.

1458

1459 **Erosion Hazard Areas** – At least those areas identified by the U.S. Department of
1460 Agriculture National Resources Conservation Service as having a “severe” rill and inter-
1461 rill erosion hazard.

1462

1463 **Existing and Ongoing Agricultural Activities** - Those activities conducted on lands
1464 defined in RCW 84.34.020(2), and those activities involved in the production of crops
1465 and livestock, including but not limited to operation, maintenance and conservation
1466 measures of farm and stock ponds or drainage ditches, irrigation systems, changes
1467 between agricultural activities, and normal operation, maintenance or repair of existing
1468 serviceable structures, facilities or improved areas. New activities which bring an area
1469 into agricultural use are not part of an ongoing activity. An operation ceases to be

1470 ongoing when the area in which it was conducted is proposed for conversion to a
1471 nonagricultural use or has lain idle for a period of longer than five years, unless the idle
1472 land is registered in a federal or state soils conversation program. Forest practices are
1473 not included in this definition.

1474

1475 **Exotic** – Any species of plants or animals, which are foreign to the planning area.

1476

1477 **F**

1478

1479 **FEMA** – Federal Emergency Management Agency. The agency that oversees the
1480 administration of the National Flood Insurance Program.

1481

1482 **Fish and Wildlife Habitat Conservation Areas** – Areas necessary for maintaining
1483 species in suitable habitats within their natural geographic distribution so that isolated
1484 subpopulations are not created as designated by WAC 365-190-080(5). These areas
1485 include:

1486

1487 a. Areas with which state or federally designated endangered, threatened, and
1488 sensitive species have a primary association;

1489

1490 b. Habitats of local importance, including but not limited to areas designated as priority
1491 habitat by the Washington Department of Fish and Wildlife;

1492

1493 c. Commercial and recreational shellfish areas;

1494

1495 d. Kelp and eelgrass beds;

1496

1497 e. Herring and smelt spawning areas;

1498

1499 f. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds
1500 that provide fish or wildlife habitat, including those artificial ponds intentionally created
1501 from dry areas in order to mitigate impacts to ponds;

1502

1503 g. Waters of the state, including lakes, rivers, ponds, streams, inland waters,
1504 underground waters, salt waters, and all other surface waters and watercourses within
1505 the jurisdiction of the state of Washington;

1506

1507 h. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal
1508 entity;

1509

1510 i. State natural area preserves and natural resource conservation areas; and

1511

1512 j. Land essential for preserving connections between habitat blocks and open spaces.

1513

1514 **Fish Habitat** – Habitat that is used by fish at any life stage at any time of the year,
1515 including potential habitat likely to be used by fish that could be recovered by restoration
1516 or management and includes off-channel habitat.

1517
1518 **Flood or Flooding** – A general and temporary condition of partial or complete
1519 inundation of normally dry land areas from the overflow of inland waters and/or the
1520 unusual and rapid accumulation of runoff of surface waters from any source.

1521
1522 **Flood Insurance Map** – The official map on which the Federal Insurance
1523 Administration has delineated the areas of special flood hazards and include the risk
1524 premium zones applicable to the community. Also known as “flood insurance rate map”
1525 or “FIRM.”

1526
1527 **Flood Insurance Study** – The official report provided by the Federal Insurance
1528 Administration that includes flood profiles, the Flood Insurance Rate Map, and the water
1529 surface elevation of the base flood.

1530
1531 **Floodplain** – The total land area adjoining a river, stream, watercourse, or lake subject
1532 to inundation by the base flood.

1533
1534 **Flood Protection Elevation** – The elevation that is one (1) foot above the base flood
1535 elevation.

1536
1537 **Flood Resistant Material** – Materials designed to be resistant to the impacts
1538 associated with flooding and defined and described in detail in the Federal Emergency
1539 Management Agency’s Technical Bulletin #2-93, 1993 and FEMA publication FEMA-
1540 348, Protecting Building Utilities from Flood Damage.

1541
1542 **Floodway** – The channel of a river or other watercourse and the adjacent land area that
1543 must be reserved in order to discharge the base flood without cumulatively increasing
1544 the surface water elevation more that one (1) foot. Also known as the "zero rise
1545 floodway."

1546
1547 **Forested Wetland** – A wetland with at least thirty percent (30%) of the surface area
1548 covered by woody vegetation greater than twenty (20) feet in height that is at least
1549 partially rooted within the wetland.

1550
1551 **Frequently Flooded Areas** – Lands in the floodplain subject to a one percent (1%) or
1552 greater chance of flooding in any given year and those lands that provide important
1553 flood storage, conveyance, and attenuation functions, as determined by the Planning
1554 Director in accordance with WAC 365-190-080(3). Frequently flooded areas perform
1555 important hydrologic functions and may present a risk to persons and property.
1556 Classifications of frequently flooded areas include, at a minimum, the 100-year
1557 floodplain designations of the Federal Emergency Management Agency and the
1558 National Flood Insurance Program.

1559

1560 **Functions and Values** – The services provided by critical areas to society, including,
1561 but not limited to, improving and maintaining water quality, providing fish and wildlife
1562 habitat, supporting terrestrial and aquatic food chains reducing flooding and erosive
1563 flows, wave attenuation, historical or archaeological importance, educational
1564 opportunities, and recreation.

1565
1566 **G**

1567
1568 **Geologically Hazardous Areas** – Areas that may not be suited to development
1569 consistent with public health, safety, or environmental standards, because of their
1570 susceptibility to erosion, sliding, earthquake, or other geological events as designated
1571 by WAC 365-190-080(4). Types of geologically hazardous areas include: erosion,
1572 landslide, seismic, mine, and volcanic hazards.

1573
1574 **Ground Water** – Water in a saturated zone or stratum beneath the surface of land
1575 or a surface water body.

1576
1577 **Ground Water, Perched** – Ground water in a saturated zone is separated from
1578 the underlying main body of ground water by an unsaturated rock zone.

1579
1580 **Growth Management Act** – RCW 36.70A and 36.70B, as amended.

1581
1582 **H**

1583
1584 **Habitat Conservation Areas** – Areas designated as fish and wildlife habitat
1585 conservation areas.

1586
1587 **Habitats of Local Importance** – These areas include a seasonal range or habitat
1588 element with which a given species has a primary association, and which, if altered may
1589 reduce the likelihood that the species will maintain and reproduce over the long-term.
1590 These might include areas of high relative density or species richness, breeding habitat,
1591 winter range, and movement corridors. These might also include habitats that are of
1592 limited availability or high vulnerability to alterations such as cliffs, talus, and wetlands.
1593 (WAC 365-190-030)

1594
1595 **Hazard Areas** – Areas designated as frequently flooded areas or geologically
1596 hazardous areas due to potential for erosion, landslide, seismic activity, mine collapse,
1597 or other geological condition.

1598
1599 **Hazardous Substances** – Any liquid, solid, gas, or sludge, including any material,
1600 substance, product, commodity, or waste, regardless of quantity, that exhibits any of the
1601 physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-
1602 100.

1603

1604 **Hydraulic Project Approval (HPA)** – A permit issued by the Washington Department
1605 of Fish and Wildlife for modifications to waters of the state in accordance with Chapter
1606 75.20 RCW.

1607
1608 **Hydric Soil** – A soil that is saturated, flooded, or ponded long enough during the
1609 growing season to develop anaerobic conditions in the upper part. The presence of
1610 hydric soil shall be determined following the methods described in accordance with
1611 WAC 173-22-035 as revised.

1612
1613 **I**

1614
1615 **Impervious Surface** – Any alterations to the surface of a soil that prevents or retards
1616 the entry of water into it compared to its undisturbed condition, or any reductions in
1617 infiltration that cause water to run off the surface in greater quantities or at an increased
1618 rate of flow compared to that present prior to development. Common impervious
1619 surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking
1620 lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen
1621 materials, and oiled macadam or other surfaces which similarly impede the natural
1622 infiltration of stormwater.

1623
1624 **In-Kind Compensation** – To replace critical areas with substitute areas whose
1625 characteristics and functions closely approximate those destroyed or degraded by a
1626 regulated activity.

1627
1628 **In-Lieu-Fee Program** – An agreement between a regulatory agency (state, federal, or
1629 local) and a single sponsor, generally a public agency or non-profit organization. Under
1630 an in-lieu-fee agreement, the mitigation sponsor collects funds from an individual or a
1631 number of individuals who are required to conduct compensatory mitigation required
1632 under a wetland regulatory program. The sponsor may use the funds pooled from
1633 multiple permittees to create one or a number of sites under the authority of the
1634 agreement to satisfy the permittees' required mitigation.

1635
1636 **Infiltration** – The downward entry of water into the immediate surface of soil.

1637
1638 **Inter-Rill** – Areas subject to sheet wash.

1639
1640 **Isolated Wetlands** – Those wetlands that are outside of and not contiguous to any 100-
1641 year floodplain of a lake, river, or stream and have no contiguous hydric soil or
1642 hydrophytic vegetation between the wetland and any surface water, including other
1643 wetlands.

1644
1645 **J**

1646
1647 **Joint Aquatic Resource Permits Application** – A single application form that may be
1648 used to apply for hydraulic project approvals, shoreline management permits, approvals
1649 of exceedance of water quality standards, water quality certifications, coast guard

1650 bridge permits, Washington State Department of Natural Resources use authorization,
1651 and U.S. Army Corps of Engineers permits.

1652

1653 **L**

1654

1655 **Lahars** – Mudflows and debris flows originating from the slopes of a volcano.

1656

1657 **Landslide Hazard Areas** – Areas that are potentially subject to risk of mass movement
1658 due to a combination of geologic landslide resulting from a combination of geologic,
1659 topographic, and hydrologic factors. These areas are typically susceptible to landslides
1660 because of a combination of factors including: bedrock, soil, slope gradient, slope
1661 aspect, geologic structure, ground water, or other factors.

1662

1663 **M**

1664

1665 **Mature Forested Wetland** – A wetland where at least one acre of the wetland surface
1666 is covered by woody vegetation greater than 20 feet in height with a crown cover of at
1667 least 30 percent and where at least 8 trees/acre are 80 to 200 years old OR have
1668 average diameters (dbh) exceeding 21 inches (53 centimeters) measured from the
1669 uphill side of the tree trunk at 4.5 feet up from the ground.

1670

1671 **Mitigation** – Avoiding, minimizing, or compensating for adverse critical areas impacts.
1672 Mitigation, in the following sequential order of preference, is:

1673

1674 a. Avoiding the impact altogether by not taking a certain action or parts of an action;

1675

1676 b. Minimizing impacts by limiting the degree or magnitude of the action and its
1677 implementation, by using appropriate technology, or by taking affirmative steps, such as
1678 project redesign, relocation, or timing, to avoid or reduce impacts;

1679

1680 c. Rectifying the impact to wetlands, critical aquifer recharge areas, and habitat
1681 conservation areas by repairing, rehabilitating, or restoring the affected environment to
1682 the conditions existing at the time of the initiation of the project;

1683

1684 d. Minimizing or eliminating a hazard by restoring or stabilizing the hazard area through
1685 engineered or other methods;

1686

1687 e. Reducing or eliminating the impact or hazard over time by preservation and
1688 maintenance operations during the life of the action;

1689

1690 f. Compensating for the impact to wetlands, critical aquifer recharge areas, and habitat
1691 conservation areas by replacing, enhancing, or providing substitute resources or
1692 environments; and

1693

1694 g. Monitoring the hazard or other required mitigation and taking remedial action when
1695 necessary. Mitigation for individual actions may include a combination of the above
1696 measures.

1697
1698 **Monitoring** – Evaluating the impacts of development proposals on the biological,
1699 hydrological, and geological elements of such systems, and assessing the performance
1700 of required mitigation measures throughout the collection and analysis of data by
1701 various methods for the purpose of understanding and documenting changes in natural
1702 ecosystems and features, including gathering baseline data.

1703

1704 **N**

1705

1706 **Native Vegetation** – Plant species that occur naturally in a particular region or
1707 environment and were not introduced by human activities.

1708

1709 **Natural Heritage Wetlands** - Wetlands that are identified by scientists of the
1710 Washington Natural Heritage Program/DNR as high quality, relatively undisturbed
1711 wetlands, or wetlands that support state Threatened, or Endangered plant species are
1712 Category I wetlands.

1713

1714 **O**

1715

1716 **Off-Site Compensation** – To replace critical areas away from the site on which a
1717 critical area has been impacted.

1718

1719 **On-Site Compensation** – To replace critical areas at or adjacent to the site on which a
1720 critical areas has been impacted.

1721

1722 **Ordinary High Water Mark** – That mark which is found by examining the bed and
1723 banks of water bodies and ascertaining where the presence and action of waters are so
1724 common and usual, and so long continued in all ordinary years, that the soil has a
1725 character distinct from that of the abutting upland in respect to vegetation.

1726

1727 **P**

1728

1729 **Permeability** – The capacity of an aquifer or confining bed to transmit water. It is a
1730 property of the aquifer or confining bed and is independent of the force causing
1731 movement.

1732

1733 **Porous Soil Types** – Soils, as identified by the National Resources Conservation
1734 Service, U.S. Department of Agriculture, that contain voids, pores, interstices, or other
1735 openings which allow the passing of water.

1736

1737 **Practical Alternative** – An alternative that is available and capable of being carried out
1738 after taking into consideration cost, existing technology, and logistics in light of overall
1739 project purposes, with less of an impact to critical areas.

1740 **Preservation** – The removal of a threat to, or preventing the decline of, wetland
1741 conditions by an action in or near a wetland. This term includes the purchase of land or
1742 easements, repairing water control structures or fences, or structural protection.
1743 Preservation does not result in a gain of wetland acres but may result in a gain in
1744 functions over the long term.

1745
1746 **Prior Converted Croplands** – Prior converted croplands (PCCs) are defined in federal
1747 law as wetlands that were drained, dredged, filled, leveled or otherwise manipulated,
1748 including the removal of woody vegetation, before December 23, 1985, to enable
1749 production of an agricultural commodity, and that: 1) have had an agricultural
1750 commodity planted or produced at least once prior to December 23, 1985; 2) do not
1751 have standing water for more than 14 consecutive days during the growing season, and
1752 3) have not since been abandoned. The Growth Management Act, RCW
1753 36.70A.030(21), requires local governments to regulate wetlands that meet the definition
1754 of biological wetlands. This includes Prior Converted Croplands (PCCs), farmed wetlands
1755 and isolated wetlands. These wetlands provide critical functions and habitat and are
1756 regulated by this ordinance (see the definition of “wetlands” and Chapter 9.05A). If a PCC
1757 or farmed wetland changes to a non-agricultural use, or is abandoned, they may be
1758 regulated under federal, state or local laws. As long as a PCC or farmed wetland stays in
1759 agricultural use no delineation is required.

1760
1761 **Project Area** – All areas within fifty (50) feet of the area proposed to be disturbed,
1762 altered, or used by the proposed activity or the construction of any proposed structures.
1763 When the action binds the land, such as a subdivision, short subdivision, binding site
1764 plan, planned unit development, or rezone, the project area shall include the entire
1765 parcel, at a minimum.

1766
1767 **Q**
1768
1769 **Qualified Professional** – A person with experience and training in the pertinent
1770 scientific discipline, and who is a qualified scientific expert with expertise appropriate for
1771 the relevant critical area subject in accordance with WAC 365-195-905. A qualified
1772 professional must have obtained a B.S. or B.A. or equivalent degree in biology,
1773 engineering, environmental studies, fisheries, geomorphology, or related field, and have
1774 at least five years of related work experience.

- 1775
1776 a. A qualified professional for wetlands must be a professional wetland scientist with at
1777 least two years of full-time work experience as a wetlands professional, including
1778 delineating wetlands using the state or federal manuals, preparing wetlands reports,
1779 conducting function assessments, and developing and implementing mitigation plans;
1780
1781 b. A qualified professional for habitat must have a degree in biology or a related degree
1782 and professional experience related to the subject species;
1783
1784 c. A qualified professional for a geological hazard must be a professional engineer or
1785 geologist, licensed in the state of Washington;

1786 d. A qualified professional for critical aquifer recharge areas means a hydrogeologist,
1787 geologist, engineer, or other scientist with experience in preparing hydrogeologic
1788 assessments.

1789
1790 **R**

1791
1792 **RCW 36-70A Growth Management Act** – Enacted by the Washington State
1793 Legislature to express the public's interest in the conservation and the wise use of our
1794 lands by protecting the environment and enhancing the state's high quality of life,
1795 including air and water quality, and the availability of water.

1796
1797 **Re-establishment** – The manipulation of the physical, chemical, or biological
1798 characteristics of a site with the goal of returning natural or historic functions to a former
1799 wetland. Re-establishment results in rebuilding a former wetland and results in a gain in
1800 wetland acres and functions. Activities could include removing fill, plugging ditches, or
1801 breaking drain tiles.

1802
1803 **Rehabilitation** – The manipulation of the physical, chemical, or biological
1804 characteristics of a site with the goal of repairing natural or historic functions and
1805 processes of a degraded wetland. Rehabilitation results in a gain in wetland function
1806 but does not result in a gain in wetland acres. Activities could involve breaching a dike
1807 to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

1808
1809 **Repair or Maintenance** – An activity that restores the character, scope, size, and
1810 design of a serviceable area, structure, or land use to its previously authorized and
1811 undamaged condition. Activities that change the character, size, or scope of a project
1812 beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas
1813 are not included in this definition.

1814
1815 **Restoration** – Measures taken to restore an altered or damaged natural feature,
1816 including:

1817
1818 a. Active steps taken to restore damaged wetlands, streams, protected habitat, or their
1819 buffers to the functioning condition that existed prior to an unauthorized alteration; and

1820
1821 b. Actions performed to re-establish structural and functional characteristics of the
1822 critical area that have been lost by alteration, past management activities, or
1823 catastrophic events.

1824
1825 **Riparian Area** - Areas adjacent to aquatic systems with flowing water that contain
1826 elements of both aquatic and terrestrial ecosystems that mutually influence each other.
1827 The width of these areas extends to that portion of the terrestrial landscape that directly
1828 influences the aquatic ecosystem by providing shade, fine or large woody material,
1829 nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-
1830 associated wildlife. Widths shall be measured from the ordinary high water mark or
1831 from the top of the bank if the ordinary high water mark cannot be identified. It includes

1832 the entire extent of the floodplain and the extent of vegetation adapted to wet conditions
1833 as well as adjacent upland plant communities that directly influence the stream system.
1834 Riparian habitat areas include those riparian areas severely altered or damaged due to
1835 human development activities.

1836

1837 **Recharge** – The process involved in the absorption and addition of water to ground
1838 water.

1839

1840 **Rills** – Steep-sided channels resulting from accelerated erosion. A rill is generally a few
1841 inches deep and not wide enough to be an obstacle to farm machinery. Rill erosion
1842 tends to occur on slopes, particularly steep slopes with poor vegetative cover.

