

# CRITICAL AREAS REGULATIONS

**Okanogan County  
Office Of Planning And Development**

Draft Prepared for  
**04/22/2013**

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1 **Okanogan County Critical Area Regulations**

2 **Article I Critical Areas Administration**

3 **14.12.010 Purpose/Authority**

4 A. Pursuant to the requirements of the Growth Management Act of 1990 (as  
5 amended), RCW 36.70A, Okanogan County hereby adopts these Critical Area  
6 Regulations to protect wetlands, areas with critical recharging effect on potable  
7 water, frequently flooded areas, geologically hazardous areas, and fish and  
8 wildlife habitat conservation areas, as defined herein.  
9

10 B. The purpose of these regulations include, but are not limited to, the following:  
11

- 12 1. To protect those areas providing critical recharge to groundwater used for  
13 potable supply;
- 14 2. To minimize road building in all critical areas to the greatest extent possible;
- 15 3. To promote innovative, efficient design of proposed projects wherever  
16 possible;
- 17 4. To recognize the economic value of wildlife;
- 18 5. To look for realistic opportunities to maintain and improve habitat where  
19 feasible;
- 20 6. To communicate Okanogan County goals, policies, and strategies for critical  
21 areas regulation to local, state and federal agencies;
- 22 7. To reduce the risk of life and property loss as a result of avoidable flood  
23 damage;
- 24 8. To reduce the risk of life and property loss as a result of failure to avoid or  
25 mitigate development in geologically hazardous areas;
- 26 9. To avoid or minimize damage to regulated wetlands wherever possible;
- 27 10. To require activities not dependent on wetland location to locate at upland  
28 sites;
- 29 11. To strive for no net loss of the functions and values of regulated wetlands by  
30 requiring restoration and / or enhancement of degraded wetlands.  
31 Recommend the creation of new wetlands to offset unavoidable losses due to  
32 development.  
33

34 C. Further, Okanogan County declares that "critical areas" are characterized as  
35 either Resource Critical Areas or Hazard Critical Areas, as follows:  
36

- 37 1. Resource Critical Areas - Wetlands, areas with critical recharging effect on  
38 potable water, and fish and wildlife habitat conservation areas are critical  
39 areas that are regulated for the purpose of protecting these resources from  
40 human activity that would cause undue damage to wetlands, wildlife habitat or  
41 wildlife movement; or would endanger public safety or health by adversely  
42 affecting aquifer recharge areas. Resource critical areas shall not be altered  
43 except as otherwise provided in this chapter or subsequent administrative  
44 rules.

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- 2. Hazard Critical Areas - Frequently flooded areas and geologically hazardous areas are critical areas that are regulated for the purpose of protecting the public from human activities that would affect public safety because it would place residential or other permanent human structures in the hazard critical areas as further defined in this chapter. Such activity will only be allowed as provided in this chapter.

**14.12.020 Administrative Implementation**

- A. As provided herein, Okanogan County Planning staff and the Planning Commission are directed to interpret and apply these Critical Area Regulations to accomplish the regulatory intent and purpose stated in this section. All effort shall be made to integrate any procedures required to assure compliance with this chapter with the Okanogan County Zoning Code, Subdivision Ordinance, Shoreline Master Program, Flood Damage Prevention Ordinance, and State Environmental Policy Act Ordinances.
- B. When any alteration of a Category I wetland is proposed, a public hearing shall be held pursuant to the public notice and other procedural requirements of Okanogan County Zoning Code Chapter 17.19.
- C. Comments from the public, Federal, Tribal, and state agencies consulted for comment on development applications subject to this chapter, shall comply with the requirements set forth pursuant to Chapter 43.21C RCW, SEPA, and Chapter 36.70B RCW and implementing regulations.~~be allowed 21 days from the postmarked date on the notice from the County in which to comment on the project. The Administrator may extend the comment period up to 15 days at the request of a reviewing agency for unique, complex, or unusually large project proposals.~~

**14.12.030 Applicability**

- A. All land use activities, outside shoreline jurisdiction under Chapter 90.58 RCW (Shoreline Management Act) whether or not a permit or authorization is required, shall comply with the requirements of this chapter. Responsibility for the enforcement of this chapter shall rest with the Director of Planning and Development or the Director's designee. For the purposes of this chapter, "land use activities" shall include but not be limited to excavations, fills, boundary line adjustments, building permits, any flood plain development permit, subdivision, short subdivision, binding site plan, zone reclassification, cluster subdivision, planned unit development, planned destination resort, and any other development or use permit that would require approvals under existing or subsequently adopted Okanogan County Codes and/or Ordinances, as administered by the Office of Planning and Development, unless expressly exempted from this chapter.

90 B. As authorized in RCW 36.70A.710(1)(a), Okanogan County has opted in to the  
91 Voluntary Stewardship Program for unincorporated areas used for agricultural  
92 activities as an alternative to protecting critical areas through the development  
93 regulations under RCW 36.70A.060. The Voluntary Stewardship Program applies  
94 to all unincorporated property upon which agricultural activities occur within a  
95 participating watershed as authorized in RCW 36.70A.710(5).  
96  
97

98 **14.12.040 Preliminary Investigation / Site Visit**

- 99 A. Upon the receipt of an application, the Administrator or designee shall consult all  
100 critical area maps. After referring to the maps, the Administrator or designee  
101 may perform a preliminary site visit (the cost of which is included in the permit  
102 application fee) to determine by visual observation, together with the known  
103 scientific evidence, whether or not critical areas may exist on the development  
104 site. Before the Administrator declares that critical areas do not exist, contrary to  
105 information provided on critical area maps, the Administrator may consult the  
106 affected agencies of expertise.  
107  
108 B. If the Administrator or designee is unable to confirm the existence or non-  
109 existence of critical areas, a second site visit shall be performed, including the  
110 agency of expertise, the Administrator or designee, and the applicant.  
111  
112 C. If a determination concerning critical areas cannot be made after a second site  
113 visit, the Administrator shall specify, with the agency of expertise, the required  
114 contents of a special study that will determine the existence or absence of critical  
115 areas, as defined in this chapter. Special studies will be circulated to the  
116 agencies of expertise during review of the development application.