1843

1844 **S**

1845

1846 **Scientific Process** – A valid scientific process is one that produces reliable information
1847 useful in understanding the consequences of a decision. The characteristics of a valid
1848 scientific process are as follows:

1849

1850 a. Peer Review. The information has been critically reviewed by other qualified
1851 scientific experts in that scientific discipline;

1852

1853 b. Methods. The methods that were used are standardized in the pertinent scientific
1854 discipline or the methods have been appropriately peer-reviewed to ensure their
1855 reliability and validity;

1856

1857 c. Logical Conclusions and Reasonable Inferences. The conclusions presented are
1858 based on reasonable assumptions supported by other studies and are logically and
1859 reasonably derived from the assumptions and supported by the data presented;

1860

1861 d. Quantitative Analysis. The data have been analyzed using appropriate
1862 statistical or quantitative methods;

1863

1864 e. Context. The assumptions, analytical techniques, data, and conclusions are
1865 appropriately framed with respect to the prevailing body of pertinent scientific
1866 knowledge;

1867

1868 f. References. The assumptions, techniques, and conclusions are well referenced with
1869 citations to pertinent existing information.

1870

1871 **Seeps** – A spot where water oozes from the earth, often forming the source of a small
1872 stream.

1873

1874 **Seismic Hazard Areas** – Areas that are subject to severe risk of damage as a result of
1875 earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

1876

1877 **SEPA** – Washington State Environmental Policy Act, Chapter 43.21C RCW.

1878 **Shrubsteppe** - A nonforested vegetation type consisting of one or more layers of perennial
1879 bunchgrasses and a conspicuous but discontinuous layer of shrubs (see Eastside Steppe for
1880 sites with little or no shrub cover). Although Big Sagebrush (*Artemisia tridentata*) is the most
1881 widespread shrub-steppe shrub, other dominant (or co-dominant) shrubs include Antelope
1882 Bitterbrush (*Purshia tridentata*), Threetip Sagebrush (*A. tripartita*), Scabland Sagebrush (*A.*
1883 *rigida*), and Dwarf Sagebrush (*A. arbuscula*). Dominant bunchgrasses include (but are not
1884 limited to) Idaho fescue (*Festuca idahoensis*), Bluebunch Wheatgrass (*Pseudoroegneria*
1885 *spicata*), Sandberg Bluegrass (*Poa secunda*), Thurber's Needlegrass (*Achnatherum*
1886 *thurberianum*), and Needle-and-Thread (*Hesperostipa comata*). In areas with greater
1887 precipitation or on soils with higher moisture-holding capacity, shrub-steppe can also support a
1888 dense layer of forbs (i.e., broadleaf herbaceous flora). Shrub-steppe contains various habitat
1889 features, including diverse topography, riparian areas, and canyons. Another important
1890 component is habitat quality (i.e., degree to which a tract resembles a site potential natural
1891 community), which may be influenced by soil condition and erosion; and the distribution,
1892 coverage, and vigor of native shrubs, forbs, and grasses. Sites with less disturbed soils often
1893 have a layer of algae, mosses, or lichens. At some more disturbed sites, non-natives such as
1894 Cheatgrass (*Bromus tectorum*) or Crested Wheatgrass (*Agropyron cristatum*) may be co-
1895 dominant species.

1896
1897 **Soil Survey** – The most recent soil survey for the local area or county by the
1898 National Resources Conservation Service, U.S. Department of Agriculture.

1899
1900 **Species** – Any group of animals or plants classified as a species or subspecies as
1901 commonly accepted by the scientific community.

1902
1903 **Species, Endangered** – Any wildlife species native to the state of Washington that is
1904 seriously threatened with extinction throughout all or a significant portion of its range
1905 within the state (WAC 232-12-297, Section 2.4).

1906
1907 **Species of Local Importance** – Those species of local concern designated by the
1908 County due to their population status or their sensitivity to habitat manipulation.

1909
1910 **Species, Priority** – Any fish or wildlife species requiring protective measures and/or
1911 management guidelines to ensure its persistence at genetically viable population levels
1912 as classified by the Washington Department of Fish and Wildlife, including endangered,
1913 threatened, sensitive, candidate and monitor species, and those of recreational,
1914 commercial, or tribal importance.

1915
1916 **Species, Threatened** – Any wildlife species native to the state of Washington that is
1917 likely to become an endangered species within the foreseeable future throughout a
1918 significant portion of its range within the state without cooperative management or
1919 removal of threats (WAC 232-12-297, Section 2.5).

1920
1921 **Species, Sensitive** – Any wildlife species native to the state of Washington that is
1922 vulnerable or declining and is likely to become endangered or threatened throughout a
1923 significant portion of its range within the state without cooperative management or
1924 removal of threats (WAC 232-12-297, Section 2.6).

1925 **Stream** – An area where open surface water produces a defined channel or bed, not
1926 including irrigation ditches, canals, storm or surface water runoff devices, or other
1927 entirely artificial watercourses, unless they are used by salmonids or are used to convey
1928 a watercourse naturally occurring prior to construction. A channel or bed need not
1929 contain water year-round, provided there is evidence of at least intermittent flow during
1930 years of normal rainfall.

1931
1932 **U**

1933
1934 **Unavoidable Impacts** – Adverse impacts that remain after all appropriate and
1935 practicable avoidance and minimization has been achieved.

1936
1937 **V**

1938
1939 **Vernal Pools** - Vernal pool ecosystems are formed when small depressions in the
1940 scabrock or in shallow soils fill with snowmelt or spring rains.

1941
1942 **W**

1943
1944 **Washington Administration Code (WAC)** – Administrative guidelines implementing
1945 the Growth Management Act, WAC 365-190 and WAC 365-195, as amended.

1946
1947 **Wetlands** – Those areas that are inundated or saturated by surface or ground water at
1948 a frequency and duration sufficient to support, and that under normal circumstances do
1949 support, a prevalence of vegetation adapted for life in saturated soil conditions.
1950 Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do
1951 not include those artificial wetlands intentionally created from non-wetland sites,
1952 including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals,
1953 detention facilities, wastewater treatment facilities, farm ponds, and landscape
1954 amenities, or those wetlands created after July 1, 1990, that were unintentionally
1955 created as a result of the construction of a road, street, or highway. Wetlands may
1956 include those artificial wetlands intentionally created from non-wetland areas to mitigate
1957 the conversion of wetlands.

1958
1959 **Wetland Buffer** - An area contiguous to and which protects a critical area that is
1960 required for the continual maintenance, functioning, and/or structural stability of a critical
1961 area.

1962
1963 **Wetland Mitigation Bank** – A site where wetlands are restored, created, enhanced, or
1964 in exceptional circumstances, preserved expressly for the purpose of providing advance
1965 mitigation to compensate for future, permitted impacts to similar resources.

1966
1967 **Wetland Mosaic** – An area with a concentration of multiple small wetlands, in which
1968 each patch of wetland is less than one acre; on average, patches are less than 100 feet
1969 from each other; and areas delineated as vegetated wetland are more than 50% of the
1970 total area of the entire mosaic, including uplands and open water.

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CHAPTER 9.05A

WETLANDS

Section 9.05A.010 – Purpose

The purposes of this Chapter are to:

- A. Recognize and protect the beneficial functions performed by many wetlands, which include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, absorption, and retention and transformation of sediments, nutrients and toxicants.
- B. Regulate land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout Whitman County.
- C. Establish review procedures for development proposals in and adjacent to wetlands.
- D. Be consistent with the requirements of 36.70A RCW and to implement the goals and policies of the Whitman County Comprehensive Plan for protecting wetlands.

Section 9.05A.020 – Identification and Rating

A. Identification and Delineation. Wetlands shall be identified and delineated by a qualified wetland professional in accordance with WAC 173-22-035 as revised. If a wetland report is deemed necessary it will follow the requirements in Section 9.05A.060. A wetland delineation should result in three things:

- 1. A wetland boundary clearly marked in the field.
- 2. A map that clearly identifies data collection points and the boundaries of the delineated wetland.
- 3. A report that explains how the boundary was determined. It should include:
 - a. A description of how and when the delineation was done;
 - b. Data forms used to delineate the wetland area;
 - c. The map described in #2 above; and
 - d. A soil survey map.

A list of approved wetland professionals is available from the planning office. Wetlands means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a

2017 prevalence of vegetation adapted for life in saturated soil conditions. All areas within
2018 the county meeting the wetland designation criteria in WAC 173-22-035 as revised,
2019 regardless of any formal identification, are hereby designated critical areas and are
2020 subject to the provisions of this Chapter. Planning staff uses the National Wetlands
2021 Inventory (NWI) maps in the planning office as a basis to identify the location of
2022 wetlands in the County. Project proponents are responsible for determining whether a
2023 wetland area exists and is regulated pursuant to this chapter.

2024
2025 Wetland reports are valid for five (5) years after which the County Planner shall
2026 determine whether a revision or additional assessment is necessary.

2027
2028 B. Rating. Wetlands shall be rated according to the Washington State Department of
2029 Ecology wetland rating system, as set forth in the Washington State Wetland Rating
2030 System for Eastern Washington (Ecology Publication #04-06-015, or as revised and
2031 approved by Ecology), which contains the definitions and methods or determining if
2032 the criteria below are met:

- 2033
- 2034 1. Category I wetlands are: 1) alkali wetlands; 2) wetlands that are identified by
2035 scientists of the Washington Natural Heritage Program/DNR as high quality
2036 wetlands; 3) bogs; 4) mature and old-growth forested wetlands over ¼ acre
2037 with slow-growing trees; 5) forests with stands of aspen; and 6) wetlands that
2038 perform many functions very well (scores of 70 points or more). These
2039 wetlands are those that 1) represent a unique or rare wetland type; or 2) are
2040 more sensitive to disturbance than most wetlands; or 3) are relatively
2041 undisturbed and contain ecological attributes that are impossible to replace
2042 within a human lifetime; or 4) provide a high level of function.
 - 2043
 - 2044 2. Category II wetlands are: 1) forested wetlands in the floodplains of rivers; 2)
2045 mature and old-growth forested wetlands over ¼ acre with fast-growing trees;
2046 3) vernal pools; and 4) wetlands that perform functions well (scores between
2047 51-69 points).
 - 2048
 - 2049 3. Category III wetlands are 1) vernal pools that are isolated and 2) wetlands
2050 with a moderate level of functions (scores between 30-50 points). Wetlands
2051 scoring between 30 and 50 points generally have been disturbed in some
2052 ways and are often less diverse or more isolated from other natural resources
2053 in the landscape than Category II wetlands.
 - 2054
 - 2055 4. Category IV wetlands have the lowest level of functions (scores fewer than 30
2056 points) and are often heavily disturbed. These are wetlands that we should
2057 be able to replace, and in some cases be able to improve. However,
2058 experience has shown that replacement cannot be guaranteed in any specific
2059 case. These wetlands may provide some important functions and also need
2060 to be protected.
 - 2061

- 2062 C. Illegal modifications. Wetland rating categories shall not change due to illegal
- 2063 modifications made by the applicant or with the applicant’s knowledge.
- 2064
- 2065 D. The requirement for a full delineation and rating may be waived under the following
- 2066 circumstances:
- 2067
- 2068 1. After consultation with the department of Ecology, the County Planner may
- 2069 waive the requirement for a wetland report if there is substantial evidence
- 2070 showing that there will be no alteration of the critical area or buffer due to the
- 2071 proposed development.
- 2072
- 2073 2. If the criteria in D1 above is not met then the requirement for a wetland
- 2074 delineation and rating may be waived by the County Planner for any
- 2075 construction if a qualified wetland specialist determines that:
- 2076
- 2077 a. Sufficient information exists for staff to estimate the boundaries of a
- 2078 wetland without a delineation; and
- 2079
- 2080 b. The proposed development is not located within the buffer distances
- 2081 identified in Section 9.05A.050.
- 2082

2083 A wetland specialist Recommendation Form shall be submitted to the Whitman County
 2084 Planning Department documenting the above exceptions, a and b.

2085 **Section 9.05A.030 - Regulated Activities**

- 2086 A. For any regulated activity, a critical areas report may be required to support the
- 2087 requested activity.
- 2088
- 2089 B. The following activities are regulated if they occur in a regulated wetland or its buffer.
- 2090 Ongoing agricultural activities in prior converted croplands and farmed wetlands are
- 2091 excluded:
- 2092
- 2093
- 2094 1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals,
- 2095 organic matter, or material of any kind. This includes routine maintenance of
- 2096 ditches for flood control in mapped special flood hazard areas.
- 2097
- 2098 2. The dumping of, discharging of, or filling with any material.
- 2099
- 2100 3. The draining, flooding, or disturbing the water level or water table.
- 2101
- 2102 4. The placing of obstructions.
- 2103
- 2104 5. The construction, reconstruction, demolition, or expansion of any structure.
- 2105

2106 6. The destruction or alteration of wetland vegetation through clearing,
2107 harvesting, shading, intentional burning, or planting of vegetation that would
2108 alter the character of a regulated wetland.

2109

2110 **Section 9.05A.040 - Exemptions and Allowed Uses in Wetlands**

2111 A. The following wetlands are exempt from the buffer and mitigation provisions
2112 contained in this Chapter. In order to verify the following conditions, a critical area
2113 report must be submitted.

2114

2115 1. All isolated Category III and IV wetlands less than 1,000 square feet that:

2116

2117 a. Are not associated with riparian areas or buffer;

2118

2119 b. Are not part of a wetland mosaic;

2120

2121 c. Do not contain habitat identified as essential for local populations of

2122 priority species identified by Washington Department of Fish and

2123 Wildlife or species of local importance identified in WCC Chapter 9.20;

2124

2125 d. Are not a vernal pool;

2126

2127 e. Are not an alkali wetland; and

2128

2129 f. Do not contain aspen stands.

2130

2131 B. Activities Allowed in Wetlands and Buffers. The activities listed below are allowed in
2132 wetlands. These activities do not require submission of a critical area report, except
2133 where such activities result in a loss of the functions and values of a wetland or
2134 wetland buffer. These activities include:

2135

2136 1. Those activities and uses conducted pursuant to the Washington State Forest
2137 Practices Act and its rules and regulations, WAC 222-12-030, where state law
2138 specifically exempts local authority, except those developments requiring
2139 local approval for Class 4 – General Forest Practice Permits (conversions) as
2140 defined in RCW 76.09 and WAC 222-12.

2141

2142 2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or
2143 other wildlife that does not entail changing the structure or functions of the
2144 existing wetland.

2145

2146 3. The harvesting of wild crops in a manner that is not injurious to natural
2147 reproduction of such crops and provided the harvesting does not require tilling
2148 of soil, planting of crops, chemical applications, or alteration of the wetland by
2149 changing existing topography, water conditions, or water sources.

2150

2151

- 2152 4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals
2153 located completely outside of the wetland buffer, provided that the drilling
2154 does not interrupt the ground water connection to the wetland or percolation
2155 of surface water down through the soil column. Specific studies by a
2156 hydrologist are necessary to determine whether the ground water connection
2157 to the wetland or percolation of surface water down through the soil column
2158 will be disturbed.
- 2159
- 2160 5. Enhancement of a wetland through the removal of non-native invasive plant
2161 species. Removal of invasive plant species shall be restricted to hand
2162 removal unless permits from the appropriate regulatory agencies have been
2163 obtained for approved biological or chemical treatments. All removed plant
2164 material shall be taken away from the site and appropriately disposed of.
2165 Plants that appear on the Washington State Noxious Weed Control Board list
2166 of noxious weeds must be handled and disposed of according to a noxious
2167 weed control plan appropriate to that species. Re-vegetation with appropriate
2168 native species at natural densities is allowed in conjunction with removal of
2169 invasive plant species.
- 2170
- 2171 6. Educational and scientific research activities.
- 2172
- 2173 7. Normal and routine maintenance and repair of any existing public or private
2174 building provided that the maintenance or repair does not expand the footprint
2175 of the building toward the wetland. An expansion of the building to the rear,
2176 facing away from the wetland is exempt from the buffer and mitigation
2177 provisions contained in this Chapter.
- 2178
- 2179 8. All ongoing agriculture activities are exempt from this ordinance. This includes
2180 Prior Converted Croplands (PCCs) and farmed wetlands. Only when an
2181 agricultural activity changes to a non-agricultural land use will it be subject to
2182 regulation by this ordinance.
- 2183

2184 **Section 9.05A.050 - Wetland Buffers**

2185 A. Buffer Requirements. The buffer widths in Table 9.1 have been established in
2186 accordance with the best available science. They are based on the category of
2187 wetland, the intensity of adjacent land use (as determined in Table 9.2), and the
2188 habitat score as determined by a qualified wetland professional using the
2189 Washington state wetland rating system for eastern Washington.

2190

- 2191 1. The buffer widths in Table 9.1 assume that the buffer is vegetated with a
2192 native plant community appropriate for the eco-region. If the existing buffer is
2193 unvegetated, sparsely vegetated, or vegetated with invasive species that do
2194 not perform needed functions, the buffer should either be planted to create
2195 the appropriate plant community or the buffer should be widened to ensure
2196 that adequate functions of the buffer are provided.
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2. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts under the following conditions:
- a. For wetlands that score moderate or high for habitat (20 points or more for the habitat functions), the width of the buffer can be reduced if both of the following criteria are met:
 - i. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife (“relatively undisturbed” and “vegetated corridor” are defined in questions H 2.1 and H 2.2.1 of the *Washington State Wetland Rating System for Eastern Washington – Revised* (Hruby 2004a)). Priority Habitats in eastern Washington include:
 - o Wetlands
 - o Riparian zones
 - o Aspen stands
 - o Cliffs
 - o Prairies
 - o Caves
 - o Stands of Oregon White Oak
 - o Old growth forests
 - o Talus slopes
 - o Urban natural open space (for current definitions of Priority Habitats see <http://wdfw.wa.gov/hab/phshabs.htm>)

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

 - ii. Measures to minimize the impacts of different land uses on wetlands, such as the examples summarized in Table 9.3, are applied.
 - b. For wetlands that score less than 20 points for habitat, the buffer width can be reduced to that required for moderate land-use impacts by applying measures to minimize the impacts of the proposed land uses (see examples in Table 9.3).

Table 9.1 Wetland Buffer Requirements Eastern Washington

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Category IV wetlands (for wetlands scoring less than 30 points for all functions)		
Score for all 3 basic functions is less than 30 points	Low - 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time
Category III wetlands (for wetlands scoring 30 – 50 points for all functions or isolated vernal pools)		
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
Not meeting above characteristic	Low - 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time
Category II wetlands (for wetlands scoring 51-69 points for all functions or having the “Special Characteristics” identified in the rating system)		
High level of function for habitat (score for habitat 29 - 36 points)	Low - 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement and low for habitat (score for water quality 24 - 32 points; habitat less than 20 points)	Low - 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff

Vernal pool	<p>Low - 100 ft Moderate – 150 ft High – 200 ft 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 ft Moderate – 60 ft High – 80 ft</p>	No intensive grazing or tilling in the wetland
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	<p>Riparian forest wetlands need to be protected at a watershed or sub-basin scale (protection of the water regime in the watershed)</p> <p>Other protection based on needs to protect habitat and/or water quality functions</p>
Not meeting above characteristics	<p>Low - 50 ft Moderate – 75 ft High – 100 ft</p>	No recommendations at this time
Category I wetlands (for wetlands scoring 70 points or more for all functions or having the “Special Characteristics” identified in the rating system).		
Natural Heritage Wetlands	<p>Low - 125 ft Moderate – 190 ft High – 250 ft</p>	<p>No additional surface discharges to wetland or its tributaries</p> <p>No septic systems within 300 ft</p> <p>Restore degraded parts of buffer</p>
Bogs	<p>Low - 125 ft Moderate – 190 ft High – 250 ft</p>	<p>No additional surface discharges to wetland or its tributaries</p> <p>Restore degraded parts of buffer</p>

Forested	Buffer size to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas Restore degraded parts of buffer
Alkali	Low – 100 ft Moderate – 150 ft High – 200 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
High level of function for habitat (score for habitat 29 - 36 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (24 – 32 points) and low for habitat (less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

2246

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 (golf courses, ball fields, etc.)
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less)

	<ul style="list-style-type: none"> • Moderate-intensity open space (parks with biking, jogging, etc.) • Paved trails • Building of logging roads • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	<ul style="list-style-type: none"> • Forestry (cutting of trees only) • Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management.

2247 **Table 9.2 Types of proposed land use that can result in high, moderate, and low levels of**
2248 **impacts to adjacent wetlands.**

2249
2250 **Table 9.3 Examples of measures to minimize impacts to wetlands from proposed change**
2251 **in land use that have high impacts.**

(This is not a complete list of measures.)

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • 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 (per PSAT publication on LID techniques)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns

Disturbance	Required Measures to Minimize Impacts
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	<ul style="list-style-type: none"> • Use best management practices to control dust
Disruption of corridors or connections	<ul style="list-style-type: none"> • Maintain connections to offsite areas that are undisturbed • Restore corridors or connections to offsite habitats by replanting

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3. **Increased Wetland Buffer Area Width.** Buffer widths shall be increased on a case-by-case basis as determined by the Director of Public Works or the County Planner when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:
- a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
 - b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
 - c. The adjacent land has minimal vegetative cover or slopes greater than 30 percent.
4. Buffer averaging to *improve wetland protection* may be permitted when **all** of the following conditions are met:
- a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower-rated area;
 - b. The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as

- 2286 demonstrated by a critical areas report from a qualified wetland
2287 professional;
- 2288
- 2289 c. The total area of the buffer after averaging is equal to the area required
2290 without averaging;
- 2291
- 2292 d. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the
2293 required width or 75 feet for Category I and II, 50 feet for Category III
2294 and 25 feet for Category IV, whichever is greater.
- 2295
- 2296 5. Averaging to *allow reasonable use* of a parcel may be permitted when all of
2297 the following are met:
- 2298
- 2299 a. There are no feasible alternatives to the site design that could be
2300 accomplished without buffer averaging;
- 2301
- 2302 b. The averaged buffer will not result in degradation of the wetland's
2303 functions and values as demonstrated by a critical areas report from a
2304 qualified wetland professional;
- 2305
- 2306 c. The total buffer area after averaging is equal to the area required
2307 without averaging;
- 2308
- 2309 d. The buffer at its narrowest point is never less than either $\frac{3}{4}$ of the
2310 required width or 75 feet for Category I and II, 50 feet for Category III
2311 and 25 feet for Category IV, whichever is greater.
- 2312
- 2313 **B. Measurement of Wetland Buffers.** All buffers shall be measured perpendicular
2314 from the wetland boundary as surveyed in the field. The buffer for a wetland
2315 created, restored, or enhanced as compensation for approved wetland alterations
2316 shall be the same as the buffer required for the category of the created, restored, or
2317 enhanced wetland. Only fully vegetated buffers will be considered. Lawns,
2318 walkways, driveways, and other mowed or paved areas will not be considered
2319 buffers or included in buffer area calculations.
- 2320
- 2321 **C. Buffers on Mitigation Sites.** All mitigation sites shall have buffers consistent with
2322 the buffer requirements of this Chapter. Buffers shall be based on the expected or
2323 target category of the proposed wetland mitigation site.
- 2324
- 2325 **D. Buffer Maintenance.** Except as otherwise specified or allowed in accordance with
2326 this Chapter, wetland buffers shall be retained in an undisturbed or enhanced
2327 condition. In the case of compensatory mitigation sites, removal of invasive non-
2328 native weeds is required for the duration of the mitigation bond (Section
2329 9.05A.070.H.2.a.viii).
- 2330

- 2331 E. **Impacts to Buffers.** Requirements for the compensation for impacts to buffers are
2332 outlined in Section 9.05A.070 of this Chapter.
2333
- 2334 F. **Overlapping Critical Area Buffers.** If buffers for two contiguous critical areas
2335 overlap (such as buffers for a stream and a wetland), the wider buffer applies.
2336
- 2337 G. **Allowed Buffer Uses.** The following uses may be allowed within a wetland buffer in
2338 accordance with the review procedures of this Chapter, provided they are not
2339 prohibited by any other applicable law and they are conducted in a manner so as to
2340 minimize impacts to the buffer and adjacent wetland:
2341
- 2342 1. **Conservation and Restoration Activities.** Conservation or restoration activities
2343 aimed at protecting the soil, water, vegetation, or wildlife.
2344
 - 2345 2. **Passive Recreation.** Passive recreation facilities designed and in accordance
2346 with an approved critical area report, including:
2347
 - 2348 a. Walkways and trails, provided that those pathways are limited to minor
2349 crossings having no adverse impact on water quality. They should be
2350 generally parallel to the perimeter of the wetland, located only in the
2351 outer twenty-five percent (25%) of the wetland buffer area, and located
2352 to avoid removal of significant trees. They should be limited to
2353 pervious surfaces no more than five (5) feet in width for pedestrian use
2354 only. Raised boardwalks utilizing non-treated pilings may be
2355 acceptable.
2356
 - 2357 b. Wildlife-viewing structures.
2358
 - 2359 3. Educational and scientific research activities.
2360
 - 2361 4. Normal and routine maintenance and repair of any existing public or private
2362 facilities within an existing right-of-way, provided that the maintenance or
2363 repair does not increase the footprint or use of the facility or right-of-way.
2364
 - 2365 5. The harvesting of wild crops in a manner that is not injurious to natural
2366 reproduction of such crops and provided the harvesting does not require tilling
2367 of soil, planting of crops, chemical applications, or alteration of the wetland by
2368 changing existing topography, water conditions, or water sources.
2369
 - 2370 6. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals
2371 located completely outside of the wetland buffer boundary, provided that the
2372 drilling does not interrupt the ground water connection to the wetland or
2373 percolation of surface water down through the soil column. Specific studies
2374 by a hydrologist are necessary to determine whether the ground water
2375 connection to the wetland or percolation of surface water down through the
2376 soil column is disturbed.

- 2377 7. Enhancement of a wetland buffer through the removal of non-native invasive
2378 plant species. Removal of invasive plant species shall be restricted to hand
2379 removal. All removed plant material shall be taken away from the site and
2380 appropriately disposed of. Plants that appear on the Washington State
2381 Noxious Weed Control Board list of noxious weeds must be handled and
2382 disposed of according to a noxious weed control plan appropriate to that
2383 species. Revegetation with appropriate native species at natural densities is
2384 allowed in conjunction with removal of invasive plant species.
2385
- 2386 8. Stormwater management facilities. Stormwater management facilities are
2387 limited to stormwater dispersion outfalls and bioswales. They may be allowed
2388 within the outer twenty-five percent (25%) of the buffer of Category III or IV
2389 wetlands only, provided that:
- 2390
- 2391 a. No other location is feasible; and
 - 2392
 - 2393 b. The location of such facilities will not degrade the functions or values
2394 of the wetland; and
 - 2395
 - 2396 c. Stormwater management facilities are not allowed in buffers of
2397 Category I or II wetlands.
2398
- 2399 9. Non-Conforming Uses. Repair and maintenance of non-conforming uses or
2400 structures, where legally established within the buffer, provided they do not
2401 increase the degree of nonconformity.
2402

2403 H. Signs and Fencing of Wetlands and Buffers.
2404

- 2405 1. **Temporary Markers.** The outer perimeter of the wetland buffer and the
2406 clearing limits identified by an approved permit or authorization shall be
2407 marked in the field with temporary “clearing limits” fencing in such a way as to
2408 ensure that no unauthorized intrusion will occur. The marking is subject to
2409 inspection by the Director of Public Works or the County Planner prior to the
2410 commencement of permitted activities. This temporary marking shall be
2411 maintained throughout construction and shall not be removed until permanent
2412 signs, if required, are in place.
2413
- 2414 2. **Permanent Signs.** As a condition of any permit or authorization issued
2415 pursuant to this Chapter, the Planning Director may require the applicant to
2416 install permanent signs along the boundary of a wetland or buffer.
2417
- 2418 a. Permanent signs shall be made of an enamel-coated metal face and
2419 attached to a metal post, or another non-treated material of equal
2420 durability. Signs must be posted at an interval of one (1) per lot or
2421 every fifty (50) feet, whichever is less, and must be maintained by the

2422 property owner in perpetuity. The sign shall be worded as follows or
2423 with alternative language approved by the director:

2424
2425 **Protected Wetland Area**
2426 **Do Not Disturb**
2427 **Contact Whitman County Planning**
2428 **Regarding Uses and Restriction**

- 2429
2430 b. The provisions of subsection (a) may be modified as necessary to
2431 assure protection of sensitive features or wildlife.

2432
2433 **3. Fencing.**

- 2434
2435 a. The County Planner shall determine if fencing is necessary to protect
2436 the functions and values of the critical area. If found to be necessary,
2437 the County Planner shall condition any permit or authorization issued
2438 pursuant to this Chapter to require the applicant to install a permanent
2439 fence at the edge of the wetland buffer, when fencing will prevent
2440 future impacts to the wetland.
2441
2442 b. Fencing installed as part of a proposed activity or as required in this
2443 Subsection shall be designed so as to not interfere with species
2444 migration, including fish runs, and shall be constructed in a manner
2445 that minimizes impacts to the wetland and associated habitat.

2446
2447 **9.05A.060 - Critical Area Report for Wetlands**

2448 A. If the Director of Public Works or the County Planner determines that the site of a
2449 proposed development includes, is likely to include, or is adjacent to a wetland, a
2450 wetland report, prepared by a qualified professional, shall be required. The expense
2451 of preparing the wetland report shall be borne by the applicant.

2452
2453 B. **Minimum Standards for Wetland Reports.** The written report and the
2454 accompanying plan sheets shall contain the following information, at a minimum:

2455
2456 1. The written report shall include at a minimum:

- 2457
2458 a. The name and contact information of the applicant; the name,
2459 qualifications, and contact information for the primary author(s) of the
2460 wetland critical area report; a description of the proposal; identification
2461 of all the local, state, and/or federal wetland-related permit(s) required
2462 for the project; and a vicinity map for the project.
2463
2464 b. A statement specifying the accuracy of the report and all assumptions
2465 made and relied upon.

2466

- 2467 c. Documentation of any fieldwork performed on the site, including field
2468 data sheets for delineations, function assessments, baseline
2469 hydrologic data, etc.
2470
- 2471 d. A description of the methodologies used to conduct the wetland
2472 delineations, function assessments, or impact analyses including
2473 references.
2474
- 2475 e. Identification and characterization of all critical areas, wetlands, water
2476 bodies, shorelines, floodplains, and buffers on or adjacent to the
2477 proposed project area. For areas off site of the project site, estimate
2478 conditions within 200 feet of the project boundaries using the best
2479 available information.
2480
- 2481 f. For each wetland identified on-site and within 200 feet of the project
2482 site provide: the wetland rating per Wetland Ratings (Section
2483 9.05A.020(B) of this Chapter); required buffers; hydrogeomorphic
2484 classification; wetland acreage based on a professional survey from
2485 the field delineation (acreages for on-site portion and entire wetland
2486 area including off-site portions); Cowardin classification of vegetation
2487 communities; habitat elements; soil conditions based on site
2488 assessment and/or soil survey information; and to the extent possible,
2489 hydrologic information such as location and condition of inlet/outlets (if
2490 they can be legally accessed), estimated water depths within the
2491 wetland, and estimated hydroperiod patterns based on visual cues
2492 (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage
2493 estimates, classifications, and ratings based on entire wetland
2494 complexes, not only the portion present on the proposed project site.
2495
- 2496 g. A description of the proposed actions including an estimation of
2497 acreages of impacts to wetlands and buffers based on the field
2498 delineation and survey and an analysis of site development
2499 alternatives including a no-development alternative.
2500
- 2501 h. An assessment of the probable cumulative impacts to the wetlands
2502 and buffers resulting from the proposed development.
2503
- 2504 i. A conservation strategy for habitat and native vegetation that
2505 addresses methods to protect and enhance on-site habitat and wetland
2506 functions.
2507
- 2508 j. An evaluation of the functions of the wetland and adjacent buffer.
2509 Include reference for the method used and data sheets.
2510
- 2511 2. A copy of the site plan sheet(s) for the project must be included with the
2512 written report and must include, at a minimum:

- 2513 a. Maps (to scale) depicting delineated and surveyed wetland and
2514 required buffers on-site, including buffers for off-site critical areas that
2515 extend onto the project site; the development proposal; other critical
2516 areas; grading and clearing limits; areas of proposed impacts to
2517 wetlands and/or buffers (include square footage estimates);
2518
2519 b. A depiction of the proposed stormwater management facilities and
2520 outlets (to scale) for the development, including estimated areas of
2521 intrusion into the buffers of any critical areas. The written report shall
2522 contain a discussion of the potential impacts to the wetland(s)
2523 associated with anticipated hydroperiod alterations from the project.
2524

2525 **9.05A.070 - Compensatory Mitigation**

2526 A. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall
2527 demonstrate that the following actions have been taken. Actions are listed in the
2528 order of preference.

- 2529
- 2530 1. Avoid the impact altogether by not taking a certain action or parts of an
2531 action.
 - 2532
 - 2533 2. Minimize impacts by limiting the degree or magnitude of the action and its
2534 implementation, by using appropriate technology, or by taking affirmative
2535 steps to avoid or reduce impacts.
 - 2536
 - 2537 3. Rectify the impact by repairing, rehabilitating, or restoring the affected
2538 environment.
 - 2539
 - 2540 4. Reduce or eliminate the impact over time by preservation and maintenance
2541 operations.
 - 2542
 - 2543 5. Compensate for the impact by replacing, enhancing, or providing substitute
2544 resources or environments.
 - 2545
 - 2546 6. Monitor the required compensation and take remedial or corrective measures
2547 when necessary.
 - 2548

2549 **B. Requirements for Compensatory Mitigation.**

- 2550
- 2551 1. Compensatory mitigation for alterations to wetlands shall be used only for
2552 impacts that cannot be avoided or minimized and shall achieve equivalent or
2553 greater biologic functions. Compensatory mitigation plans shall be consistent
2554 with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation
2555 Plans (Version 1)*, Ecology Publication #06-06-011b, Olympia, WA, March
2556 2006 or as revised.
 - 2557
 - 2558 2. Mitigation ratios shall be consistent with Subsection G of this Chapter.

2559 C. **Compensating for Lost or Affected Functions.** Compensatory mitigation shall
2560 address the functions affected by the proposed project, with an intention to achieve
2561 functional equivalency or improvement of functions. The goal shall be for the
2562 compensatory mitigation to provide similar wetland functions as those lost, except
2563 when either:

- 2564
- 2565 1. The lost wetland provides minimal functions and the proposed compensatory
2566 mitigation action(s) will provide equal or greater functions or will provide
2567 functions shown to be limiting within a watershed through a formal
2568 Washington state watershed assessment plan or protocol; or
 - 2569
 - 2570 2. Out-of-kind replacement of wetland type or functions will best meet watershed
2571 goals formally identified by the County, such as replacement of historically
2572 diminished wetland types.

2573

2574 D. **Preference of Mitigation Actions.** Methods to achieve compensation for wetland
2575 functions shall be approached in the following order of preference:

- 2576
- 2577 1. Restoration (re-establishment and rehabilitation) of wetlands;
 - 2578
 - 2579 2. Creation (establishment) of wetlands on disturbed upland sites such as those
2580 with vegetative cover consisting primarily of non-native species. This should
2581 be attempted only when there is an adequate source of water and it can be
2582 shown that the surface and subsurface hydrologic regime is conducive to the
2583 wetland community that is anticipated in the design;
 - 2584
 - 2585 3. Enhancement of significantly degraded wetlands in combination with
2586 restoration or creation. Enhancement alone will result in a loss of wetland
2587 acreage and is less effective at replacing the functions lost. Enhancement
2588 should be part of a mitigation package that includes replacing the impacted
2589 area and meeting appropriate ratio requirements;
 - 2590
 - 2591 4. Preservation. Preservation of high-quality, at risk-wetlands as compensation
2592 is generally acceptable when done in combination with restoration, creation,
2593 or enhancement, provided that a minimum of 1:1 acreage replacement is
2594 provided by re-establishment or creation.

2595

2596 Preservation of high-quality, at-risk wetlands and habitat may be considered
2597 as the sole means of compensation for wetland impacts when the following
2598 criteria are met:

- 2599
- 2600 a. Wetland impacts will not have a significant adverse impact on habitat
2601 for listed fish, or other ESA listed species;
 - 2602
 - 2603 b. There is no net loss of habitat functions within the watershed or basin;
- 2604

2605 c. Mitigation ratios for preservation as the sole means of mitigation shall
2606 generally start at 20:1. Specific ratios should depend upon the
2607 significance of the preservation project and the quality of the wetland
2608 resources lost;

2609
2610 d. The impact area is small (generally <1/2 acre) and/or impacts are
2611 occurring to a low-functioning system (Category III or IV wetland).

2612
2613 All preservation sites shall include buffer areas adequate to protect the
2614 habitat and its functions from encroachment and degradation.