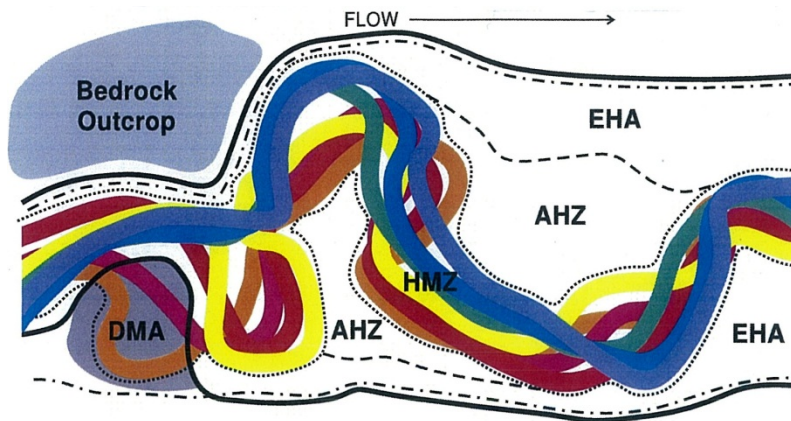
117 **14.12.050 Special Studies and Map Amendments - When Required**  
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- 119 A. When sufficient information to identify the existence of or to evaluate the effects  
120 of a development proposal on critical areas is not provided or available, the  
121 Director shall notify the applicant that special studies are required. A special  
122 study shall be prepared by professionals with documented expertise and shall  
123 identify, locate, and describe any critical areas contained in the development site,  
124 and discuss how the development proposal meets the requirements of this  
125 chapter. The cost of a special study shall be the responsibility of the applicant.  
126  
127 B. A special study or map amendment of any existing regulatory map shall gather  
128 information needed to complete the Site Plan as required by Section XI. Special  
129 Studies shall identify, locate, and describe critical areas contained in the  
130 development site or that such critical areas do not exist; amount and type of  
131 encroachment or alteration of the critical area; and discuss how the proposed  
132 development will meet the requirements of this chapter.  
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135 C. For special studies and map amendments of any existing regulatory map related  
136 to Fish and Wildlife Habitat Conservation Areas, the study shall identify, locate  
137 and describe specific fish and wildlife habitat within one half (0.5) mile of the  
138 proposed development. Off-site study may be accomplished using the best  
139 available mapping and data to estimate the location and function of adjacent  
140 habitat such as: movement corridors, fawning areas, spring range, riparian  
141 areas, etc... The map shall also identify topography and specific vegetative  
142 communities present, structures, roads, fences, human activity areas, and lands  
143 which have been converted from native vegetation. A written summary of current  
144 and historical wildlife use (this shall include a list of species and their seasonal  
145 use of the site proposed for amendment) and current residential, recreational, or  
146 commercial use of the property. A section of the written summary shall be  
147 directed at describing the positive / negative impacts to wildlife of any proposed  
148 or anticipated development.

149 |  
150 D. For special studies and map amendments of any existing regulatory map related  
151 to channel migration zones shall include a site specific special study of a channel  
152 migration hazard prepared by a licensed engineer, geologist, or engineering  
153 geologist who is experienced in fluvial geomorphology, river dynamics, and/or  
154 geotechnical engineering. The study shall have the severe channel migration  
155 boundary defined as the outer combined limit of the following:

156 1. Refer to the following conceptual diagram of the pieces of a CMZ (DOE #03-  
157 06-027, 2003):



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160 2. The HMZ is defined as the outer limit of identifiable historical channel  
161 locations. Historical channel locations can be identified through review of  
162 aerial photographs, survey, field reconnaissance, or as new channels are  
163 established through on-going river processes;  
164 3. The AHZ is defined as areas within or adjacent to the active channel corridor  
165 that are at risk for sudden channel changes or where the current channel may  
166 move in response to flood events or other hydrologic, hydraulic, geomorphic,  
167 or other floodplain changes;



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4. The EHZ is defined by multiplying the representative average annual rate of erosion by 50 years, and applying the resulting distance perpendicular away from the direction of flow along the outer most boundary of either the HMZ or the AHZ, whichever is further from the river. Determine the representative average annual rate of channel migration at a given location or reach by dividing the lateral distance eroded during a corresponding elapsed time shown in sequential aerial photographs, historical maps, or surveys. Do not include any measurements from reaches that had some form of armoring on the banks. Historical records will need to be checked closely for this information. The average annual channel migration rate based on comparison of the 1954 and 1998 aerial photographs for the Methow and Okanogan River provided in the study can be used for specific site locations.
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5. When a natural geologic feature such as a bedrock outcrop, valley wall, or high terrace (i.e. ancient floodplain surface represents a constraint to the predicted migration, the channel migration corridor shall abut that natural geologic feature. These areas may be designated as DMA's.
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6. When a structure such as an arterial road or flood hazard reduction facilities are likely to be protected from future bank erosion due to existing program for public maintenance, the corridor width may be modified to incorporate the boundaries of such structures. These areas may be designated as DMA's. Note that the County can make no assurances regarding the ongoing or continued maintenance of public flood hazard reduction facilities such as levees and revetments, nor for the replacement of public flood hazard reduction facilities should they be damaged by flood events or other natural disasters.
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7. The Moderate CMZ is defined as the area between the outside severe zone boundary and the current FEMA boundary. As such, the outer boundaries of the moderate zone are defined by existing FEMA NFIP flood regulations.
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8. The study must include:
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- (a) Vicinity Map and site map with scale, north arrow, and parcel number.
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- (b) Clear statement of the requested revision or exception to the provisions of the County's channel migration hazard maps;
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- (c) Clear presentation of all required study steps (as outlined above);
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- (d) A clearly stated conclusion of the Special Study results that support the requested revision, show how the data presented refutes the data used in the County study/maps, and calculate the new results using the new information; and;
- 206  
207
- (e) A clearly marked map showing the requested revision to the County's channel migration hazard map.
- 208



209 **14.12.060 Appeal of Administrative Decisions**

210 Administrative interpretations and administrative decisions pursuant to Section 14.12 of  
211 this title may be appealed, by applicants or parties of record, to the Board of Adjustment  
212 as provided for in Section 14.12.060 of this chapter.

213

214 A. Authority of the Board of Adjustment. The board of adjustment shall hear and  
215 decide appeals from any order, requirement, permit decision or determination  
216 made by the administrator under this code. (Ord. 92-12 § 5 (App. A), 1992).

217 B. Who May Appeal-Place of filing-Time Limit. Appeals may be taken to the board  
218 of adjustment by any person aggrieved, or by any officer, department, board or  
219 bureau of the county affected by any decision of an administrative official. Such  
220 appeals shall be filed in writing in duplicate with the administrator, as secretary  
221 for the board of adjustment, within 20 days of the action being appealed. The  
222 section does not create any additional notice requirements of the administrator.  
223 (Ord. 92-12 § 5 (App. A), 1992).

224 C. Setting for Hearing-Notice-Transmittal of Records. Upon the filing of an appeal  
225 from an administrative determination, the board of adjustment itself, or  
226 administrator as secretary for the board of adjustment, shall schedule a hearing  
227 with the board of adjustment to be held within 60 days of the receipt of the  
228 appeal, at which time the matter will be considered. At least a ten-day notice of  
229 such time and place together with one copy of the written appeal shall be given  
230 to the official whose decision is being appealed. At least 10-day notice of the time  
231 and place shall also be given to any adverse parties of record in the case. The  
232 officer from whom the appeal is being taken shall transmit to the board of  
233 adjustment all of the records pertaining to the decision being appealed from,  
234 together with such additional written report as he deems pertinent. (Ord. 92-12 §  
235 5 (App. A), 1992).