2615
2616 **E. Type and Location of Compensatory Mitigation.** Unless it is demonstrated that a
2617 higher level of ecological functioning would result from an alternative approach,
2618 compensatory mitigation for ecological functions shall be either in kind and on site,
2619 or in kind and within the same stream reach, sub-basin, or drift cell (if estuarine
2620 wetlands are impacted). Compensatory mitigation actions shall be conducted within
2621 the same sub-drainage basin and on the site of the alteration except when all of the
2622 following apply:

- 2623
2624 1. There are no reasonable opportunities on-site or within the sub-drainage
2625 basin (e.g., on-site options would require elimination of high-functioning
2626 upland habitat), or opportunities on site or within the sub-drainage basin do
2627 not have a high likelihood of success based on a determination of the
2628 capacity of the site to compensate for the impacts. Considerations should
2629 include: anticipated replacement ratios for wetland mitigation, buffer
2630 conditions and proposed widths, available water to maintain anticipated
2631 hydrogeomorphic classes of wetlands when restored, proposed flood storage
2632 capacity, and potential to mitigate riparian fish and wildlife impacts (such as
2633 connectivity);
- 2634
2635 2. Off-site mitigation has a greater likelihood of providing equal or improved
2636 wetland functions than the impacted wetland; and
- 2637
2638 3. Off-site locations shall be in the same sub-drainage basin unless:
- 2639
2640 a. Established watershed goals for water quality, flood storage or
2641 conveyance, habitat, or other wetland functions have been established
2642 by the City and strongly justify location of mitigation at another site; or
- 2643
2644 b. Credits from a state-certified wetland mitigation bank are used as
2645 compensation, and the use of credits is consistent with the terms of the
2646 bank's certification.
- 2647
2648 4. The design for the compensatory mitigation project needs to be appropriate
2649 for its location (i.e., position in the landscape). Therefore, compensatory
2650 mitigation should not result in the creation, restoration, or enhancement of an

2651 atypical wetland. An atypical wetland refers to a compensation wetland (e.g.,
2652 created or enhanced) that does not match the type of existing wetland that
2653 would be found in the geomorphic setting of the site (i.e., the water source(s)
2654 and hydroperiod proposed for the mitigation site are not typical for the
2655 geomorphic setting). Likewise, it should not provide exaggerated morphology
2656 or require a berm or other engineered structures to hold back water. For
2657 example, excavating a permanently inundated pond in an existing seasonally
2658 saturated or inundated wetland is one example of an enhancement project
2659 that could result in an atypical wetland. Another example would be
2660 excavating depressions in an existing wetland on a slope, which would
2661 require the construction of berms to hold the water.
2662

2663 **F. Timing of Compensatory Mitigation.** It is preferred that compensatory mitigation
2664 projects be completed prior to activities that will disturb wetlands. At the least,
2665 compensatory mitigation shall be completed immediately following disturbance and
2666 prior to use or occupancy of the action or development. Construction of mitigation
2667 projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.
2668

- 2669 1. The Director of Public Works or the County Planner may authorize a one-time
2670 temporary delay in completing construction or installation of the
2671 compensatory mitigation when the applicant provides a written explanation
2672 from a qualified wetland professional as to the rationale for the delay. An
2673 appropriate rationale would include identification of the environmental
2674 conditions that could produce a high probability of failure or significant
2675 construction difficulties (e.g., project delay lapses past a fisheries window, or
2676 installing plants should be delayed until the dormant season to ensure greater
2677 survival of installed materials). The delay shall not create or perpetuate
2678 hazardous conditions or environmental damage or degradation, and the delay
2679 shall not be injurious to the health, safety, or general welfare of the public.
2680 The request for the temporary delay must include a written justification that
2681 documents the environmental constraints that preclude implementation of the
2682 compensatory mitigation plan. The justification must be verified and
2683 approved by the County.
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2697 G. Wetland Mitigation Ratios:

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	Preservation
Category I: Bog, Natural Heritage site	Not considered possible	6:1	Case-by-case	Case-by-case
Category I: Mature Forested	6:1	12:1	24:1	24:1
Category I: Based on functions	4:1	8:1	16:1	20:1
Category II:	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1
Category IV	1.5:1	3:1	6:1	10:1

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H. **Compensatory Mitigation Plan.** When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:

1. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in *Minimum Standards for Wetland Reports* (Section 9.05A.060.B) of this Chapter;
2. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements. Full guidance can be found in *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1)* (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).
 - a. The written report must contain, at a minimum:
 - i. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed

2720 compensation concept; identification of all the local, state,
2721 and/or federal wetland-related permit(s) required for the project;
2722 and a vicinity map for the project;
2723
2724 ii. Description of how the project design has been modified to
2725 avoid, minimize, or reduce adverse impacts to wetlands;
2726
2727 iii. Description of the existing wetland and buffer areas proposed to
2728 be impacted. Include acreage (or square footage), water
2729 regime, vegetation, soils, landscape position, surrounding lands
2730 uses, and functions. Also describe impacts in terms of acreage
2731 by Cowardin classification, hydrogeomorphic classification, and
2732 wetland rating, based on *Wetland Ratings* (Section
2733 9.05A.020.B) of this Chapter;
2734
2735 iv. Description of the compensatory mitigation site, including
2736 location and rationale for selection. Include an assessment of
2737 existing conditions: acreage (or square footage) of wetlands and
2738 uplands, water regime, sources of water, vegetation, soils,
2739 landscape position, surrounding land uses, and functions. .
2740 Estimate future conditions in this location if the compensation
2741 actions are NOT undertaken (i.e., how would this site progress
2742 through natural succession?);
2743
2744 v. A description of the proposed actions for compensation of
2745 wetland and upland areas affected by the project. Include
2746 overall goals of the proposed mitigation, including a description
2747 of the targeted functions, hydrogeomorphic classification, and
2748 categories of wetlands;
2749
2750 vi. A description of the proposed mitigation construction activities
2751 and timing of activities;
2752
2753 vii. A discussion of ongoing management practices that will protect
2754 wetlands after the project site has been developed, including
2755 proposed monitoring and maintenance programs (for remaining
2756 wetlands and compensatory mitigation wetlands);
2757
2758 viii. A bond estimate for the entire compensatory mitigation project,
2759 including the following elements: site preparation, plant
2760 materials, construction materials, installation oversight,
2761 maintenance twice per year for up to five (5) years, annual
2762 monitoring field work and reporting, and contingency actions for
2763 a maximum of the total required number of years for monitoring;
2764

- 2765 ix. Proof of establishment of Notice on Title for the wetlands and
2766 buffers on the project site, including the compensatory
2767 mitigation areas.
2768
- 2769 b. The scaled plan sheets for the compensatory mitigation must contain,
2770 at a minimum:
2771
- 2772 i. Surveyed edges of the existing wetland and buffers, proposed
2773 areas of wetland and/or buffer impacts, location of proposed
2774 wetland and/or buffer compensation actions;
2775
- 2776 ii. Existing topography, ground-proofed, at two-foot contour
2777 intervals in the zone of the proposed compensation actions if
2778 any grading activity is proposed to create the compensation
2779 area(s). Also existing cross-sections of on-site wetland areas
2780 that are proposed to be impacted and cross-section(s)
2781 (estimated one-foot intervals) for the proposed areas of wetland
2782 or buffer compensation;
2783
- 2784 iii. Surface and subsurface hydrologic conditions including an
2785 analysis of existing and proposed hydrologic regimes for
2786 enhanced, created, or restored compensatory mitigation areas.
2787 Also, illustrations of how data for existing hydrologic conditions
2788 were used to determine the estimates of future hydrologic
2789 conditions;
2790
- 2791 iv. Conditions expected from the proposed actions on site including
2792 future hydrogeomorphic types, vegetation community types by
2793 dominant species (wetland and upland), and future water
2794 regimes;
2795
- 2796 v. Required wetland buffers for existing wetlands and proposed
2797 compensation areas. Also, identify any zones where buffers are
2798 proposed to be reduced or enlarged outside of the standards
2799 identified in this Chapter;
2800
- 2801 vi. A plant schedule for the compensation area including all species
2802 by proposed community type and water regime, size and type of
2803 plant material to be installed, spacing of plants, typical
2804 clustering patterns, total number of each species by community
2805 type, timing of installation;
2806
- 2807 vii. Performance standards (measurable standards reflective of
2808 years post-installation) for upland and wetland communities,
2809 monitoring schedule, and maintenance schedule and actions by
2810 each biennium.

2811 I. **Buffer Mitigation Ratios.** Impacts to buffers shall be mitigated at a 1:1 ratio.
2812 Compensatory buffer mitigation shall replace those buffer functions lost from
2813 development.

2814
2815 J. **Wetland Mitigation Banks.**

- 2816
2817 1. Credits from a wetland mitigation bank may be approved for use as
2818 compensation for unavoidable impacts to wetlands when:
- 2819 a. The bank is certified under state rules;
 - 2820
 - 2821 b. The Director of Public Works or the County Planner determines that
 - 2822 the wetland mitigation bank provides appropriate compensation for the
 - 2823 authorized impacts; and
 - 2824
 - 2825 c. The proposed use of credits is consistent with the terms and
 - 2826 conditions of the bank's certification.
 - 2827
- 2828
2829 2. Replacement ratios for projects using bank credits shall be consistent with
2830 replacement ratios specified in the bank's certification;
- 2831
2832 3. Credits from a certified wetland mitigation bank may be used to compensate
2833 for impacts located within the service area specified in the bank's certification.
2834 In some cases, the service area of the bank may include portions of more
2835 than one adjacent drainage basin for specific wetland functions.

2836
2837 K. **In-Lieu Fee.** To aid in the implementation of off-site mitigation, the County may
2838 develop an in-lieu fee program. This program shall be developed and approved
2839 through a public process and be consistent with federal rules, state policy on in-lieu
2840 fee mitigation, and state water quality regulations. An approved in-lieu-fee program
2841 sells compensatory mitigation credits to permittees whose obligation to provide
2842 compensatory mitigation is then transferred to the in-lieu program sponsor, a
2843 governmental or non-profit natural resource management entity. Credits from an
2844 approved in-lieu-fee program may be used when paragraphs 1-6 below apply:

- 2845
2846 1. The approval authority determines that it would provide environmentally
2847 appropriate compensation for the proposed impacts;
- 2848
2849 2. The mitigation will occur on a site identified using the site selection and
2850 prioritization process in the approved in-lieu-fee program instrument;
- 2851
2852 3. The proposed use of credits is consistent with the terms and conditions of the
2853 approved in-lieu-fee program instrument;
- 2854
2855 4. Land acquisition and initial physical and biological improvements of the
2856 mitigation site must be completed within three years of the credit sale;

- 2857 5. Projects using in-lieu-fee credits shall have debits associated with the
2858 proposed impacts calculated by the applicant's qualified wetland scientist
2859 using the method consistent with the credit assessment method specified in
2860 the approved instrument for the in-lieu-fee program;
2861
2862 6. Credits from an approved in-lieu-fee program may be used to compensate for
2863 impacts located within the service area specified in the approved in-lieu-fee
2864 instrument.

2865
2866 L. **Advance Mitigation.** Mitigation for projects with pre-identified impacts to wetlands
2867 may be constructed in advance of the impacts if the mitigation is implemented
2868 consistent with federal rules, state policy on advance mitigation and state water
2869 quality regulations documented in *Interagency Regulatory Guide: Advance*
2870 *Permittee-Responsible Mitigation* (Ecology Publication No. 12-06-015, December
2871 2012).
2872

2873 M. **Alternative Mitigation Plans.** The County Planner may approve alternative critical
2874 areas mitigation plans that are based on best available science, such as priority
2875 restoration plans that achieve restoration goals identified in the SMP. Alternative
2876 mitigation proposals must provide an equivalent or better level of protection of critical
2877 area functions and values than would be provided by the strict application of this
2878 Chapter.
2879

2880 The County Planner shall consider the following for approval of an alternative
2881 mitigation proposal:
2882

- 2883 1. The proposal uses a watershed approach consistent with *Selecting Wetland*
2884 *Mitigation Sites Using a Watershed Approach (Eastern Washington)*
2885 (Publication #10-06-07, Olympia, WA, November 2010);
2886
2887 2. Creation or enhancement of a larger system of natural areas and open space
2888 is preferable to the preservation of many individual habitat areas;
2889
2890 3. Mitigation according to Section 9.05A.070(E) is not feasible due to site
2891 constraints such as parcel size, stream type, wetland category, or geologic
2892 hazards;
2893
2894 4. There is clear potential for success of the proposed mitigation at the proposed
2895 mitigation site;
2896
2897 5. The plan shall contain clear and measurable standards for achieving
2898 compliance with the specific provisions of the plan. A monitoring plan shall, at
2899 a minimum, meet the provisions in Section 9.05A.070(H);
2900
2901 6. The plan shall be reviewed and approved as part of overall approval of the
2902 proposed use;

- 2903 7. A wetland of a different type is justified based on regional needs or functions
2904 and values; the replacement ratios may not be reduced or eliminated unless
2905 the reduction results in a preferred environmental alternative;
2906
2907 8. Mitigation guarantees shall meet the minimum requirements as outlined in
2908 Section 9.05A.070(H)(a)(viii);
2909
2910 9. Qualified professionals in each of the critical areas addressed shall prepare
2911 the plan;
2912
2913 10 The County may consult with agencies with expertise and jurisdiction over the
2914 resources during the review to assist with analysis and identification of
2915 appropriate performance measures that adequately safeguard critical areas.
2916

2917 **9.05A.080 - Unauthorized Alterations and Enforcement**

- 2918 A. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing
2919 development work shall stop and the critical area shall be restored. The County
2920 shall have the authority to issue a “stop-work” order to cease all ongoing
2921 development work and order restoration, rehabilitation, or replacement measures at
2922 the owner’s or other responsible party’s expense to compensate for violation of
2923 provisions of this Chapter.
2924
2925 B. **Requirement for Restoration Plan.** All development work shall remain stopped
2926 until a restoration plan is prepared and approved by County. Such a plan shall be
2927 prepared by a qualified professional using the currently accepted scientific principles
2928 and shall describe how the actions proposed meet the minimum requirements
2929 described in Subsection (C). The Director of Public Works or the County Planner
2930 shall, at the violator’s expense, seek expert advice in determining the adequacy of
2931 the plan. Inadequate plans shall be returned to the applicant or violator for revision
2932 and resubmittal.
2933
2934 C. **Minimum Performance Standards for Restoration.** The following minimum
2935 performance standards shall be met for the restoration of a wetland, provided that if
2936 the violator can demonstrate that greater functions and habitat values can be
2937 obtained, these standards may be modified:
2938
2939 1. The historic structure, functions, and values of the affected wetland shall be
2940 restored, including water quality and habitat functions;
2941
2942 2. The historic soil types and configuration shall be restored to the extent
2943 practicable;
2944
2945 3. The wetland and buffers shall be replanted with native vegetation that
2946 replicates the vegetation historically found on the site in species types, sizes,
2947 and densities. The historic functions and values should be replicated at the
2948 location of the alteration;

2949 4. Information demonstrating compliance with other applicable provisions of this
2950 Chapter shall be submitted to the Director of Public Works or the County
2951 Planner.

2952
2953 D. **Site Investigations.** The Director of Public Works or the County Planner is
2954 authorized to make site inspections and take such actions as are necessary to
2955 enforce this Chapter. The Director of Public Works or the County Planner shall
2956 present proper credentials and make a reasonable effort to contact any property
2957 owner before entering onto private property.

2958
2959 E. **Penalties.** Any person, party, firm, corporation, or other legal entity convicted of
2960 violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

2961
2962 1. Each day or portion of a day during which a violation of this Chapter is
2963 committed or continued shall constitute a separate offense. Any development
2964 carried out contrary to the provisions of this Chapter shall constitute a public
2965 nuisance and may be enjoined as provided by the statutes of the state of
2966 Washington. The County may levy civil penalties against any person, party,
2967 firm, corporation, or other legal entity for violation of any of the provisions of
2968 this Chapter. The civil penalty shall be as described in the General Penalty
2969 Chapter (Chapter 1.12) of the Whitman County Code.

2970
2971 2. If the wetland affected cannot be restored, monies collected as penalties shall
2972 be deposited in a dedicated account for the preservation or restoration of
2973 landscape processes and functions in the watershed in which the affected
2974 wetland is located. The County may coordinate its preservation or restoration
2975 activities with other cities in the watershed to optimize the effectiveness of the
2976 restoration action.

2977
2978 **Section 9.05A.090 – Appeal**
2979 Appeal of any administrative wetlands ordinance decision shall be limited to the
2980 applicant, and shall be heard by the Board of Adjustment, as established by chapter
2981 19.06 of the Whitman County Zoning Ordinance.

2982
2983 **CHAPTER 9.05B**
2984 **FISH AND WILDLIFE HABITAT CONSERVATION AREAS**

2985
2986 **Section 9.05B.010 – Purpose**
2987 It is the intent of Whitman County to recognize the importance of protecting fish and
2988 wildlife habitat conservation areas while at the same time encouraging continued
2989 economic development of the County, including the continuation of agriculture.
2990 Implementation of this Chapter is directed toward preserving resources by steering
2991 incompatible development away from these areas and/or by providing adequate and
2992 appropriate mitigation measures to development that alleviate negative impacts. An
2993 applicant shall be required to obtain a fish and wildlife habitat evaluation for any parcel
2994 upon which any proposed development or non-development clearing activities within or

2995 adjacent to designated habitat areas. If the evaluation reveals the existence of a
2996 designated fish and wildlife habitat area a critical area report is required.

2997

2998 **Section 9.05B.020 – Designation**

2999 All areas within Whitman County meeting one or more of the following criteria,
3000 regardless of any formal identification, are hereby designated critical areas and are
3001 subject to the provisions of this ordinance and shall be managed consistent with the
3002 best available science, such as the Washington Department of Fish and Wildlife’s
3003 Management Recommendations for Priority Habitat and Species. Fish and wildlife
3004 habitat conservation areas shall include:

3005

3006 A. Areas with which state or federally designated endangered, threatened, and
3007 sensitive species have a primary association;

3008

3009 B. State priority habitats and areas associated with state priority species;

3010 A state list of priority habitats is included in Appendix 1.

3011

3012 C. **Habitats and Species of Local Importance.** Areas legislatively designated and mapped by
3013 the County because of unusual or unique habitat warranting protection due to their population
3014 status or sensitivity to habitat manipulation. Habitats may include a seasonal range or habitat
3015 element with which a species has a primary association, and which, if altered, may reduce the
3016 likelihood that the species will maintain and reproduce over the long term.

3017

3018 1. **Designation Process.** The County shall accept and consider nominations for
3019 habitat areas and species to be designated as locally important on an annual
3020 basis. The nomination may include management strategies for the species or
3021 habitats. Management strategies must be supported by the best available
3022 science, and where restoration of habitat is proposed, a specific plan for
3023 restoration must be provided prior to nomination. Habitats and species may
3024 be nominated for designation by any person. A habitat characteristics hand-
3025 out with guidelines on important characteristics for nominating locally
3026 important habitat areas is available from the planning office. The process for
3027 nomination is as follows:

3028

3029 a. The County Planner shall determine whether the nomination proposal
3030 is complete, and if complete, shall evaluate it according to the
3031 characteristics enumerated in subsection (1) and make a
3032 recommendation to the Planning Commission based on those findings;

3033

3034 b. The Planning Commission shall hold a public hearing for proposals and
3035 make a recommendation to the Board of County Commissioners based
3036 on the characteristics enumerated in subsection (1);

3037

3038 c. The Board of County Commissioners shall then decide whether or not
3039 to approve the application to designate an area for a Habitat or
3040 Species of Local Importance;

3041 d. Approved nominations will be subject to the provisions of this Chapter.