236 D. Scope of Authority on Appeal. The board of adjustment may, in conformity with  
237 the Planning Enabling Act (Chapter [36.70 RCW](#)) and this code, reverse or affirm,  
238 wholly or in part, or may modify the order, requirement, decision or determination  
239 appealed from, and may make such order, requirement, decision or  
240 determination as should be made and, to that end, shall have all the powers of  
241 the officer from whom the appeal was taken insofar as the decision on the  
242 particular issue is concerned. (Ord. 92-12 § 5 (App. A), 1992).

243 E. Decision. Within 35 days following the termination of the public hearing on an  
244 appeal from an administrative determination, the Board of Adjustment shall sign  
245 its written order. In making the order it shall include written non verbatim record  
246 of the case, the findings of fact, upon which the decision is based.

247 F. Notice of Decision. Within five days of the decision, the order of the Board of  
248 Adjustment shall be mailed to the applicant and all persons who are specifically  
249 identified as parties of record or who have indicated an interest in being notified  
250 of the decision.

251 G. Appeal of Board of Adjustment Decision. The decision by the board of  
252 adjustment on an appeal from an administrative determination shall be final and  
253 conclusive unless a timely land use petition is filed and served pursuant to the  
254 Land Use Petition Act (Chapter [36.70C](#) RCW). Appeals must be submitted by  
255 those with standing according to RCW [36.70C.060](#).

256 H. Records-The appeal filed pursuant to this code, the evidence of notice, the  
257 electronic verbatim record of proceedings, although minutes of the proceedings  
258 may be nonverbatim, other material accepted as evidence, and the written order  
259 announcing a decision along with the findings of fact shall become a part of the  
260 official records of the board of adjustment.

261 **14.12.070 Critical Areas - Maps and Inventories**

262 The known distribution of critical areas in Okanogan County is displayed on the  
263 following maps on file in the Office of Planning and Development.

264 A. Critical Areas Maps -Regulatory. At the adoption of this chapter, the official  
265 critical areas map titled "Okanogan County Critical Areas Map" will be adopted.  
266 The distribution of critical areas within Okanogan County is described and  
267 displayed in reference materials and on maps maintained by the department.  
268 These reference materials, in the most current form, are intended for general  
269 information only and do not depict site-specific designations. They are intended  
270 to advise Okanogan County, applicants and other participants in the  
271 development permit process that a critical area may exist and that further study,  
272 review and consideration may be necessary. These reference materials shall  
273 include but are not limited to the following:

- 274 1. Okanogan County Level 1 Critical Fish & Wildlife Habitat Areas for  
275 Threatened, Endangered and Sensitive species(2012, as amended);
- 276 2. Okanogan County Level 2 Habitat and Species of Local Concern (two maps)  
277 ((2012, as amended);
- 278 3. Okanogan County Level 3 Locally Important Habitat and Species (2012, as  
279 amended);
- 280 4. Okanogan County Identified Critical Areas and Steep Slopes Maps (2012);
- 281 5. Flood Insurance Rate Maps ;
- 282 6. Flood Boundary and Floodway Maps as amended;
- 283 7. Channel Migration Zone Maps (Methow Channel Migration Hazard Zone  
284 Maps and Okanogan Flood Hazard Zone Component Maps 2012 as  
285 amended)
- 286 8. US Fish and Wildlife Service National Wetlands Inventory, as amended;
- 287 9. U.S.G.S. 7.5 Minute Series Topographic Quadrangle Maps;
- 288 10. Aerial photos; and
- 289 11. WDFW Priority Habitats and Species (2009 as amended)

- 290 12. Department of Natural Resources Heritage Maps and Data, as amended;  
291 13. Natural Resource Conservation Service Soil Survey of Okanogan County  
292 Area Washington (2010 as amended)

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294

B. Critical Areas identified through the development review process

- 295 1. Applicants may propose amendments to regulatory maps as they become  
296 available, using maps and data resulting from special studies. Map  
297 amendments may be processed at any time and shall be processed in  
298 accordance with Zoning Code Chapter 17.37. Agency review shall be  
299 accomplished in accordance with Zoning Code section 17.19.080 B.

300

301 **14.12.080 Definitions**

302 Words not defined in this Chapter shall be as defined in the Okanogan County Zoning  
303 Code. Words not found in either document shall be as defined in the Webster's Third  
304 New International Dictionary, latest edition.

305

306 **A**

307 *Active Fault* - A fault that is considered likely to undergo renewed movement within a  
308 period of concern to humans. Faults are commonly considered to be active if the fault  
309 has moved one or more times in the last 10,000 years, but faults may also be  
310 considered active in some cases if movement has occurred in the last 500,000 years.

311

312 *Alluvial Fans* - A cone-shaped deposit of alluvium made by a stream where it runs out  
313 onto a level plain or meets a slower stream. The fans generally form where streams  
314 issue from mountains upon the lowland.

315

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

320

321 *Applicant* - A person who files an application for permit under this chapter and who is  
322 either the owner of the land on which that proposed activity would be located, a contract  
323 purchaser, or the authorized agent of such a person.

324

325 *Aquifer Recharge Areas* - Areas which, due to the presence of certain soils, geology,  
326 and surface water, act to recharge ground water by percolation.

327

328 *Avalanche Hazard* - A large mass of snow or ice, sometimes accompanied by other  
329 material, moving rapidly down a mountain slope.

330

331 *Avulsion Hazard Zone (AHZ)*-The portion of the Channel Migration Zone (CMZ) that  
332 delineated avulsion hazards not accounted for in the Historical Migration Zone. An  
333 avulsion means a sudden abandonment of a part of the whole of a meander belt by a  
334 stream for some new course.

335

336 **B**

337 *Base Flood* - A flood event having a one percent (1%) chance of being equaled or  
338 exceeded in any given year, also referred to as the 100-year flood.

339

340 *Best management practices* - Conservation practices or systems of practices and  
341 management measures that: **1.** Control soil loss and reduce water quality degradation  
342 caused by high concentrations of nutrients, animal waste, toxics, and sediment; and **2.**  
343 Minimize adverse impacts to surface water and groundwater flow, circulation patterns,  
344 and to the chemical, physical, and biological characteristics of wetlands.

345

346 *Bogs* - A swamp or tract of wet land covered, in many cases, with peat.

347

348 *Buffer* - An area contiguous to a critical area boundary that is required for the continued  
349 maintenance, functioning, and/or structural stability of a critical area.

350

351 *Built Environment* - A hard surface area which either prevents or retards the entry of  
352 water into the soil. Examples include, but are not limited to, structures, concrete or  
353 asphalt paving, gravel roads, packed earthen materials, railroad beds, dikes, haul roads  
354 and oiled or macadam surfaces.

355

356 **C**

357 *Channel Migration Hazard*- means any increase in the potential risk of channel change  
358 (i.e. avulsion), erosion, scour, or other response in flood characteristics resulting from  
359 the location of a structure, placement of fill, or other activity occurring in the floodplain or  
360 channel migration zone.

361

362 *Channel Migration Zone (CMZ)*- means those areas subject to risk from lateral channel  
363 movement due to stream bank destabilization, rapid stream channel changes (i.e.  
364 avulsion), stream bank erosion, and/or shifts in location of stream channels, as shown  
365 on Okanogan County's Channel Migration Zone Hazard Maps.

366

367 *Compensation project* - Actions necessary to replace project-induced wetland and  
368 wetland buffer losses, including land acquisition, planning, construction plans,  
369 monitoring and contingency actions.

370

371 *Compensatory mitigation* - Replacing project-induced wetland losses or impacts, and  
372 includes, but is not limited to, the following:

373 "Restoration" - Actions performed to reestablish wetland functional characteristics and  
374 processes which have been lost by alterations, activities, or catastrophic events within  
375 an area which no longer meets the definition of a wetland.

376 "Creation" - Actions performed to intentionally establish a wetland at a site where it  
377 did not formerly exist.

378 "Enhancement" - Actions performed to improve the condition of existing degraded  
379 wetlands so that the functions they provide are of a higher quality.

380  
381 *Critical Aquifer Recharge Areas* - Areas with a critical recharging effect on aquifers used  
382 for potable water, including areas where an aquifer that is a source of drinking water is  
383 vulnerable to contamination that would affect the potability of the water, or is susceptible  
384 to reduced recharge.-

385  
386 *Critical Areas* - Critical areas include: Critical Aquifer Recharge Areas, Fish and Wildlife  
387 Habitat Conservation Areas, Frequently Flooded Areas, Geologically Hazardous Areas,  
388 and Wetlands, as defined in RCW 36.70A and this chapter.

389  
390 **D**  
391 *Developable Area* - A site or portion of a site that may be utilized as the location of  
392 development, in accordance with the rules of this chapter.

393 *Development* - means any construction or activity which changes the basic character,  
394 use or intensity of use of the land on which the construction or activity occurs.  
395 Development includes subdivision of land for the purpose of sale or lease which  
396 requires platting under the Okanogan County subdivision code. (Ord. 92-12 § 5 (App.  
397 A), 1992).

398 **E**  
399 *Endangered* - Any fish or wildlife species that is native to the state of Washington and is  
400 seriously threatened with extinction throughout all or a significant portion of its range  
401 with the state, and is listed in the Federal Register/Endangered Species Act of 1973  
402 and/or State Listing in accordance with WAC 232-12-014 and WAC 232-12-011.

403  
404 *Erosion*- The process whereby wind, rain, water, and other natural agents mobilize and  
405 transport particles.

406  
407 *Erosion hazard areas* - At least those areas identified by the United State Department of  
408 Agriculture National Resources Conservation Service as have a "severe" rill and inter-rill  
409 erosion hazard.

410  
411 *Erosion Hazard Zone (EHZ)* - means the area of the CMZ unaccounted for in the AHZ  
412 or the HMZ that delineated channel susceptibility to lateral bank erosion.

413  
414 *Exotic* - Any species of plants or animals that are foreign to the planning area.

415 |

416 *Existing and Ongoing Agriculture* - includes activities involved in the preparation,  
417 cultivation and production of crops, animal or fiber products, land registered in a federal  
418 or state conservation program and lands which have been approved by the County as  
419 Open Space Farm and Agricultural Conservation Land pursuant to RCW Chapter 84.34.  
420 Existing and ongoing activities include the operation and maintenance of farm and stock  
421 ponds, drainage ditches, irrigation ditches or systems including laterals or canals,  
422 changes between agricultural activities and the normal maintenance, repair or operation  
423 of existing serviceable structures, facilities or improved areas. An operation or activity  
424 ceases to be ongoing when the area on which it was conducted is converted to a  
425 nonagricultural use (subdivision, etc.). Forest practice activities are not included in this  
426 definition. However Christmas tree operations are included in agricultural activities.

427

428 **F**

429 *Fault* - A fracture along which there has been displacement of the sides relative to one  
430 another parallel to the fracture.

431

432 *Fault line* - The intersection of a fault surface with the surface of the earth.

433

434 *Fish and Wildlife Habitat Conservation Areas* - are areas that serve a critical role in  
435 sustaining needed habitats and species for the functional integrity of the ecosystem,  
436 and which, if altered, may reduce the likelihood that the species will persist over the  
437 long term. These areas may include, but are not limited to, rare or vulnerable ecological  
438 systems, communities, and habitat or habitat elements including seasonal ranges,  
439 breeding habitat, winter range, and movement corridors; and areas with high relative  
440 population density or species richness. Areas of local importance that include a  
441 seasonal range or habitat element with which a given species has a primary  
442 association, and which, if altered, may reduce the likelihood that the species will  
443 maintain and reproduce over the long-term. These might include areas of high relative  
444 density or species richness, breeding habitat, winter range, movement corridors, and  
445 areas of limited availability or high vulnerability to alteration, such as cliffs, talus, and  
446 wetlands.

447

448 *Flood or Flooding* - A general and temporary condition of partial or complete inundation  
449 of normally dry land areas from the overflow of inland waters and / or the unusual and  
450 rapid accumulation of runoff of surface waters from any source.

451

452 *Flood Plain* - The total land area adjoining a river, stream, watercourse or lake subject  
453 to inundation by the base flood.

454

455 *Flood Protection Elevation* - The elevation that is one (1) foot above the base flood  
456 elevation.

457

458 *Floodway* - The channel of a river or other watercourse and the adjacent land area that  
459 must be reserved in order to discharge the base flood without cumulatively increasing



460 the surface water elevation more than one (1) foot. Also known as the "zero rise  
461 floodway."

462  
463 Fluvial Geomorphology- means the science that addresses the form, configuration,  
464 changes that may take place, and the evolution of rivers and streams.

465  
466 *Frequently Flooded Areas* - are lands in the flood plain subject to at least a one percent  
467 or greater chance of flooding in any given year, or within areas subject to flooding due  
468 to high groundwater. These areas include, but are not limited to, streams, rivers, lakes,  
469 coastal areas, wetlands, and areas where high groundwater forms ponds on the ground  
470 surface.

471  
472 **G**  
473 *Geologically Hazardous Areas* - are areas that because of their susceptibility to erosion,  
474 sliding, earthquake, or other geological events, are not suited to siting commercial,  
475 residential, or industrial development consistent with public health or safety concerns.  
476 Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and  
477 volcanic.

478  
479 *Growth Management Act* - RCW 36.70A, as amended.