3042

3043 **D. Naturally Occurring Ponds Under Twenty Acres.** Naturally occurring ponds are
3044 those ponds under twenty (20) acres and their submerged aquatic beds that provide
3045 fish or wildlife habitat, including those artificial ponds intentionally created from dry
3046 areas in order to mitigate impacts to ponds. Naturally occurring ponds do not
3047 include ponds deliberately designed and created from dry sites, such as canals,
3048 detention facilities, wastewater treatment facilities, farm ponds, temporary
3049 construction ponds, and landscape amenities, unless such artificial ponds were
3050 intentionally created for mitigation;

3051

3052 **E. Waters of the State.** Waters of the state include lakes, rivers, ponds, streams,
3053 inland waters, underground waters, salt waters, and all other surface waters and
3054 watercourses within the jurisdiction of the State of Washington, as classified in WAC
3055 222-16-031 (or WAC 222-16-030 depending on classification used);

3056

3057 **F.** Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal
3058 entity.

3059

3060 **G. State Natural Area Preserves and Natural Resource Conservation Areas.**
3061 Natural area preserves and natural resource conservation areas are defined,
3062 established, and managed by the Washington State Department of Natural
3063 Resources;

3064

3065 **H. Areas of Rare Plant Species and High Quality Ecosystems.** Areas of rare plant
3066 species and high quality ecosystems are identified by the Washington State
3067 Department of Natural Resources through the Natural Heritage Program; and

3068

3069 **I.** Land useful or essential for preserving connections between habitat blocks and open
3070 spaces.

3071

3072 **Section 9.05B.030 – Mapping**

3073 The approximate location and extent of habitat conservation areas are shown on the
3074 critical area maps adopted by the County, as most recently updated. The following
3075 critical area maps are hereby adopted:

3076

3077 **A.** Washington Department of Fish and Wildlife Priority Habitat and Species maps;

3078

3079 **B.** Washington State Department of Natural Resources, Official Water Type Reference
3080 maps, as amended;

3081

3082 **C.** Washington State Department of Natural Resources Shorezone Inventory;

3083

3084 **D.** Washington State Department of Natural Resources Natural Heritage Program
3085 mapping data;

3086

- 3087 E. Anadromous and resident salmonid distribution maps contained in the Habitat
3088 Limiting Factors reports published by the Washington Conservation Commission;
3089
- 3090 F. Washington State Department of Natural Resources State Natural Area Preserves
3091 and Natural Resource Conservation Area maps; and
3092
- 3093 G. County official habitat maps.
3094

3095 These maps are to be used as a guide for the County, project applicants, and/or
3096 property owners and should be continuously updated as new critical areas are
3097 identified. They are a reference and do not provide a final critical area designation.
3098

3099 **9.05B.040 – Critical Area Report-Additional Requirements for Habitat**
3100 **Conservation Areas**

3101 In addition to the general critical area report requirements, the following elements must
3102 be met:
3103

- 3104 A. **Preparation by a Qualified Professional.** A critical areas report for a habitat
3105 conservation area shall be prepared by a qualified professional who is a biologist
3106 with experience preparing reports for the relevant type of habitat;
3107
- 3108 B. **Areas Addressed in Critical Area Report.** The following areas shall be addressed
3109 in a critical area report for habitat conservation areas:
3110
 - 3111 1. The project area of the proposed activity;
3112
 - 3113 2. All habitat conservation areas and recommended buffers within three hundred
3114 (300) feet of the project area; and
3115
 - 3116 3. All shoreline areas, floodplains, other critical areas, and related buffers within
3117 three hundred (300) feet of the project area.
3118
- 3119 C. **Habitat Assessment.** An investigation of the project area to evaluate the potential
3120 presence or absence of designated critical fish or wildlife species or habitat. An
3121 assessment of habitats shall include, at a minimum, the following information:
3122
 - 3123 1. Detailed description of vegetation on and adjacent to the project area and its
3124 associated buffer;
3125
 - 3126 2. Identification of any species of local importance, priority species, or
3127 endangered, threatened, sensitive, or candidate species that have a primary
3128 association with habitat on or adjacent to the project area, and assessment of
3129 potential project impacts to the use of the site by the species;
3130
 - 3131 3. A discussion of any federal, state, or local special management
3132 recommendations, including Washington Department of Fish and Wildlife

3133 habitat management recommendations, that have been developed for
3134 species or habitats located on or adjacent to the project area;

3135
3136 4. A detailed discussion of the direct and indirect potential impacts on habitat by
3137 the project, including potential impacts to water quality;

3138
3139 5. A discussion of measures, including avoidance, minimization, and mitigation,
3140 proposed to preserve existing habitats and restore any habitat that was
3141 degraded prior to the proposed activity; and

3142
3143 6. A discussion of ongoing management practices that will protect habitat after
3144 the project site has been developed, including proposed monitoring and
3145 maintenance programs.

3146
3147 **D. Additional Information may be Required.** When appropriate due to the type of
3148 habitat or species present or the project area conditions, the County Planner may
3149 also require the habitat management plan to include:

3150
3151 1. An evaluation by an independent qualified professional regarding the
3152 applicant's analysis and the effectiveness of any proposed mitigating
3153 measures or programs, to include any recommendations as appropriate;

3154
3155 2. A request for consultation with the Washington Department of Fish and
3156 Wildlife or the local Native American Indian Tribe or other appropriate agency;
3157 and

3158
3159 3. Detailed surface and subsurface hydrologic features both on and adjacent to
3160 the site.

3161
3162 **Section 9.05B.050 – Performance Standards**

3163 **A. General Performance Standards.** The following standards shall apply within all
3164 habitat conservation areas:

3165
3166 1. Alteration of habitat areas. A habitat conservation area may be altered only if
3167 the proposed alteration and any proposed mitigation does not degrade the
3168 functions and values of the habitat. New structures and land alterations shall
3169 be prohibited from habitat conservation areas except in accordance with this
3170 Chapter;

3171
3172 2. Non-indigenous species. No plant, wildlife, or fish species not indigenous to
3173 the region shall be introduced into a habitat conservation area unless
3174 authorized by a state or federal permit or approval;

3175
3176 3. Mitigation and contiguous corridors. Mitigation sites shall be located to
3177 preserve or achieve contiguous wildlife habitat corridors to minimize the
3178 isolating effects of development on habitat areas;

- 3179 4. Additional conditions. The County Planner shall condition approvals of
3180 activities allowed within or adjacent to a habitat conservation area or its
3181 buffers, as necessary to minimize or mitigate any potential adverse impacts.
3182 Conditions shall be based on the best available science and may include, but
3183 are not limited to, the following:
3184
- 3185 a. Establishment of buffer zones;
 - 3186
 - 3187 b. Preservation of critically important vegetation and/or habitat features
3188 such as snags and downed wood;
 - 3189
 - 3190 c. Limitation of access to the habitat area, including fencing to deter
3191 unauthorized access;
 - 3192
 - 3193 d. Seasonal restriction of construction activities;
 - 3194
 - 3195 e. Establishment of a duration and timetable for periodic review of
3196 mitigation activities; and
 - 3197
 - 3198 f. Requirement of a performance bond, when necessary, to ensure
3199 completion and success of proposed mitigation.
 - 3200
- 3201 5. Equivalent mitigation required. Mitigation of alterations to habitat
3202 conservation areas shall achieve equivalent or greater biologic and hydrologic
3203 functions and shall include mitigation for adverse impacts upstream or
3204 downstream of the development proposal site;
3205
- 3206 6. Approvals and the best available science. Any approval of alterations or
3207 impacts to a habitat conservation area shall be supported by the best
3208 available science;
3209
- 3210 7. Buffers.
- 3211
 - 3212 a. Establishment of buffers. The County Planner shall require the
3213 establishment of buffer areas for activities adjacent to habitat
3214 conservation areas when needed to protect habitat conservation areas.
3215 Buffers shall consist of an undisturbed area of native vegetation or
3216 areas identified for restoration established to protect the integrity,
3217 functions, and values of the affected habitat. Required buffer widths
3218 shall reflect the sensitivity of the habitat and the type and intensity of
3219 human activity proposed to be conducted nearby and shall be
3220 consistent with the management recommendations issued by the
3221 Washington Department of Fish and Wildlife.
3222
 - 3223 b. Increased habitat buffers. The County Planner may require increased
3224 buffer widths in accordance with recommendations of a qualified

3225 professional biologist and the best available science when it is
3226 determined that a larger buffer is necessary to protect habitat area
3227 functions and values due to site specific characteristics.
3228
3229 c. Habitat buffer averaging. The County Planner may allow the
3230 recommended habitat area buffer width to be reduced in accordance
3231 with a critical area report, the best available science, and the
3232 management recommendations issued by the Washington Department
3233 of Fish and Wildlife, only if:
3234
3235 i. It will not reduce stream or habitat functions;
3236
3237 ii. It will not adversely affect salmonid habitat;
3238
3239 iii. It will provide additional natural resource protection, such as
3240 buffer enhancement;
3241
3242 iv. The total area contained in the buffer area after averaging is no
3243 less than that which would be contained within the standard
3244 buffer; and
3245
3246 v. The buffer area width is not reduced by more than twenty-five
3247 percent (25%) in any location.
3248
3249 8. Signs. The outer perimeter of the habitat conservation area or buffer and the
3250 limits of those areas to be disturbed pursuant to an approved permit or
3251 authorization shall be marked in the field in such a way as to ensure that no
3252 unauthorized intrusion will occur. The County Planner may require
3253 permanent signs with specific and appropriate wording be installed along the
3254 boundary of a habitat conservation area or buffer as a condition of any permit
3255 or approval;
3256
3257 9. Fencing.
3258
3259 a. The County Planner shall determine if fencing is necessary to protect
3260 the functions and values of the critical area. If found to be necessary,
3261 the Planning Director shall condition any permit or authorization issued
3262 pursuant to this Section to require the applicant to install a permanent
3263 fence at the edge of the habitat conservation area or buffer, when
3264 fencing will prevent future impacts to the habitat conservation area.
3265
3266 b. The applicant shall be required to install a permanent fence around the
3267 habitat conservation area or buffer when domestic grazing animals are
3268 present or may be introduced on site.
3269

3270 c. Fencing installed as part of a proposed activity or as required in this
3271 Subsection shall be design so as to not interfere with species
3272 migration, including fish runs, and shall be constructed in a manner
3273 that minimizes habitat impacts.

3274
3275 10. Subdivisions. The subdivision and short subdivision of land in fish and
3276 wildlife habitat conservation areas and associated buffers is subject to the
3277 following:

3278
3279 a. Land that is located wholly within a habitat conservation area or its
3280 buffer may not be subdivided;

3281
3282 b. Land that is located partially within a habitat conservation area or its
3283 buffer may be divided provided that the developable portion of each
3284 new lot and its access is located outside of the habitat conservation
3285 area or its buffer and meets the minimum lot size requirements of
3286 Chapter 19.10 of the Whitman County Code;

3287
3288 c. Access roads and utilities serving the proposed subdivision may be
3289 permitted within the habitat conservation area and associated buffers
3290 only if the Planning Director determines that no other feasible
3291 alternative exists and when consistent with this Chapter.

3292
3293 **B. Specific Habitat Performance Standards.**

3294
3295 1. Endangered, threatened and sensitive species.

3296
3297 a. No development shall be allowed within a habitat conservation area or
3298 buffer with which state or federally endangered, threatened, or
3299 sensitive species have a primary association, except that which is
3300 provided for by a management plan established by the Washington
3301 Department of Fish and Wildlife or applicable state or federal agency.

3302
3303 b. Whenever activities are proposed adjacent to a habitat conservation
3304 area with which state or federally endangered, threatened, or sensitive
3305 species have a primary association, such area shall be protected
3306 through the application of protection measures in accordance with a
3307 critical area report prepared by a qualified professional and approved
3308 by the County. Approval for alteration of land adjacent to the habitat
3309 conservation area or its buffer shall not occur prior to consultation with
3310 the Washington Department of Fish and Wildlife for animal species, the
3311 Washington State Department of Natural Resources for plant species,
3312 and other appropriate federal or state agencies.

3313
3314 c. Bald eagle habitat shall be protected pursuant to the Washington State
3315 Bald Eagle Protection Rules (WAC 232-12-292). Whenever activities

3316 are proposed adjacent to a verified nest territory or communal roost, a
3317 habitat management plan shall be developed by a qualified
3318 professional. Activities are adjacent to bald eagle sites when they are
3319 within eight hundred (800) feet or within one half mile (2,640 feet) and
3320 in a shoreline foraging area. The habitat management plan shall be
3321 approved by the United States Fish and Wildlife Service.

3322
3323 2. Anadromous Fish.

3324
3325 a. All activities, uses, and alterations proposed to be located in water
3326 bodies used by anadromous fish or in areas that affect such water
3327 bodies shall give special consideration to the preservation and
3328 enhancement of anadromous fish habitat, including, but not limited to,
3329 adhering to the following standards:

3330
3331 i. Activities shall be timed to occur only during the allowable work
3332 window as designated by the Washington Department of Fish
3333 and Wildlife for the applicable species;

3334
3335 ii. An alternative alignment or location for the activity is not
3336 feasible;

3337
3338 iii. The activity is designed so that it will not degrade the functions
3339 or values of the fish habitat or other critical areas;

3340
3341 iv. Shoreline erosion control measures shall be designed to use
3342 bioengineering methods or soft armoring techniques, according
3343 to an approved critical area report; and

3344
3345 v. Any impacts to the functions or values of the habitat
3346 conservation area are mitigated in accordance with an approved
3347 critical area report.

3348
3349 b. Structures that prevent the migration of salmonids shall not be allowed
3350 in the portion of water bodies currently or historically used by
3351 anadromous fish. Fish bypass facilities shall be provided that allow the
3352 upstream migration of adult fish and shall prevent fry and juveniles
3353 migrating downstream from being trapped or harmed.

3354
3355 c. Fills, when authorized by the locally adopted shoreline management
3356 program, shall not adversely impact anadromous fish or their habitat or
3357 shall mitigate any unavoidable impacts and shall only be allowed for a
3358 water-dependent use.

3359
3360 3. Riparian habitat areas. Unless otherwise allowed in this Chapter, all
3361 structures and activities shall be located outside of the riparian habitat area.

- 3362 a. Establishment of riparian habitat areas. Riparian habitat areas shall be
 3363 established for habitats that include aquatic and terrestrial ecosystems
 3364 that mutually benefit each other and that are located adjacent to rivers,
 3365 perennial or intermittent streams, seeps, and springs.
 3366
- 3367 b. Riparian habitat area widths. Recommended riparian habitat area
 3368 widths are shown in the table below. A riparian habitat area shall have
 3369 the width recommended, unless a greater width is required pursuant to
 3370 Subsection (3c), or a lesser width is allowed pursuant to Subsection
 3371 (3d). Widths shall be measured outward in each direction, on the
 3372 horizontal plane, from the ordinary high water mark, or from the top of
 3373 bank, if the ordinary high water mark cannot be identified
 3374

Riparian Habitat Areas	
Stream Type	Recommended RHA widths
Type 1 and 2; or shorelines of the state, or shorelines of statewide significance	250 feet
Type 3; or other perennial or fish bearing streams, 5-20 feet wide	200 feet
Type 3; or other perennial or fish bearing streams, < 5 feet wide	150 feet
Type 4 and 5; or intermittent streams and washes with low mass wasting potential	150 feet
Type 4 and 5; or intermittent streams and washes with high mass wasting potential	225 feet

- 3375
- 3376 c. Increased riparian habitat area width. The recommended riparian
 3377 habitat area widths shall be increased as follows:
 3378
- 3379 i. When the County Planner determines that the recommended
 3380 width is insufficient to prevent habitat degradation and to protect
 3381 the structure and function of the habitat area;
 3382
- 3383 ii. When the frequently flooded area exceeds the recommended
 3384 riparian habitat area width, the riparian habitat area shall extend
 3385 to the outer edge of the frequently flooded area;
 3386
- 3387 iii. When a channel migration zone is present, the riparian habitat
 3388 area width shall be measured from the outer edge of the
 3389 channel migration zone;
 3390
- 3391 iv. When the habitat area is in an area of high blowdown potential,
 3392 the riparian habitat area width shall be expanded an additional
 3393 fifty (50) feet on the windward side; or
 3394

- 3395 v. When the habitat area is within an erosion or landslide hazard
3396 area, or buffer, the riparian habitat area width shall be the
3397 recommended distance, or the erosion or landslide hazard area
3398 or buffer, whichever is greater.
3399
- 3400 d. Riparian habitat area width averaging. The County Planner may allow
3401 the recommended riparian habitat area width to be reduced in
3402 accordance with a critical area report only if:
3403
- 3404 i. The width reduction will not reduce stream or habitat functions,
3405 including those of non-fish habitat;
3406
- 3407 ii. The width reduction will not degrade the habitat, including
3408 habitat for anadromous fish;
3409
- 3410 iii. The proposal will provide additional habitat protection;
3411
- 3412 iv. The total area contained in the riparian habitat area of each
3413 stream on the development proposal site is not decreased;
3414
- 3415 v. The recommended riparian habitat area width is not reduced by
3416 more than 25% in any one location;
3417
- 3418 vi. The width reduction will not be located within another critical
3419 area or associated buffer; and
3420
- 3421 vii. The reduced riparian habitat area width is supported by the best
3422 available science.
3423
- 3424 e. Riparian habitat mitigation. Mitigation of adverse impacts to riparian
3425 habitat areas shall result in equivalent functions and values on a per
3426 function basis, be located as near the alteration as feasible, and be
3427 located in the same sub-drainage basin as the habitat impacted.
3428
- 3429 f. Alternative mitigation for riparian habitat areas. The performance
3430 standards set forth herein for riparian habitat areas may be modified at
3431 the County's discretion if the applicant demonstrates that greater
3432 habitat functions, on a per function basis, can be obtained in the
3433 affected sub-drainage basin as a result of alternative mitigation
3434 measures.
3435
- 3436 4. Aquatic habitat. Any activity which may be allowed pursuant to this Chapter
3437 that is within a riparian habitat area, pond, lake, water of the state, marine
3438 habitat or associated buffers shall not be approved unless the activity
3439 complies with the provisions of the Whitman County Shorelines Management

3440 Program, all applicable state and federal requirements, and is in accordance
3441 with an approved critical area report.