480  
481 **H**  
482 *High intensity land use* - Land uses which are associated with moderate or high levels  
483 of human disturbance or substantial wetland habitat impacts including, but not limited to,  
484 medium and high density residential including lots with greater than 1 dwelling unit per  
485 acre, and Planned Developments where the density is greater than the underlying  
486 zoning density, multifamily residential, active recreation, and commercial and industrial  
487 land uses greater than 1500 square feet, except home industries.

488  
489 Historical Migration Zone (HMZ) - means the portion of CMZ that the channel occupied  
490 in the historical record (i.e. as shown on historical aerial photographs, identified through  
491 survey and/or field reconnaissance, or defined by newly established channel  
492 alignments.

493  
494 *Hydric Soil* - A soil that is saturated, flooded or ponded long enough during the growing  
495 season to develop anaerobic conditions in the upper part. The presence of hydric soil  
496 shall be determined following the methods described in the "Federal Manual for  
497 Identifying and Delineating Jurisdictional Wetlands" as amended.

498  
499 **I**  
500 *In-kind compensation* - To replace wetlands with substitute wetlands whose  
501 characteristics closely approximate those destroyed or degraded by a regulated activity.  
502 It does not mean replacement "in-category."  
503



504 *Intermittent Streams* - A stream which flows only at certain times when it receives water  
505 from springs or from some surface source, such as melting snow or rain.

506  
507 *Inter-rill* - Inter-rills are areas subject to sheetwash.

508  
509 **L**  
510 *Landslide hazard areas* - are areas at risk of mass movement due to a combination of  
511 geologic, topographic, and hydrologic factors. These areas are typically susceptible to  
512 landslides because of a combination of factors including: bedrock, soil, slope gradient,  
513 slope aspect, geologic structure, ground water, or other factors.

514  
515 *Lek* ~~-- those specific assembly locations where animals (such as the sharp tailed~~  
516 ~~grouse and sage grouse) carry on display and courtship behavior.~~  
517 ~~An area where sharp-tailed grouse gather to perform their courtship displays.~~

518  
519 *Low-Intensity Land Use* - Land uses which are associated with low levels of human  
520 disturbance or low wetland habitat impacts, including, but not limited to, passive  
521 recreation, Planned Developments where the density is less than or equal to the  
522 underlying zoning density, open space, or agricultural or forest management uses. The  
523 lowest residential density requirement for any given district qualifies as low-intensity  
524 use, PROVIDED, that the density requirement does not exceed 1 du/acre. Commercial  
525 and industrial uses smaller than 1500 square feet in size are also considered low-  
526 intensity land uses.

527  
528 *Low-Intensity, Recreation Activities* - Activities that are compatible with the natural  
529 environment, are contoured and compatible with the land, contain no paved surfaces  
530 and accommodate wildlife usage. Activities that result in large concentrations of people  
531 are not considered recreational activities that are compatible with the natural  
532 environment.

533  
534 **M**  
535 *Mine hazard areas* - Areas that are directly underlain by, adjacent to, or affected by  
536 mine workings such as adits, tunnels, drifts, or air shafts with the potential for creating  
537 large underground voids susceptible to collapse, tailings piles, and waste rock. In  
538 addition, tailings and waste rock piles have the potential for being mine hazard areas.  
539

- 540  
541 *Mitigation* - Avoiding, minimizing or compensating for adverse critical areas impacts.  
542 Mitigation, in the following order of preference is:
- 543 1. Avoiding the impact altogether by not taking a certain action or parts of an  
544 action;
  - 545 2. Minimizing impacts by limiting the degree or magnitude of the action and its  
546 implementation, by using appropriate technology, or by taking affirmative steps  
547 to avoid or reduce impacts;
  - 548 3. Rectifying the impact by repairing, rehabilitating or restoring the affected  
549 environment;
  - 550 4. Reducing or eliminating the impact over time by preservation and maintenance  
551 operations during the life of the action;
  - 552 5. Compensating for the impact by replacing, enhancing, or providing substitute  
553 resources or environments;
  - 554 6. Monitoring the impact and the compensation project and taking appropriate  
555 corrective measures. Mitigation for individual actions may include a  
556 combination of the above measures.

557  
558 Moderate Channel Migration Zone- A channel migration zone shall be designated as  
559 moderate hazard when it lies outside the severe hazard channel migration zone and  
560 within the FEMA floodplain boundary.

561  
562 **N**

563 *Native Vegetation* - Plant species which are indigenous to the area in question.

564  
565 *Non-Conformity* - An existing use or structure that is not in compliance with current  
566 regulations.

567  
568 **O**

569 *Off-site compensation* - To replace wetlands away from the site on which a wetland has  
570 been impacted by a regulated activity.

571  
572 *On-site compensation* - To replace wetlands on the site on which a wetland has been  
573 impacted by a regulated activity.

574  
575 **P**

576 *Porous Soil Types* - Soils, as identified by the Soil Conservation Service, that contain  
577 voids, pores, interstices or other openings which allow the passing of water.

578  
579 *Private Wildlife Open Space* - Land retained in an open condition in perpetuity for fish  
580 and wildlife conservation or enhancement purposes. Lands within this type of open  
581 space dedication may include but are not limited to, portions and combinations of forest  
582 habitats, grasslands, shrub steppe, on-site watersheds, 100 year flood plains, County  
583 shorelines or shorelines of state-wide significance, riparian areas and wetlands.

584

585 **R**  
586 *Repair or maintenance* - An activity that restores the character, scope, size, and design  
587 of a serviceable area, structure, or land use to its previously authorized and undamaged  
588 condition. Activities that change the character, size, or scope of a project beyond the  
589 original design and drain, dredge, fill, flood, or otherwise alter additional regulated  
590 wetlands are not included in this definition.

591  
592 *Rills* - Steep-sided channels resulting from accelerated erosion. A rill is generally a few  
593 inches deep and not wide enough to be an obstacle to farm machinery. Rill erosion  
594 tends to occur on slopes, particularly steep slopes with poor vegetative cover.

595  
596 *Riparian* - are transitional areas between terrestrial and aquatic ecosystems and are  
597 distinguished by gradients in biophysical conditions, ecological processes, and biota.  
598 They are areas through which surface and sub surface hydrology connect water bodies  
599 with their adjacent uplands. They include those portions of terrestrial ecosystems that  
600 significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a  
601 zone of influence). Riparian areas are adjacent to perennial, intermittent, and  
602 ephemeral streams, lakes, and estuarine-marine shorelines. The width of these areas  
603 depends upon slope and vegetation cover, but for the purposes of this regulation,  
604 includes a maximum of 200 feet, measured on the slope of the land, from the ordinary  
605 high water mark on each side of the perennial streams, rivers, lakes, ponds, marshes,  
606 wetlands, Types 1-5 Waters, etc.

607  
608 **S**  
609 *Seeps* - A spot where water oozes from the earth, often forming the source of a small  
610 stream.