3442

3443

CHAPTER 9.05C
CRITICAL AQUIFER RECHARGE AREAS

3444

3445

Section 9.05C.010 – Purpose and Applicability

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A. The purpose of this chapter is to designate and protect critical aquifer recharge areas pursuant to the Growth Management Act (chapter 36.70A RCW) in order to safeguard the public health, safety and welfare and to protect groundwater resources. Critical aquifer recharge areas (CARA) are areas with a recharging effect on aquifers used for potable water that are vulnerable to contamination that would affect water quality. Critical aquifer recharge areas have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. These areas include the following:

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1. Wellhead Protection Areas. Potable water-supply purveyors using ground water must develop and implement wellhead protection programs that include delineation of protection areas around each well, inventorying of contamination sources within wellhead protection areas, and development and implementation of water supply contingency and spill response plans to address contamination incidents that could cause loss of a well. The State of Washington wellhead protection regulations exclude individual domestic wells and well systems that do not meet the definition of public water supplies.

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2. Sole source Protection aquifers: Sole source aquifers are areas designated by the U.S. Environmental Agency pursuant to the Federal Safe Water Drinking Act.

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3. Susceptible ground water management areas: Susceptible ground water management areas are areas that have been designated as moderately, or highly vulnerable or susceptible in an adopted ground water management program developed pursuant to Chapters 173-100 WAC.

3475

3476

4. Special protection areas: Defined pursuant to WAC 173-200-090.

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5. Moderately, highly vulnerable or highly susceptible aquifer recharge areas: Aquifer recharge areas that are moderately, highly vulnerable or highly susceptible to degradation or depletion due to hydro-geologic characteristics are those areas delineated by a hydro-geologic study prepared in accordance with the state Department of Ecology guidelines or meeting the criteria established by the Department of Ecology.

3484

3485

B. Aquifer recharge area susceptibility ratings: Aquifer recharge areas shall be rated as having high, moderate, or low susceptibility based on soil permeability, geologic

3486 matrix, infiltration, and depth to water as determined by the criteria established by
3487 the state Department of Ecology.

3488
3489 C. The County has designated critical aquifer recharge areas pursuant to RCW
3490 36.70A.170 by defining them and providing criteria for their identification. Project
3491 proponents are responsible for informing the County whether a critical aquifer
3492 recharge area exists on their property and is regulated pursuant to this chapter.
3493 Specific criteria for the designation of critical aquifer recharge areas are contained in
3494 this chapter. Current data, as confirmed by several hydro-geological studies, find
3495 that aquifer recharge in Whitman County to be an area-wide process. Recharge is
3496 thought to occur as deep percolation and snowmelt over a wide area rather than
3497 occurring as a process involving large volumes of recharge getting into the aquifer in
3498 discrete areas. To date, no specific critical aquifer recharge areas have been
3499 identified in Whitman County.

3500
3501 **Section 9.05C.020 - Procedure**

3502 A. An applicant seeking to develop property which requires any type of county permit or
3503 approval shall submit with the application an Affidavit of Awareness certifying that to
3504 the best of their knowledge none of the criteria stated in the affidavit exist on the
3505 property. This affidavit will comply with RCW 9A.72.085, (see WCC 9.05C.070).
3506 Any application that fails to contain a signed affidavit shall be rejected and only
3507 accepted upon resubmission of a signed affidavit.

3508
3509 B. If any of the stated criteria on the Affidavit of Awareness are present on the
3510 development property, the Planning Office shall direct the applicant to comply with
3511 WCC 9.05C.070 and submit a certified hydro-geologic assessment.

3512
3513 C. If an applicant's statement asserts that none of the WCC 9.05C.070 criteria apply to
3514 the parcel or its present or future development, the Planning Office may accept the
3515 statement and proceed with the permitting or approval process. If the Planning
3516 Office has or obtains information which clearly establishes the applicant's statement
3517 is incorrect, the applicant will be advised in writing of the inconsistent information
3518 and advised to either (a) provide an amended statement adding the designated
3519 criteria as being applicable and obtain a hydro-geologic assessment, or, (b) present
3520 sufficient countering information clearly establishing that the basis for the Planning
3521 Office's concern is incorrect. The final determination concerning whether a hydro-
3522 geologic assessment is required shall be with the Director of Public Works. The
3523 Director of Public Works' decision shall be final and no interlocutory appeal shall be
3524 allowed.

3525
3526 D. Should the hydro-geological assessment conclude that the development will have a
3527 critical effect on an aquifer recharge area the applicant shall incorporate all the
3528 recommendations, conditions, and/or requirements for protecting the area having a
3529 critical recharging effect on aquifers used for potable water into the development's
3530 plan. The completed hydro-geologic assessment shall be received by the Planning
3531 Office with the development's plans setting out the mitigation measures and their

3532 implementation as required by the assessment before any permit or approval is
3533 granted. The granting of any permit or approval shall be conditioned upon complete
3534 and continued implementation of the mitigation measures. The Planning Office shall
3535 have the responsibility to monitor and enforce all recommendations, conditions,
3536 and/or requirements as set forth in the hydro-geologic assessment.

3537

3538 **Section 9.05C.030 – Activities Allowed in Critical Aquifer Recharge Areas**

3539 The following are allowed in critical aquifer recharge areas, and do not require approval
3540 or submission of a site assessment report:

3541

3542 A. All residential uses;

3543

3544 B. Development and improvement of parks, recreation facilities, open space, or
3545 conservation areas resulting in less than five percent total site impervious surface
3546 area that do not increase the use of a hazardous substance;

3547

3548 C. Public water pipelines and supply storage structures;

3549

3550 D. On-site domestic septic systems releasing less than 14,500 gallons of effluent per
3551 day and that are limited to a maximum density of one system per one acre.

3552

3553 **Section 9.05C. 040 – Site Assessment Report**

3554 Development proposals in an aquifer recharge area require a site assessment report.

3555 The site assessment report must meet the requirements of this Section.

3556

3557 A. **Preparation by a Qualified Professional.** The critical area report shall be
3558 prepared by, or under the direction of, and signed by a professional engineer,
3559 licensed in the State of Washington, trained and qualified to analyze geologic,
3560 hydrologic, and groundwater flow systems; or by a geologist or hydro-geologist who
3561 earns his or her livelihood from the field of geology and/or hydrogeology and has
3562 received a degree in geological sciences from an accredited four year institution of
3563 higher education and who has relevant training and experience analyzing geologic,
3564 hydrologic, and groundwater flow systems.

3565

3566 B. A site plan shall be prepared in accordance with the requirements of the County
3567 Planner. In addition, a site assessment report shall include:

3568

3569 1. A description of the project including those activities, practices, materials, or
3570 chemicals that have a potential to adversely affect the quantity or quality of
3571 underlying aquifer(s);

3572

3573 2. Identification of appropriate mitigation measures and description of how they
3574 will prevent degradation of underlying aquifer(s);

3575

3576 3. A site plan or another appropriately sealed map showing the approximate
3577 location of known or geologically representative well(s) (abandoned and

3578 active), spring(s), and surface watercourses within 1,000 feet of the subject
3579 project property. All well logs available through the County Health Department
3580 for identified wells within 1000 feet of the project property shall be included;

3581
3582 4. A description of the site-specific hydro-geologic characteristics regarding
3583 impact to the quantity or quality of underlying aquifer(s). At a minimum this
3584 will include a description of the lithology, depth to and static water level of
3585 known underlying aquifer(s), and depiction of groundwater flow direction and
3586 patterns on the appropriate map; and

3587
3588 5. Identification of the initial receptors of potential adverse impacts located
3589 hydraulically down-gradient from the project within 1,000 feet or as otherwise
3590 directed by the County Planner.

3591
3592 **C. Additional Site Assessment Elements.** After the initial project review, one or
3593 more of the site assessment elements listed below may be required based upon the
3594 proposed project activity, aquifer recharge area classification, complexity of
3595 underlying hydro-geologic conditions, and/or the perceived potential to adversely
3596 impact hydraulically down-gradient receptors. One or more of these additional
3597 elements may also be required if the Applicant chooses to demonstrate that certain
3598 mitigation measures are not necessary to protect the quantity or quality of the
3599 underlying aquifer(s), or that the project does not pose a detrimental risk to
3600 hydraulically down-gradient receptors.

3601
3602 1. Lithologic characteristics and stratigraphic relationships of the affected
3603 aquifer(s) and overlying geologic unites (includes soil types) including
3604 thickness, horizontal and vertical extent, permeability, and infiltration rates of
3605 surface soils.

3606
3607 2. Delineation of identified structural features such as faults, fractures, and
3608 fissures.

3609
3610 3. Aquifer characteristics including determination or recharge and discharge
3611 areas, transmissivity, storage, hydraulic conductivity, porosity, and estimate of
3612 groundwater flow direction, velocity and patterns for the affected aquifer(s).

3613
3614 4. Estimate of precipitation, evaporation, and evapotranspiration rates for the
3615 project area.

3616
3617 5. Preparation of appropriate hydro-geologic cross sections depicting at a
3618 minimum underlying lithology and stratigraphy, aquifer(s), and potential or
3619 probable contaminant pathways from a chemical release.

3620
3621 6. Contaminant fate and transport including probable migration pathways and
3622 travel time of potential contaminant release(s) from the site through the
3623 unsaturated zone to the aquifer(s) from the site through the unsaturated zone

- 3624 to the aquifer(s) may be attenuated within the unsaturated zone and
3625 aquifer(s). Include consideration of advection, dispersion, and diffusion of
3626 contaminants in the groundwater.
3627
3628 7. Delineation of areas potentially affected by contaminant migration on the
3629 ground surface and/or through the affected aquifer(s).
3630
3631 8. Determination of background or existing groundwater quality underlying the
3632 project area.
3633
3634 9. Development of groundwater monitoring program to measure potential
3635 impacts of the development of underlying aquifer(s).
3636
3637 10. Development of a spill plan and/or contingency plan describing the specific
3638 actions, which will be taken if a release of a contaminant(s) occurs, or if
3639 groundwater monitoring results indicate a contaminant(s) from the site has
3640 entered the underlying aquifer(s).
3641
3642 11. The degree of continuity between groundwater and nearby surface water
3643 including potential impact to "closed" or "low-flow" streams from proposed
3644 groundwater withdrawals, and potential impacts to surface water quality from
3645 site runoff or contaminated groundwater discharge.
3646
3647 12. Applicable projects shall be required to determine appropriate pumping rates
3648 and schedules that maintain appropriate pumping rates and schedules that
3649 maintain dynamic draw down levels above mean seal level.
3650
3651 13. Applicable projects such as special use permits, short plats, or long plats
3652 shall test existing and/or test wells for nitrate levels and where appropriate
3653 calculate the nitrate loading rate at full build-out of the project. If the
3654 calculated nitrate loading in the intended water supply equals or exceeds 5
3655 mg/L nitrate as nitrogen, the proposal will need to develop a mitigation plan.
3656 The point of compliance shall be determined based on project specifics.
3657
3658 14. A description of wetlands and FWHCAs and their buffers when such occur
3659 within 300 feet of the recharge area.
3660

3661 **Section 9.05C.050 – Performance Standards**

3662 A. **General Performance Standards.** Except as may be otherwise provided, the
3663 following standards shall apply within all critical aquifer recharge areas:
3664

- 3665 1. Activities may only be permitted within a critical aquifer recharge area if the
3666 applicant can show that the proposed activity will not cause contaminants to
3667 enter the aquifer and the proposed activity will not adversely affect the
3668 recharging of the aquifer;
3669

- 3670 2. The proposed activity must comply with the water source protection
3671 requirements and recommendations of the federal Environmental Protection
3672 Agency, the state Department of Health, and the Whitman County Health
3673 Department; and
3674
3675 3. The proposed activity must be designed and constructed in accordance with
3676 existing local, state and federal laws and regulations, and the Stormwater
3677 Management Manual for Eastern Washington, as amended (Ecology 2004)
3678 for those geographic areas covered under the Eastern Washington Phase II
3679 Municipal Stormwater Permit (Ecology 2007) or activities covered under the
3680 Ecology General Construction Permit (Ecology 2005), and/or the locally
3681 adopted stormwater program, as applicable.
3682

3683 **B. Performance Standards - Specific Uses.** In addition to general performance
3684 standards required herein, the following standards shall be required for the following
3685 specific uses:
3686

- 3687 1. Storage tanks. Storage tanks shall meet the following requirements in
3688 addition to County building codes:
3689
- 3690 a. Underground tanks. All new underground storage facilities proposed
3691 for storage of hazardous substances or hazardous wastes shall be
3692 designed and constructed to:
3693
 - 3694 i. Prevent releases due to corrosion or structural failure for the
3695 operational life of the tank;
 - 3696
 - 3697 ii. Be constructed of non-corrosive material, steel clad with a non-
3698 corrosive material, or designed to include a secondary
3699 containment system to prevent the release or threatened
3700 release of any stored substances; and
 - 3701
 - 3702 iii. Use material in the construction or lining of the tank that is
3703 compatible with the substance to be stored.
 - 3704 b. Above ground tanks. Above ground storage facilities proposed to store
3705 hazardous substances or waste shall be designed to:
3706
 - 3707 i. Not allow the release of a hazardous substance to the ground
3708 waters, or surface waters;
 - 3709
 - 3710 ii. Have a primary containment area enclosing or underlying the
3711 tank or part thereof; and
 - 3712
 - 3713 iii. Incorporate a secondary containment system either built into the
3714 tank structure or a dike system built outside the tank or tanks.
3715

- 3716 2. Vehicle repair and servicing.
3717
3718 a. Vehicle repair and servicing shall be conducted over impermeable
3719 pads and within a covered structure capable of withstanding normally
3720 expected weather conditions. Chemicals used in the process of vehicle
3721 repair and servicing shall be stored in a manner protecting them from
3722 weather and provide containment in the event of leaks.
3723
3724 b. No dry wells shall be allowed in critical aquifer recharge areas on sites
3725 used for vehicle repair and servicing. Dry wells existing on the site prior
3726 to facility establishment shall be abandoned using techniques
3727 approved by the state Department of Ecology prior to the proposed
3728 activity.
3729
- 3730 3. Residential use of pesticides and nutrients. Application of household
3731 pesticides, herbicides, and fertilizers shall not exceed times and rates
3732 specified by the product manufacturer.
3733
- 3734 4. Spreading or injection of reclaimed water. Water re-use projects for reclaimed
3735 water shall be in accordance with County water and/or wastewater
3736 comprehensive plans and shall comply with the following requirements:
3737
- 3738 a. Surface spreading shall meet the ground water recharge criteria
3739 pursuant to Chapter 90.46.080 and 90.46.042 RCW; and
3740
- 3741 b. Direct injection shall be in accordance with standards pursuant to
3742 Chapter 90.46.042 RCW.
3743

3744 **Section 9.05C.060 - Prohibited uses**

- 3745 A. Landfills, including hazardous waste, municipal solid waste, special waste,
3746 woodwaste, inert waste, and demolition waste.
3747
- 3748 B. Underground injection wells of classes I, III, and IV and subclasses 5FOI, 5D03,
3749 5F04, 5W09, 5WIO, 5WII, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of
3750 Class V wells.
3751
- 3752 C. Mining of metals and hard rock. Sand and gravel mining shall also be prohibited
3753 from critical aquifer recharge areas rated as highly susceptible or vulnerable.
3754
- 3755 D. Wood treatment facilities that allow any portion of the treatment process to occur
3756 over natural or manmade permeable surfaces.
3757
- 3758 E. Facilities that store, process, or dispose of radioactive substances.
3759
- 3760 F. Activities that would significantly reduce the recharge to aquifers currently or
3761 potentially used as a potable water source.

- 3762 G. Activities that would significantly reduce the recharge to aquifers that are a source of
3763 significant baseflow to a regulated stream.
- 3764
- 3765 H. Activities that are not connected to an available sanitary sewer system in areas
3766 associated with sole source aquifers.
- 3767

3768 **Section 9.05C.070 – Evaluation**

3769 A. **Evaluation:** Before being issued a building permit an affidavit of awareness will be
3770 signed by the applicant indicating that the development is not within any public
3771 wellhead protection zones designated under WAC 246-290; the site will not be used
3772 for hazardous substances [as now or hereafter defined in RCW 70.105D.020(7)],
3773 processing, storage or handling in applications or quantities larger than is typical of
3774 household use; the site will not be used for hazardous waste treatment and storage
3775 as set forth in RCW 70.105 Hazardous Waste Management, as now or hereafter
3776 amended; the site will not be used as a commercial feedlot; and the development
3777 envelope is not within 200 feet of the ordinary high water mark of a river, stream,
3778 lake or pond and by reference to the U.S.G.S. map is identified as “perennial”
3779 thereon.

3780

3781 If the proposed development involves any of the above mentioned examples the
3782 applicant shall be required to obtain a hydro-geologic assessment

3783

3784 **Affidavit of Awareness**

3785

3786 I _____ state that I am not aware of any critical aquifer recharge
3787 areas near the location of my proposed development. Specifically, I am not aware of
3788 any public wellhead protection zones designated under WAC 246-290; the site will not
3789 be used for hazardous substances [as now or hereafter defined in RCW
3790 70.105D.020(7)], processing, storage or handling in applications or quantities larger
3791 than is typical of household use; the site will not be used for hazardous waste treatment
3792 and storage as set forth in RCW 70.105 Hazardous Waste Management, as now or
3793 hereafter amended; the site will not be used as a commercial feedlot; the
3794 development envelope is not within 200 feet of the ordinary high water mark of a river,
3795 stream, lake or pond and by reference to the U.S.G.S. map is identified as “perennial”
3796 thereon; and the development does not involve any of the prohibited uses listed in
3797 Section 9.05C.060.

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3807

3808 Signed _____ Date _____
3809

3810 (To assist applicants in complying with development within 200 feet of the above
3811 mentioned water courses, the following is a non-exclusive list of generally accepted
3812 rivers, streams, and a lake within the County that are or portions are identified as being
3813 "perennial": North and South Forks of the Palouse River, Palouse River, Snake River,
3814 Union Flat Creek, Paradise Creek, Rock Lake, Rock Creek, Hangman Creek, and Pine
3815 Creek.)