611  
612 *Seismic Hazard Areas* - Areas that are subject to severe risk of damage as a result of  
613 earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

614  
615 *Seismic Design Category C* - The area identified in the 2009 Uniform Building Code as  
616 amended. This design category determines the structural engineering requirements for  
617 buildings constructed in the County.

618  
619 *Serviceable* - Presently usable.

620  
621 *Severe Channel Migration Zone*- A channel migration zone shall be designated as  
622 severe when it lies within the boundaries of HMZ; and/or within the AHZ; and/or within  
623 the channels probable EHZ as predicted to occur within the next 50 years and as  
624 measured in either direction from the outside edge of either the HMZ or the AHZ as  
625 defined, whichever is furthest from the river.

626  
627 *Significant portion of its range* - That portion of a species range likely to be essential to  
628 the long term survival of the population in Washington.

629

630 *Species* - Any group of animals classified as a species or subspecies as commonly  
631 accepted by the scientific community.

632  
633 **T**  
634 *Threatened* - Fish or wildlife species that are native to the state of Washington and are  
635 listed in WAC 232-12-011(1) as amended and those listed in the Federal Register as a  
636 threatened species.

637  
638 **U**  
639 ~~*Unavoidable and necessary impacts* - Impacts to regulated wetlands that remain after a~~  
640 ~~person proposing to alter regulated wetlands has demonstrated that all reasonable~~  
641 ~~economic use is being denied.~~

642  
643 **V**  
644 *Variance* - An adjustment in the application of the regulations of a zoning ordinance to a  
645 particular piece of property, in a situation where the property, because of special  
646 circumstances found to exist on the land, is deprived as a result of the imposition of the  
647 zoning regulations of privileges commonly enjoyed by other properties in the same  
648 vicinity and zone.

649  
650 *Volcanic hazard areas* - Areas that are subject to inundation by pyroclastic flows, lava  
651 flows, debris flows, mud flows, or related flooding resulting from volcanic activity.

652  
653 **W**  
654 *Water Typing System* - Waters classified according to WAC 222-16-030 as follows:  
655 **Type S Water** - "**Type S Water**" means all waters, within their bankfull width, as  
656 inventoried as "shorelines of the state" under chapter [90.58](#) RCW and the rules  
657 promulgated pursuant to chapter [90.58](#) RCW including periodically inundated  
658 areas of their associated wetlands.

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

- (a) Waters, which are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;
- (b) Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type F Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:
  - i. The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and
  - ii. Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;
- (c) Waters, which are within a federal, state, local, or private campground having more than 10 camping units: Provided, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

701  
702 (d) Riverine ponds, wall-based channels, and other channel features that  
703 are used by fish for off-channel habitat. These areas are critical to the  
704 maintenance of optimum survival of fish. This habitat shall be identified  
705 based on the following criteria:

- 706  
707 i. The site must be connected to a fish habitat stream and  
708 accessible during some period of the year; and  
709  
710 ii. The off-channel water must be accessible to fish.

711  
712 **Type NP Water** - means all segments of natural waters within the bankfull width  
713 of defined channels that are perennial nonfish habitat streams. Perennial streams  
714 are flowing waters that do not go dry any time of a year of normal rainfall and  
715 include the intermittent dry portions of the perennial channel below the  
716 uppermost point of perennial flow.

717  
718 **Type NS Water** - means all segments of natural waters within the bankfull width  
719 of the defined channels that are not Type S, F, or Np Waters. These are  
720 seasonal, nonfish habitat streams in which surface flow is not present for at least  
721 some portion of a year of normal rainfall and are not located downstream from  
722 any stream reach that is a Type Np Water. Ns Waters must be physically  
723 connected by an above-ground channel system to Type S, F, or Np Waters.

724  
725 *Wetlands* - "Wetland" or "wetlands" means areas that are inundated or saturated by  
726 surface water or groundwater at a frequency and duration sufficient to support, and that  
727 under normal circumstances do support, a prevalence of vegetation typically adapted  
728 for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs,  
729 and similar areas. Wetlands do not include those artificial wetlands intentionally created  
730 from nonwetland sites, including, but not limited to, irrigation and drainage ditches,  
731 grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm  
732 ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were  
733 unintentionally created as a result of the construction of a road, street, or highway.  
734 Wetlands may include those artificial wetlands intentionally created from nonwetland  
735 areas created to mitigate conversion of wetlands.

736  
737 *Wetland buffers / wetland buffer zones* - Those areas that surround and protect a  
738 wetland from adverse impacts to the functions and values of a wetland.

739  
740 *Wetland Categories, Categories of wetlands or wetland types* - ~~Descriptive Categories~~  
741 ~~of the wetlands taxonomic classification system of the United States Fish and Wildlife~~  
742 ~~Service (Cowardin, et al 1978). Wetland categories are generated based on the rarity,~~  
743 ~~sensitivity to disturbance, and functions they provide using the "Washington State~~  
744 ~~Wetland Rating System for Eastern Washington".~~

746 *Wetland edge* - The boundary of a wetland as delineated, based on the definitions  
747 contained in this chapter.

748

749 *Wetland functions and values* - The beneficial roles served by wetlands may include,  
750 but are not limited to: water quality protection and enhancement; fish and wildlife  
751 habitat; food chain support; flood storage, conveyance and attenuation; groundwater  
752 recharge and discharge; erosion control; historical, archaeological and aesthetic value  
753 protection; and recreation. These beneficial roles are not listed in order of priority.

754 *Wetland rating system* - The system of evaluating wetlands functions and values.

755

756 ~~*Wetlands, regulated* - All Category I and II wetlands, Category III wetlands larger than~~  
757 ~~2,500 square feet, and Category IV wetlands larger than 10,000 square feet.~~

758

759



760 **14.12.090 General Exemptions**

761 The provisions of this Chapter do not apply to the following circumstances when  
762 determined applicable by the Director or designee:

- 763
- 764 A. Emergencies that threaten public health and safety and that require remedial or  
765 preventative action in a time frame too short to allow for compliance with the  
766 requirements of this chapter.
- 767
- 768 B. Operation, Maintenance, or Repair of existing structures, infrastructure  
769 improvements, utilities, public or private roads, dikes, levees, or drainage  
770 systems, if the activity does not further alter or increase the impact to, or  
771 encroach further within the critical area or buffer and there is no increased risk to  
772 life or property as a result of the proposed operation, maintenance, or repair.
- 773
- 774 C. Voluntary Stewardship Lands as authorized by RCW 36.70A.710.
- 775
- 776
- 777 D. Recreation, education, and scientific research that does not degrade the critical  
778 area.
- 779
- 780 E. The removal of trees from critical areas and buffers that are hazardous, posing a  
781 threat to public safety, or posing an imminent risk of damage to private property.
- 782
- 783 F. Forest practices in accordance with the provisions of RCW 76.09 and WAC 222.
- 784

785 **14.12.100 Reasonable Use Exception**

- 786 A. If an applicant for a development proposal demonstrates that application of this  
787 Chapter would deny all reasonable economic use of the subject property,  
788 reasonable economic development of the property will be allowed if the applicant  
789 also demonstrates:
  - 790
  - 791 1. That no reasonable economic use with materially less impact on Critical  
792 Areas is feasible; and,
  - 793
  - 794 2. That there will be no material damage to nearby public or private property and  
795 no material threat to the health and / or safety of people on or off the property  
796 as a result of the proposed development.
  - 797
- 798
- 799 B. Requests for Reasonable Use Exceptions shall be heard by the Planning  
800 Commission, which shall make a recommendation for approval, modification, or  
801 disapproval to the Board of County Commissioners, who shall issue a final  
802 decision.
- 803

804 C. This chapter shall be interpreted to respect constitutional rights to property to the  
805 full extent recognized by the law of the United States and the State of  
806 Washington.