3816 **CHAPTER 9.05D**
3817 **GEOLOGICALLY HAZARDOUS AREAS**
3818

3819 **Section 9.05D.010 – Purpose**

3820 It is the purpose of this Chapter to minimize hazards to the public from development
3821 activities on or adjacent to areas of geological hazard. For purposes of this Chapter,
3822 geologically hazardous areas include the following: erosion hazard areas, landslide
3823 hazard areas and seismic hazard areas.
3824

3825 **Section 9.05D.020 – Designation of Specific Hazard Areas**

3826 A. **Erosion Hazard Areas.** Erosion hazard areas are at least those areas identified by
3827 the U.S. Department of Agriculture’s Natural Resources Conservation Service as
3828 having a “moderate to severe,” “severe,” or “very severe” rill and inter-rill erosion
3829 hazard.
3830

3831 B. **Landslide Hazard Areas.** Landslide hazard areas are areas potentially subject to
3832 landslides based on a combination of geologic, topographic, and hydrologic factors.
3833 They include areas susceptible because of any combination of bedrock, soil, slope
3834 (gradient), slope aspect, structure, hydrology, or other factors. Example of these
3835 may include, but are not limited to the following:

- 3836
- 3837 1. Those areas delineated by the U.S. Department of Agriculture’s Natural
3838 Resources Conservation Service as having a “severe” limitation for building
3839 site development;
3840
 - 3841 2. Those areas mapped by the Washington State Department of Natural
3842 Resources (slope stability mapping) as unstable (U or class 3), unstable old
3843 slides (UOS or class 4), or unstable recent slides (URS or class 5);
3844
 - 3845 3. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or
3846 landslides on maps published by the U.S. Geological Survey or Washington
3847 State Department of Natural Resources;
3848
 - 3849 4. Areas with all three of the following characteristics:
3850
 - 3851 a. Slopes steeper than fifteen percent (15%);
3852

- 3853 b. Hillsides intersecting geologic contacts with a relatively permeable
3854 sediment overlying a relatively impermeable sediment or bedrock; and
3855
3856 c. Springs or ground water seepage.
3857
3858 5. Areas that have shown movement during the Holocene epoch (from ten
3859 thousand years ago to the present) or that are underlain or covered by mass
3860 wastage debris of that epoch;
3861
3862 6. Slopes that are parallel or subparallel to planes of weakness (such as bedding
3863 planes, joint systems, and fault planes) in subsurface materials;
3864
3865 7. Slopes having gradients steeper than eighty percent (80%) subject to rock fall
3866 during seismic shaking;
3867
3868 8. Areas potentially unstable because of rapid stream incision, stream bank
3869 erosion, and undercutting by wave action;
3870
3871 9. Areas that show evidence of, or are at risk from snow avalanches;
3872
3873 10. Areas located in a canyon or on an active alluvial fan, presently or potentially
3874 subject to inundation by debris flows or catastrophic flooding; and
3875
3876 11. Any area with a slope of forty percent (40%) or steeper and with a vertical
3877 relief of ten (10) or more feet except areas composed of consolidated rock. A
3878 slope is delineated by establishing its toe and top and is measured by
3879 averaging the inclination over at least ten (10) feet of vertical relief.
3880
3881 C. **Seismic Hazard Areas.** Areas subject to severe risk of damage as a result of
3882 earthquake induced ground shaking, slope failure, settlement, soil liquefaction,
3883 lateral spreading, or surface faulting.
3884
3885 D. **Other Hazard Areas.** Geologically hazardous areas shall also include areas
3886 determined by the County Planner to be susceptible to other geological events
3887 including mass wasting, debris flows, rock falls, and differential settlement.
3888
3889 **Section 9.05D.030 – Mapping**
3890 The approximate location and extent of geologically hazardous areas are shown on the
3891 following critical area maps hereby adopted for reference. These maps are subject to
3892 continuous updating as new critical areas are identified; therefore, they are a reference
3893 source and are not intended to provide a final critical area designation. They are as
3894 follows:
3895
3896 A. U.S. Geological Survey landslide and seismic hazard maps.
3897
3898 B. Washington State Department of Natural Resources slope stability maps.

3899 C. Federal Emergency Management Administration flood insurance maps.

3900

3901 D. Applicable maps adopted by Whitman County and local jurisdictions.

3902

3903 **Section 9.05D.040 – Allowed Activities in Geologically Hazardous Areas**

3904 The following activities shall be allowed in geologically hazardous areas and shall not
3905 require a critical area report if the administrative official first determines the activity will
3906 not increase the risk of the hazard:

3907

3908 A. Construction of new buildings with less than 2,500 square feet of floor or roof area,
3909 whichever is greater, and which are not residential structures or used as places of
3910 employment or public assembly.

3911

3912 B. Additions to existing residences that are 250 square feet or less.

3913

3914 C. Installation of fences.

3915

3916 **Section 9.05D.050 – Critical Area Report/Additional Requirements for Geologically**
3917 **Hazardous Areas**

3918 A. **Preparation by a Qualified Professional.** A critical areas report for a geologically
3919 hazardous area shall be prepared by an engineer or geologist, licensed in the state
3920 of Washington, with experience analyzing geologic, hydrologic, and ground water
3921 flow systems, and who has experience preparing reports for the relevant type of
3922 hazard.

3923

3924 B. **Area Addressed in Critical Area Report.** The following areas shall be addressed
3925 in a critical area report for geologically hazardous areas:

3926

3927 1. The project area of the proposed activity; and

3928

3929 2. All geologically hazardous areas within two hundred (200) feet of the project
3930 area or that have potential to be affected by the proposal;

3931

3932 C. **Geological Hazards Assessment.** A critical area report for a geologically
3933 hazardous area shall contain an assessment of geological hazards including the
3934 following site and proposal-related information at a minimum:

3935

3936 1. **Site and Construction Plans.** The report shall include a copy of the site plans
3937 for the proposal showing:

3938

3939 a. The type and extent of geologic hazard areas, any other critical areas,
3940 and buffers on, adjacent to, within two hundred (200) feet of, or that
3941 are likely to impact the proposal;

3942

- 3943 b. Proposed development, including the location of existing and proposed
3944 structures, fill, storage of materials, and drainage facilities, with
3945 dimensions indicating distances to the floodplain, if available;
3946
3947 c. The topography, in two-foot contours, of the project area and all hazard
3948 areas addressed in the report; and
3949
3950 d. Clearing limits.

3951
3952 2. Assessment of Geological Characteristics. The report shall include an
3953 assessment of the geologic characteristics of the soils, sediments, and/or
3954 rock of the project area and potentially affected adjacent properties, and a
3955 review of the site history regarding landslides, erosion, and prior grading.
3956 Soils analysis shall be accomplished in accordance with accepted
3957 classification systems in use in the region. The assessment shall include, but
3958 not be limited to:

- 3959
3960 a. A description of the surface and subsurface geology, hydrology, soils,
3961 and vegetation found in the project area and in all hazard areas
3962 addressed in the report;
3963
3964 b. A detailed overview of the field investigations, published data, and
3965 references; data and conclusions from past assessments of the site;
3966 and site specific measurements, test, investigations, or studies that
3967 support the identification of geologically hazardous areas; and
3968
3969 c. A description of the vulnerability of the site to seismic and other
3970 geologic events.

3971
3972 3. Analysis of Proposal. The report shall contain a hazards analysis including a
3973 detailed description of the project, its relationship to the geologic hazard(s),
3974 and its potential impact upon the hazard area, the subject property, and
3975 affected adjacent properties.

3976
3977 4. Minimum Buffer and Building Setback. The report shall make a
3978 recommendation for the minimum no-disturbance buffer and minimum
3979 building setback from any geologic hazard based upon the geotechnical
3980 analysis.

3981
3982 **D. Incorporation of Previous Study.** Where a valid critical areas report has been
3983 prepared within the last five (5) years for a specific site, and where the proposed
3984 land use activity and surrounding site conditions are unchanged, said report may be
3985 incorporated into the required critical area report. The applicant shall submit a
3986 hazards assessment detailing any changed environmental conditions associated
3987 with the site.
3988

3989 E. **Mitigation of Long-Term Impacts.** When hazard mitigation is required, the
3990 mitigation plan shall specifically address how the activity maintains or reduces the
3991 pre-existing level of risk to the site and adjacent properties on a long-term basis
3992 (equal to or exceeding the projected lifespan of the activity or occupation).
3993 Proposed mitigation techniques shall be considered to provide long-term hazard
3994 reduction only if they do not require regular maintenance or other actions to maintain
3995 their function. Mitigation may also be required to avoid any increase in risk above
3996 the pre-existing conditions following abandonment of the activity.
3997

3998 **Section 9.05D.060 – Critical Area Report/Additional Technical Information**
3999 **Requirements for Specific Hazards**

4000 In addition to the general critical area report requirements of Section 9.05D.050, critical
4001 area reports for geologically hazardous areas must meet the requirements of this
4002 Section. Critical area reports for two or more types of critical areas must meet the
4003 report requirements for each relevant type of critical area.
4004

4005 A. **Erosion and Landslide Hazard Areas.** In addition to the basic critical area report
4006 requirements, the technical information for an erosion hazard or landslide hazard
4007 area shall include the following information at a minimum:
4008

4009 1. Site Plan. The critical area report shall include a copy of the site plan for the
4010 proposal showing:

- 4011 a. The height of slope, slope gradient, and cross-section of the project
4012 area;
- 4013 b. The location of springs, seeps, or other surface expressions of ground
4014 water on or within two hundred (200) feet of the project area or that
4015 have potential to be affected by the proposal; and
- 4016 c. The location and description of surface water runoff features;
- 4017
- 4018
- 4019
- 4020

4021 2. Hazards Analysis. The hazards analysis component of the critical areas
4022 report shall specifically include:

- 4023 a. A description of the extent and type of vegetative cover;
- 4024
- 4025 b. A description of subsurface conditions based on data from site-specific
4026 explorations;
- 4027
- 4028 c. Descriptions of surface and ground water conditions, public and private
4029 sewage disposal systems, fills and excavations, and all structural
4030 improvements;
- 4031
- 4032

- 4033 d. An estimate of slope stability and the effect construction and placement
4034 of structures will have on the slope over the estimated life of the
4035 structure;
- 4036
- 4037 e. An estimate of the bluff retreat rate that recognizes and reflects
4038 potential catastrophic events such as seismic activity or a one
4039 hundred-year storm event;
- 4040
- 4041 f. Consideration of the run-out hazard of landslide debris and/or the
4042 impacts of landslide run-out on down slope properties.
- 4043
- 4044 g. A study of slope stability including an analysis of proposed cuts,
4045 fills, and other site grading;
- 4046
- 4047 h. Recommendations for building siting limitations; and
- 4048
- 4049 i. An analysis of proposed surface and subsurface drainage, and the
4050 vulnerability of the site to erosion;
- 4051
- 4052 3. Geotechnical Engineering Report. The technical information for a project
4053 within a landslide hazard area shall include a geotechnical engineering report
4054 prepared by a licensed engineer that presents engineering recommendations
4055 for the following:
- 4056
- 4057 a. Parameters for design of site improvements including appropriate
4058 foundations and retaining structures. These should include allowable
4059 load and resistance capacities for bearing and lateral loads, installation
4060 considerations, and estimates of settlement performance;
- 4061
- 4062 b. Recommendations for drainage and subdrainage improvements;
- 4063
- 4064 c. Earthwork recommendations including clearing and site preparation
4065 criteria, fill placement and compaction criteria, temporary and
4066 permanent slope inclinations and protection, and temporary excavation
4067 support, if necessary; and
- 4068
- 4069 d. Mitigation of adverse site conditions including slope stabilization
4070 measures and seismically unstable soils, if appropriate;
- 4071
- 4072 4. Erosion and Sediment Control Plan. For any development proposal on a site
4073 containing an erosion hazard area, an erosion and sediment control plan shall
4074 be required. The erosion and sediment control plan is subject to approval by
4075 the County Engineer;
- 4076
- 4077 5. Drainage Plan. The technical information shall include a drainage plan for the
4078 collection, transport, treatment, discharge, and/or recycle of water prepared in

4079 accordance with the approval of the County Engineer. The drainage plan
4080 should consider on-site septic system disposal volumes where the additional
4081 volume will affect the erosion or landslide hazard area;

4082
4083 6. Mitigation Plans. Hazard and environmental mitigation plans for erosion and
4084 landslide hazard areas shall include the location and methods of drainage,
4085 surface water management, locations and methods of erosion control, a
4086 vegetation management and/or replanting plan, and/or other means for
4087 maintaining long-term soil stability; and

4088
4089 7. Monitoring Surface Waters. If the County Engineer determines that there is a
4090 significant risk of damage to downstream receiving waters due to potential
4091 erosion from the site, based on the size of the project, the proximity to the
4092 receiving waters, or the sensitivity of the receiving waters, the technical
4093 information shall include a plan to monitor the surface water discharge from
4094 the site. The monitoring plan shall include a recommended schedule for
4095 submitting monitoring reports to the County.

4096
4097 B. **Seismic Hazard Areas.** In addition to the basic report requirements, a critical area
4098 report for a seismic hazard area shall also meet the following requirements:

- 4099
- 4100 1. The site map shall show all known and mapped faults within two hundred
4101 (200) feet of the project area or that have potential to be affected by the
4102 proposal;
 - 4103
 - 4104 2. The hazards analysis shall include a complete discussion of the potential
4105 impacts of seismic activity on the site (for example, forces generated and fault
4106 displacement); and
 - 4107
 - 4108 3. A geotechnical engineering report shall evaluate the physical properties of the
4109 subsurface soils, especially the thickness of unconsolidated deposits and
4110 their liquefaction potential. If it is determined that the site is subject to
4111 liquefaction, mitigation measures appropriate to the scale of the development
4112 shall be recommended and implemented.

4113
4114 C. **Other Geologically Hazardous Areas.** In addition to the basic requirements, the
4115 County Planner may require additional technical information to be submitted when
4116 determined to be necessary to the review the proposed activity and the subject
4117 hazard. Additional technical information that may be required, includes, but is not
4118 limited to:

- 4119
- 4120 1. Site Plan. The site plan shall show all hazard areas located within two
4121 hundred (200) feet of the project area or that have potential to be affected by
4122 the proposal; and

4123

4124 2. Hazards Analysis. The hazards analysis shall include a complete discussion
4125 of the potential impacts of the hazard on the project area and of the proposal
4126 on the hazard.

4127
4128 **Section 9.05D.070 – Performance Standards**

4129 A. **General Performance Standards.** Except as otherwise provided, the following
4130 performance standards shall apply to geologically hazardous areas:

- 4131
- 4132 1. The activity will not increase the threat of the geological hazard to adjacent
4133 properties beyond pre-development conditions;
 - 4134
 - 4135 2. The activity will not adversely impact other critical areas;
 - 4136
 - 4137 3. The activity is designed so that the hazard to the project is eliminated or
4138 mitigated to a level equal to or less than pre-development conditions; and
4139
 - 4140 4. The activity is certified as safe as designed and under anticipated conditions
4141 by a qualified engineer or geologist, licensed in the state of Washington.

4142

4143 B. **Critical Facilities Prohibited.** Critical facilities shall not be sited within geologically
4144 hazardous areas unless there is no other practical alternative.

4145

4146 C. **Performance Standards – Erosion and Landslide Hazard Areas.** Activities on
4147 sites containing erosion or landslide hazards shall meet the general performance
4148 standards required herein and the specific following requirements:

- 4149
- 4150 1. A buffer shall be established from all edges of landslide hazard areas. The
4151 size of the buffer shall be determined by the administrative official to eliminate
4152 or minimize the risk of property damage, death, or injury resulting from
4153 landslides caused in whole or part by the development, based upon review of
4154 and concurrence with a critical area report prepared by a qualified
4155 professional;
 - 4156
 - 4157 2. Alterations of an erosion or landslide hazard area and/or buffer may only
4158 occur for activities for which a geo-technical analysis is submitted and
4159 certifies that:
 - 4160
 - 4161 a. The development will not increase surface water discharge or
4162 sedimentation to adjacent properties beyond pre-development
4163 conditions;
 - 4164
 - 4165 b. The development will not decrease slope stability on adjacent
4166 properties; and
 - 4167
 - 4168 c. Such alterations will not adversely impact other critical areas.

4169

4170 **D. Design Standards – Erosion and Landslide Hazard Areas.** Development within
4171 an erosion or landslide hazard area and/or buffer shall be designed to meet the
4172 following basic requirements unless it can be demonstrated that an alternative
4173 design that deviates from one or more of these standards provides greater long-term
4174 slope stability while meeting all other provisions of this Chapter. The requirement for
4175 long-term slope stability shall exclude designs that require regular and periodic
4176 maintenance to maintain their level of function. The basic development design
4177 standards are:

- 4178
4179 1. The proposed development shall not decrease the factor of safety for
4180 landslide occurrences below the limits of 1.5 for static conditions and 1.2 for
4181 dynamic conditions. Analysis of dynamic conditions shall be based on a
4182 minimum horizontal acceleration as established by the current version of the
4183 International Building Code;
- 4184
4185 2. Structures and improvements shall be clustered to avoid geologically
4186 hazardous areas and other critical areas;
- 4187
4188 3. Structures and improvements shall minimize alterations to the natural contour
4189 of the slope, and foundations shall be tiered where possible to conform to
4190 existing topography;
- 4191
4192 4. Structures and improvements shall be located to preserve the most critical
4193 portion of the site and its natural landforms and vegetation;
- 4194
4195 5. The proposed development shall not result in greater risk or a need for
4196 increased buffers on neighboring properties;
- 4197
4198 6. The use of retaining walls that allow the maintenance of existing natural slope
4199 area is preferred over graded artificial slopes; and
- 4200
4201 7. Development shall be designed to minimize impervious lot coverage.

4202
4203 **E. Vegetation Retention.** Unless otherwise provided or as part of an approved
4204 alteration, removal of vegetation from an erosion or landslide hazard area or related
4205 buffer shall be prohibited.

4206
4207 **F. Utility Lines and Pipes.** Utility lines and pipes shall be permitted in erosion and
4208 landslide hazard areas only when the applicant demonstrates that no other practical
4209 alternative is available. The line or pipe shall be located above ground and properly
4210 anchored and/or designed so that it will continue to function in the event of an
4211 underlying slide. Stormwater conveyance shall be allowed only through a high-
4212 density polyethylene pipe with fuse-welded joints, or similar product that is
4213 technically equal or superior.

4214

4215 **G. Point Discharges.** Point discharges from surface water facilities and roof drains
4216 onto or upstream from an erosion or landslide hazard area shall be prohibited except
4217 as follows:

- 4218
- 4219 1. Conveyed via continuous storm pipe downslope to a point where there are no
4220 erosion hazards areas downstream from the discharge;
 - 4221
 - 4222 2. Discharged at flow durations matching pre-developed conditions, with
4223 adequate energy dissipation, into existing channels that previously conveyed
4224 stormwater runoff in the pre-developed state; and
 - 4225
 - 4226 3. Dispersed discharge upslope of the steep slope onto a low-gradient
4227 undisturbed buffer demonstrated to be adequate to infiltrate all surface and
4228 stormwater runoff, and where it can be demonstrated that such discharge will
4229 not increase the saturation of the slope.

4230

4231 **H. Subdivisions.** The division of land in landslide hazard areas and associated buffers
4232 is subject to the following:

- 4233
- 4234 1. Land that is located wholly within a landslide hazard area or its buffer may not
4235 be subdivided. Land that is located partially within a landslide hazard area or
4236 its buffer may be divided provided that each resulting lot has sufficient
4237 buildable area outside of, and will not affect, the landslide hazard or its buffer;
4238 and
 - 4239
 - 4240 2. Access roads and utilities may be permitted within the landslide hazard area
4241 and associated buffers if the County determines that no other feasible
4242 alternative exists.

4243

4244 **I. Prohibited Development.** On-site sewage disposal systems, including drain fields,
4245 shall be prohibited within erosion and landslide hazard areas and related buffers.

4246

4247 **J. Performance Standards - Seismic Hazard Areas.** Activities proposed to be
4248 located in seismic hazard areas shall meet the standards of Performance Standards
4249 – General Requirements [Section 9.05D.070(A)].

4250

4251 **K. Other Hazard Areas.** Activities on sites containing or adjacent to other geologically
4252 hazardous areas shall meet the standards of Performance Standards – General
4253 Requirements [Section 9.05D.070(A)].

4254

4255

4256

4257

4258 **Section 9.05E.010 - Declaration of Intent**

4259 It is the purpose of this zoning district to minimize public and private losses due to flood
4260 conditions in specific areas designated by the County, and the Federal Insurance

4261 Administration and the accompanying Flood Insurance Study and Flood Insurance Rate
4262 Maps (FIRM) dated May 1, 1980, and as may be subsequently amended. This zoning
4263 district overlays present or future districts also associated with the property designated
4264 on the Flood Insurance Rate Maps which are adopted as part of this Chapter by
4265 reference and does not add to the specified uses, but, may restrict certain specified
4266 uses. This district is intended to meet the requirements of the federal government to
4267 maintain the County's eligibility for participation in the National Flood Insurance
4268 Program. The Flood Insurance Study and FIRM are on file at the Whitman County
4269 Planning Department. This ordinance shall apply to all areas of special flood hazards
4270 within the jurisdiction of unincorporated Whitman County.

4271
4272 **Section 9.05E.020 - Compliance**

4273 No structure or land area shall hereafter be constructed, located, extended, converted
4274 or altered without full compliance with this district and the district it may overlay.

4275
4276 **Section 9.05E.030 - Abrogation and Greater Restrictions**

4277 The provisions of this district are not intended to repeal, abrogate or impair any existing
4278 easements, covenants, deed restrictions or zoning. However, where this district and
4279 another district, easement, covenant or deed restriction conflict, or overlap, whichever
4280 imposes the more stringent restrictions consistent with flood protection, shall prevail.

4281
4282 **Section 9.05E.040 - Warning and Disclaimer of Liability**

4283 Flooding may occur to such an unpredictable extent that lands or uses outside of the
4284 designated flood plain are affected. The creation of this district does not imply that all
4285 areas outside of the district will always be safe from flooding.

4286
4287 Therefore, the establishment of this district shall not create liability on the part of the
4288 county, any officer or employee thereof, or the Federal Insurance Administration, for any
4289 flood damages that result from reliance on this district's provisions or any administrative
4290 decisions lawfully made thereunder.

4291
4292 **Section 9.05E.050 - Permitted Uses**

4293 Within the special flood hazard area, all uses permitted as specified in the zoning district
4294 overlaid by the Flood Plain Zoning District. However, those uses are subject to the
4295 development permit process described in Section 9.05E.060 and to special building
4296 code requirements.

4297
4298 **Section 9.05E.060 - Development Permit Required**

4299 A development permit shall be obtained before construction or development begins
4300 within any area of special flood hazard. The permit shall be for all "structures" including
4301 mobile homes, as defined in Whitman County Code (WCC) Section 19.03.420, and for
4302 all other "development" including fill and other activities, as defined in WCC Section
4303 19.03.190. A floodplain evaluation is required for routine maintenance of drainages for
4304 such purposes of flood control and maintenance of tiling. Application for a development
4305 permit shall be made on forms furnished by the County Planning office and may include,
4306 but not be limited to: plans in duplicate drawn to scale showing the nature, location,

4307 dimensions, and elevations of the area in question; existing or proposed structures, fill,
4308 storage of materials, drainage facilities; and the location of the foregoing. Specifically,
4309 the following information is required:

- 4310
- 4311 A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all
4312 structures;
- 4313
- 4314 B. Elevation in relation to mean sea level to which any structure has been flood-proofed
4315 where available flood data relates to depth of flood waters rather than height above
4316 mean sea level (e.g. the A-O Zone of the Flood Insurance Rate Map), then the depth
4317 of the 100-year flood should be substituted for elevation data;
- 4318
- 4319 C. Certification by a registered professional engineer or architect that the flood-proofing
4320 methods for any non-residential structure meet the flood-proofing criteria in Section
4321 9.05E.070; and
- 4322
- 4323 D. Description of the extent to which any watercourse will be altered or relocated as a
4324 result of proposed development. (Adopted May, 2003; Resolution No. 061233)
- 4325

4326 **Section 9.05E.065 – Permit Review**

- 4327 A. Review all development permits to determine that the requirements of this Chapter
4328 have been satisfied.
- 4329
- 4330 B. The County Planner is hereby appointed to administer and implement this ordinance
4331 by granting or denying development permit applications in accordance with its
4332 provisions.
- 4333
- 4334 C. It is the applicant’s responsibility to seek and obtain all of the other Federal, State, or
4335 local agency permits that must be obtained for the project. Although Whitman
4336 County may use the SEPA or other notification process to inform other jurisdictions
4337 and agencies, Whitman County is not liable for the applicant’s failure to obtain these
4338 permits. The failure of the applicant to obtain these other permits, when brought to
4339 Whitman County’s attention, is basis for rescinding the County permit. (Adopted May,
4340 2003; Resolution No. 061233)
- 4341
- 4342 D. The County Planner shall review all development permits to determine if the
4343 proposed development is located in the floodway. If located in the floodway, the
4344 County Planner will assure that the encroachment provisions of Section
4345 9.05E.070(E) are met.
- 4346
- 4347 E. When base flood elevation data has not been provided (in A or V Zones) in
4348 accordance with Section 9.05E.010 – Declaration of Intent, the County Planner shall
4349 obtain, review, and reasonably utilize any base flood elevation and floodway data
4350 available from a Federal, State or other source, in order to administer Sections
4351 9.05E.070(B) and (E) – Development Standards.
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F. The information to be obtained and maintained will be as follows:

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 9.05E.065(E), obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (Recorded on a current elevation certificate [FF 81-31] with Section B completed by the local official);
2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 9.05E.065(E):
 - a. Obtain and record the elevation (in relation to mean sea level) to which the structure was flood-proofed (44 CFR 60.3(b)(5)(ii));
 - b. Maintain the flood-proofing certifications required in Section 9.05E.060(C) (44 CFR 60.3(b)(5)(iii)).
3. Maintain for public inspection all records pertaining to the provisions of this ordinance (44 CFR 60.3(b)(5)(iii)).

G. Alteration of watercourses (44 CFR 60.3(b)(6)).

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Section 9.05E.070 - Development Standards

A. Due to the inherent dangers of development with a special flood hazard area, special development, construction and installation standards are necessary. Compliance with these standards must be assured before a development permit will be issued.

These special development requirements shall apply within flood plain areas subject to special flood hazards as shown on the Flood Insurance Rate Map prepared by or for the Federal Insurance Administration and which are discussed within the Flood Insurance Study prepared by or for the Federal Insurance Administration; or, have otherwise been delineated by the County. The map and study are available through the County Engineer's office.

- 4399 B. In all areas of special flood hazards, the following standards are required:
4400
4401 1. Anchoring:
4402
4403 a. All new construction and substantial improvements shall be anchored
4404 to prevent flotation, collapse or lateral movement of the structure;
4405
4406 b. All mobile/manufactured homes must likewise be anchored to prevent
4407 flotation, collapse or lateral movement, and shall be installed using
4408 methods and practices that minimize flood damage. Anchoring
4409 methods may include, but are not limited to, use of over-the-top or
4410 frame ties to ground anchors (Reference FEMA's "Manufactured Home
4411 Installation in Flood Hazard Areas" guidebook for additional
4412 techniques).
4413
4414 2. Construction Materials And Methods:
4415
4416 a. All new construction and substantial improvements shall be
4417 constructed with materials and utility equipment resistant to flood
4418 damage;
4419
4420 b. All new construction and substantial improvements shall be
4421 constructed using methods and practices that minimize flood damage;
4422
4423 c. Electrical, heating, ventilation, plumbing, and air-conditioning
4424 equipment and other service facilities shall be designed and/or
4425 otherwise elevated or located so as to prevent water from entering or
4426 accumulating within the components during conditions of flooding.
4427
4428 3. Utilities:
4429
4430 a. All new and replacement water supply systems shall be designed to
4431 minimize or eliminate infiltration of flood waters into the system;
4432
4433 b. New and replacement sanitary sewage systems shall be designed to
4434 minimize or eliminate infiltration of flood waters into the systems and
4435 discharge from the systems into flood waters;
4436
4437 c. On-site waste disposal systems shall be located to avoid impairment to
4438 them or contamination from them during flooding; and
4439
4440 d. Water wells shall be located on high ground that is not in the floodway.
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4. Subdivision Proposals:

- a. All subdivision shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduced exposure to flood damage; and
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM or from another authoritative source [Section 9.05E.065(E)], applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

C. In addition to meeting the requirements of Sections 1 and 2 of this part of the Code, the following standards shall also apply where the anticipated elevation of a flood having a 100 year or more frequent expectation of occurrence, has been developed and shown on a map or in a report adopted by the County.

1. Residential Construction:

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation; (Adopted May, 2003; Resolution No. 061233)
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- 4489 i. A minimum of two openings having a total net area of not less
4490 than one square inch for every square foot of enclosed area
4491 subject to flooding shall be provided;
4492
4493 ii. The bottom of all openings shall be no higher than one foot
4494 above grade; and
4495
4496 iii. Openings may be equipped with screens, louvers, or other
4497 coverings or devices provided that they permit the automatic
4498 entry and exit of floodwaters.
4499
- 4500 2. Non-Residential Construction. New construction and substantial
4501 improvement of any commercial, industrial or other non-residential structure
4502 shall either have the lowest floor, including basement, elevated one foot or
4503 more above the base flood elevation; or, together with attendant utility and
4504 sanitary facilities, shall:
4505
- 4506 a. Be flood-proofed so that below the base flood level the structure is
4507 watertight with walls substantially impermeable to the passage of
4508 water;
4509
- 4510 b. Have structural components capable of resisting hydrostatic and
4511 hydrodynamic loads and effects of buoyancy;
4512
- 4513 c. Be certified by a registered professional engineer or architect that the
4514 design and methods of construction are in accordance with accepted
4515 standards of practice for meeting provisions of this subsection based
4516 on their development and/or review of the structural design,
4517 specifications and plans. Such certifications shall be provided to the
4518 County Engineer;
4519
- 4520 d. Non-residential structures that are elevated, not flood-proofed, must
4521 meet the same standards for space below the lowest floor as
4522 described in Section 9.05E.070(C)(1); and
4523
- 4524 e. Applicants flood-proofing nonresidential buildings shall be notified that
4525 flood insurance premiums will be based on rates that are one foot
4526 below the flood-proofed level (e.g. a building constructed to the base
4527 flood level will be rated as one foot below that level). (Adopted May, 2003;
4528 Resolution No. 061233)
4529
- 4530 3. Mobile/Manufactured Homes. All mobile/manufactured homes to be placed
4531 or substantially improved shall be elevated on a permanent foundation such
4532 that the lowest floor of the manufactured home is one foot or more above the
4533 base flood elevation and is securely anchored to an adequately anchored

4534 foundation system in accordance with the provisions of Section
4535 9.05E.070(B)(1)(b).
4536 (Adopted May, 2003; Resolution No. 061233)
4537

4538 4. **Critical Facility.** Construction of new critical facilities shall be, to the extent
4539 possible, located outside of the limits of the Special Flood Hazard Area
4540 (SFHA) (100-year floodplain). Construction of new critical facilities shall be
4541 permissible within the SFHA if no feasible alternative site is available. Critical
4542 facilities constructed within the SFHA shall have the lowest floor elevated
4543 three feet. Access to and from the critical facility should also be protected to
4544 that height. Flood proofing and sealing measures must be taken to ensure
4545 that toxic substances will not be displaced by or released into floodwaters.
4546 Access routes elevated to or above the level of base flood elevation shall be
4547 provided to all critical facilities to the extent possible.
4548

4549 5. **Recreational Vehicles.** Recreational vehicles by Whitman County code are
4550 allowed in locations where RV Parks, storage and campgrounds have been
4551 permitted. In general, these facilities are not and have not been allowed
4552 within flood hazard areas. If a permit is granted to allow RV sites within a
4553 floodplain, the following additional requirements apply:
4554

- 4555 a. The RV can be on-site for fewer than 180 consecutive days; and
- 4556 b. The RV must be fully licensed and ready for highway use, on its
4557 wheels or jacking system, is attached to the site only by quick
4558 disconnect type utilities and security devices, and has no permanently
4559 attached additions. (Adopted May, 2003; Resolution No. 061233)
4560

4561 **D. AE and A1-30 Zones with Base Flood Elevations but no Floodways.** In areas
4562 with base flood elevations (but a regulatory floodway has not been designated), no
4563 new construction, substantial improvements, or other development (including fill)
4564 shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is
4565 demonstrated that the cumulative effect of the proposed development, when
4566 combined with all other existing and anticipated development, will not increase the
4567 water surface elevation of the base flood more than one foot at any point within the
4568 community.
4569

4570 **E. Floodways.** Located within areas of special flood hazard established in Section
4571 9.05E.050 are areas designated as floodways. Since the floodway is an extremely
4572 hazardous area due to the velocity of floodwaters that carry debris, and increase
4573 erosion potential, the following provisions apply:
4574

4575 Prohibit encroachments, including fill, new construction, substantial improvements,
4576 and other development unless certification by a registered professional engineer
4577 licensed in the State of Washington is provided demonstrating through hydrologic
4578 and hydraulic analyses performed in accordance with standard engineering practice
4579

4580 that the proposed encroachment would not result in any increase in flood levels
 4581 during the occurrence of the base flood discharge. In addition, the developer and
 4582 the developer's professional engineer licensed in the State of Washington shall be
 4583 responsible for periodic inspections, routine channel clearing and other related
 4584 functions of the altered floodway's maintenance. (Adopted May, 2003; Resolution No. 061233)
 4585

- 4586 1. Construction or reconstruction of residential structures is prohibited within
 4587 designated floodways, except for (i) repairs, reconstruction, or improvements
 4588 to a structure which do not increase the ground floor area; and (ii) repairs,
 4589 reconstruction or improvements to a structure, the cost of which does not
 4590 exceed 50 percent of the market value of the structure either, (A) before the
 4591 repair or reconstruction is started, or (B) if the structure has been damaged,
 4592 and is being restored, before the damage occurred. Any project for
 4593 improvement of a structure to correct existing violations of state or local
 4594 health, sanitary, or safety code specifications which have been identified by
 4595 the local code enforcement official and which are the minimum necessary to
 4596 assure safe living conditions, or to structures identified as historic places, may
 4597 be excluded in the 50 percent.
 4598
- 4599 2. If Section 9.05E.070(E)(1) is satisfied, all new construction and substantial
 4600 improvements shall comply with all applicable flood hazard reduction
 4601 provisions of Section 9.05E.070 – Development Standards. (Amended March 19,
 4602 2012, Ordinance # 072876)
 4603

4604 **Section 9.05E.080 - Variance Standards**

4605 Refer to Chapter 19.06, Section 030.

4606 Appendix 1

4607 Whitman County List of Priority Habitats and Species
 4608

	Species/Habitat	State Status	Federal Status	Important Note
Habitats	Aspen Stands			These are the species and habitats Identified for Whitman County. This list of species and habitats was developed using the distribution maps found in the Priority Habitat and Species (PHS) List (see http://wdfw.wa.gov/conservation/phs/). Species distribution maps depict counties where each priority species is known to occur as well as other counties where habitat primarily associated with the species exist. Two assumptions were made when developing distribution maps for reach species: 1). There is a high likelihood a species is present in a county, even if it has not been directly observed, if the habitat it is primarily associated with exists. 2). Over time, species can naturally change their distribution and move to new counties where usable habitat exists. Distribution maps in the PHS List were developed using the best information available. As new information becomes available, known distribution for some species may expand or contract. WDFW will periodically review and update the distribution maps in the PHS List.
	Biodiversity Areas and Corridors			
	Juniper Savannah			
	Eastside Steppe			
	Shrub-Steppe			
	Riparian			
	Freshwater Wetlands & Fresh Deepwater			
	Instream			
	Caves			
	Cliffs			
	Snags & Logs			
	Talus			

Fishes	Pacific Lamprey		Species of Concern
	River Lamprey	Candidate	Species of Concern
	White Sturgeon		
	Leopard Dace	Candidate	
	Mountain Sucker	Candidate	
	Bull Trout/Dolly Varden	Candidate*	Threatened*
	Chinook Salmon	Candidate	Threatened (Upper Columbia spring run is endangered)
	Rainbow Trout/Steelhead/Inland Redband Trout	Candidate**	Threatened**
	Sockeye Salmon	Candidate	Threatened – Ozette Lake Endangered – Snake River
	Westslope Cutthroat		
Amphibians	Columbia Spotted Frog	Candidate	
	Western Toad	Candidate	Species of Concern
Reptiles	Sagebrush Lizard	Candidate	Species of Concern
Birds	American White Pelican	Endangered	
	E. WA breeding concentration of Grebes & Cormorants		
	E. WA breeding Terns		
	Great Blue Heron		
	Waterfowl concentration		
	Bald Eagle	Sensitive	Species of Concern
	Ferruginous Hawk	Threatened	Species of Concern
	Golden Eagle	Candidate	
	Peregrine Falcon	Sensitive	Species of Concern
	Prairie Falcon		
	Chukar		
	Ring-Necked Pheasant		
	Wild Turkey		
	Upland Sandpiper	Endangered	

	E. WA breeding occurrences of Phalaropes, Stilts and Avocets			
	Yellow-billed Cuckoo	Candidate	Candidate	
	Burrowing Owl	Candidate	Species of Concern	
	Pileated Woodpecker	Candidate		
	Loggerhead Shrike	Candidate		
	Sage Sparrow	Candidate		
	Sage Thrasher	Candidate		
Mammals	Merriam's Shrew	Candidate		
	Preble's Shrew	Candidate	Species of Concern	
	Roosting concentrations of Big-brown Bat, Myotis Bats, Pallid Bat			
	Townsend's Big-eared Bat	Candidate	Species of Concern	
	Black-tailed Jackrabbit	Candidate		
	White-tailed Jackrabbit	Candidate		
	Washington Ground Squirrel	Candidate	Candidate	
	Moose			
	Northwest White-tailed Deer			
	Elk			
	Rocky Mountain Mule Deer			
Invertebrates	Columbia River Tiger Beetle	Candidate		
	Mann's Mollusk-eating Ground Beetle	Candidate		
	Giant Palouse Earthworm	Candidate		
	Shepard's Parnassian	Candidate		
	Silver-bordered Fritillary	Candidate		

4609 * Bull Trout only

4610 ** Steelhead only