807 **14.12.110 Non-Conforming Uses and Structures**

808 All issues relevant to Non-Conforming Uses or structures shall be processed pursuant  
809 to Section 17.36 of the Okanogan County Zoning Code.  
810

811 **14.12.120 Amendments**

812 Amendments to this Chapter shall be authorized and processed in the same manner  
813 and under the same statutory authority as amendments to any other portion of the  
814 Okanogan County Zoning Code.  
815

816 **14.12.130 Variances**

817 Requests for variance, as defined herein and in the Okanogan County Zoning Code  
818 Chapter 17.34, shall be processed in the same manner and under the same statutory  
819 authority as provided for Variances in Chapter 17.34.  
820

821 **14.12.140 Conflict of Regulations**

822 If more than one Okanogan County development regulation applies to any lands  
823 identified in this Chapter or a particular development application, then the most  
824 restrictive regulation shall apply.  
825

826 **14.12.150 Application Requirements**

827 A. General Application Requirements

828 A Site Plan, drawn to scale, showing critical areas must be submitted with each  
829 application for development approval. For parcels greater than five (5) acres, the  
830 site plan may be limited to the area within 330 feet of proposed structures  
831 (adjacent properties need not be mapped). The site plan may be combined with  
832 or accompany site plan requirements for other County approvals, and, unless the  
833 Administrator waives one or more of the following information requirements, site  
834 plans shall include the following:  
835

- 836 1. An aerial photograph at a scale no smaller than 1" = 400' showing the entire  
837 parcel of land owned by the applicant;  
838
- 839 2. A site plan at 1"=50' showing existing improvements and natural features  
840 (such as rivers, cliffs, streams, ponds, etc.), including critical areas (such as  
841 specific wildlife habitat or wetland areas), within 330 feet of the proposed  
842 structures;  
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3. Boundaries and dimensions of the site(s);
  4. The location of proposed sites and specifications for all development activities;
  5. The purposes of the project and an explanation why the proposed activity cannot be located at another location on-site, that is not impacted by critical areas;
  6. Location and identification of all existing and proposed roads, easements, driveways, and parking areas on or abutting the parcel;
  7. A description of the vegetative cover around wetlands and streams, and identification of dominant species. Identification of existing vegetation in general, which would include identification of all evergreen trees greater than eight (8) inches in diameter and all deciduous trees greater than twelve (12) inches in diameter, as measured four and one half (4.5) feet above ground level, to be retained after completion of the development;
  8. Location of existing vegetation and vegetation to be removed;
  9. Proposed revegetation, including location, species and maintenance plan;
  10. Approximate elevations of the site and adjacent lands within the critical area and its buffer;
  11. Sketch of existing and proposed changes to topography which would include steep slopes, ravines, grading, etc.;
  12. Open Space: Amount, location, function and maintenance plan for contiguous private wildlife open space or other open space;
  13. Mitigation: Show the extent to which measures to lessen potential adverse impacts to critical areas are incorporated into the project design, including but not limited to enhancement of habitat, provision of replacement habitat, public education, consideration of remaining open space areas for viable functional habitat, migration corridors etc.; and,
  14. A list of all property owners within 300' of a Category I wetland and all properties contiguous to the parcel to be developed, if a public hearing is required. If the owner of the parcel to be developed owns another parcel or parcels of real property which lies contiguous to the parcel to be developed, notice shall be given to owners of real property located within 300 feet of any portion of the boundaries of such contiguously located parcels.

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B. The applicant and the administrator or designee shall visit the site together during the application process.

C. Critical Area Report Requirements

1. The critical area report shall demonstrate when implemented, that loss of habitat function is minimal.
2. The critical area report shall identify how impacts from the proposed project shall be mitigated, as well as the necessary maintenance and monitoring.
3. The Critical Area Report shall include a written report identifying the goals and objectives of the compensation proposed including the following:
  - (a) A detailed description of the vegetation on and adjacent to the project area.
  - (b) Identification of any threatened, endangered, or sensitive species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species.
  - (c) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;
  - (d) A discussion of the following mitigation measures as they relate to the proposal:
    - 1) Avoiding the impact altogether by not taking a certain action or parts of an action;
    - 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
    - 3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
    - 4) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

- 926 (e) The Critical Area Report shall include measurable specific criteria  
927 for evaluating whether or not the goals and objectives of the  
928 mitigation project have been successfully attained and whether or  
929 not the requirements of this Title have been met, including but not  
930 limited to the following mitigation measures:
- 931 1) Establishment of buffer zones,
  - 932 2) Preservation of critically important plants and trees,
  - 933 3) Limitation of access to the habitat conservation area,
  - 934 4) Seasonal restriction of construction activities,
  - 935 5) Establishment of a timetable for periodic review of the plan.
- 936 (f) The Critical Area Report shall include written specifications and  
937 descriptions of the mitigation proposed, such as: The proposed  
938 construction sequence, timing, and duration; Grading and  
939 excavation details; Erosion and sediment control features; A  
940 planting plan specifying plant species, quantities, locations, size,  
941 spacing, and density; and Measures to protect and maintain plants  
942 until established.
- 943 (g) Written specifications shall be accompanied by detailed site  
944 diagrams, scaled cross-sectional drawings, and topographic maps  
945 showing slope percentage and final grade elevations, and any other  
946 drawings appropriate to show construction techniques or  
947 anticipated final outcome.
- 948 (h) A detailed discussion of on-going management practices which will  
949 protect the habitat area after the project site has been fully  
950 developed, including proposed monitoring, contingency,  
951 maintenance and surety programs.

952 **14.12.160 Emergency Permit**

- 953 A. Notwithstanding the provisions of this chapter or any other laws to the contrary,  
954 the Administrator may issue an emergency permit if:
- 955
  - 956 1. The Administrator determines that an unacceptable threat to life or severe  
957 loss of property will occur if an emergency permit is not granted; and  
958
  - 959 2. The anticipated threat or loss may occur before a permit can be issued or  
960 modified under the procedures otherwise required by this chapter and other  
961 applicable laws.  
962  
963

- 964 B. Any emergency permit granted shall incorporate, to the greatest extent  
965 practicable and feasible but not inconsistent with the emergency situation, the  
966 standards and criteria required for nonemergency activities under this act and  
967 shall:  
968
- 969 1. be limited in duration to the time required to complete the authorized  
970 emergency activity, and
  - 971
  - 972 2. require the restoration of any wetland altered as a result of the emergency  
973 activity.
  - 974
- 975 C. Issuance of an emergency permit by the Administrator does not preclude the  
976 necessity to obtain necessary approvals from appropriate federal and state  
977 authorities.  
978
- 979 D. Notice of the issuance of the emergency permit and request for public comments  
980 shall be published at least once a week on the same day of the week for two  
981 consecutive weeks in a newspaper having a general circulation in Okanogan  
982 County no later than 10 days after issuance of the emergency permit.  
983
- 984 E. The emergency permit may be terminated at any time without process upon a  
985 determination by the Administrator that the action was not or is no longer  
986 necessary to protect human health or the environment.  
987

988 **14.12.170 Performance Bonds**

- 989 A. The Administrator may require the applicant of a development proposal to post a  
990 cash performance bond or other security acceptable to the Administrator in an  
991 amount and with surety and conditions sufficient to fulfill the requirements of this  
992 Code. The amount and the conditions of the bond shall be consistent with the  
993 purposes of this chapter. In the event of a breach of any condition of any such  
994 bond, the Administrator may institute an action in a court of competent  
995 jurisdiction upon such bond and prosecute the same to judgment and execution.  
996 The Administrator shall release the bond upon determining that:  
997
- 998 1. all activities, including any required compensatory mitigation, have been  
999 completed in compliance with the terms and conditions of the permit and the  
1000 requirements of this chapter; and
  - 1001
  - 1002 2. upon the posting by the applicant of a maintenance bond.
  - 1003
- 1004 B. Until such written release of the bond, the principal or surety cannot be  
1005 terminated or canceled.  
1006  
1007

1008 **14.12.180 Maintenance Bonds**  
1009 The Administrator may require the holder of a development permit issued pursuant to  
1010 this chapter to post a cash performance bond or other security acceptable to the  
1011 Administrator in an amount and with surety and conditions sufficient to guarantee that  
1012 structures, improvements, and mitigation required by the permit or by this chapter  
1013 perform satisfactorily for a minimum of two (2) years after they have been completed.  
1014 The Administrator shall release the maintenance bond upon determining that  
1015 performance standards established for evaluating the effectiveness and success of the  
1016 structures, improvements, and/or compensatory mitigation have been satisfactorily met  
1017 for the required period. For compensation projects, the performance standards shall be  
1018 those contained in the mitigation plan developed and approved during the permit review  
1019 process pursuant to the **Mitigation Plans** section. The maintenance bond applicable to  
1020 a compensation project shall not be released until the Administrator determines that  
1021 performance standards established for evaluating the effect and success of the project  
1022 have been met.  
1023

1024 **14.12.190 Enforcement**

- 1025 A. Noncompliance with any section of this ordinance may result in enforcement  
1026 actions.
- 1027
- 1028 1. Civil and / or criminal penalties.
- 1029
- 1030 2. Orders and penalties issued pursuant to this subsection may be appealed as  
1031 provided for within the Appeals section.
- 1032
- 1033 B. All enforcement shall be conducted pursuant to this Chapter and Chapter 17.38,  
1034 of the Okanogan County Zoning Ordinance.  
1035

1036 **Article II Aquifer Recharge Areas**

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1038

1039 **14.12.200 Exemptions**

- 1040 This section shall not apply to:
- 1041 A. artificially diverted or stored water
- 1042 B. the construction of a single family residence
- 1043 C. any land use that has less than 50% of the aquifer recharge area on the parcel,  
1044 covered with non-porous surfaces
- 1045 D. Structures and activities that currently and legally exist within aquifer recharge  
1046 areas at the time of adoption of this chapter.  
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1050 **14.12.210 Classification / Rating System**

1051 To date, no specific aquifer recharge studies have been performed in the County. It is  
1052 generally acknowledged that the following areas have the potential to be aquifer  
1053 recharge areas: rivers and creeks especially at their headwaters, forests, wetlands,  
1054 lakes and ponds, alluvial fans, and areas within the 100 year flood plain. These areas  
1055 are only considered aquifer recharge areas if certain porous soil types as identified by  
1056 the Soil Conservation Service, 1980 Soil Survey of Okanogan County Area,  
1057 Washington, are found to be present.

1058  
1059 **14.12.220 Designation / Mapping**

1060 As no aquifer recharge areas have been mapped within the County, the County shall  
1061 rely on existing soil and surficial geologic information in conjunction with the above  
1062 classification list of potential aquifer recharge areas, to determine where unmapped  
1063 aquifer recharge areas are in the County. As aquifer recharge areas are identified, the  
1064 County shall use the location to develop the aquifer recharge base map for the County.

1065  
1066  
1067 **14.12.230 Regulations**

1068 These regulations apply to all activities that require a permit from the County Office of  
1069 Planning and Development and are only imposed on areas of aquifer recharge:  
1070 Critical Aquifer Recharge Protection areas shall be regulated as follows:

- 1071
- 1072 A. Parcels requiring septic systems shall be subject to the minimum lot size  
1073 requirement of the Okanogan County Health District, in order to protect against  
1074 ground water contamination.
  - 1075
  - 1076 B. Commercial and industrial uses involving the processing, use, storage, or  
1077 production of hazardous, toxic, or dangerous materials shall meet applicable  
1078 federal, state, and local regulations within critical aquifer recharge areas because  
1079 of the potential for introduction of those materials to ground water.
  - 1080
  - 1081 C. Agricultural and forest practices shall adhere to all applicable local, state, and  
1082 federal laws regarding feedlots, pesticide and fertilizer application, forest  
1083 conversions, and shall be conducted in a manner so as to limit introduction of  
1084 contaminants to ground water.
  - 1085
  - 1086 D. All new developments / construction must comply with the requirements and  
1087 recommendations of the Washington State Department of Health and the  
1088 Department of Ecology, as they pertain to ground water protection.
  - 1089
  - 1090 E. The County Health District shall comply with any state or federally required well-  
1091 head protection program for the County's public water supplies.
- 1092  
1093

1094 F. Any application for a county permit for a use that utilizes or generates hazardous  
1095 or toxic materials, shall be required to comply with state and federal regulations  
1096 (the Clean Drinking Water Act and the Clean Water Act) that pertain to  
1097 hazardous or toxic materials.  
1098

1099 G. All household hazardous waste shall be disposed of according to the County's  
1100 Moderate Risk Waste Management Plan, 2003 as amended.  
1101

1102 H. All new development activity shall comply with the maximum lot coverage  
1103 required in that zone. When no maximum lot coverage is specified, and the  
1104 proposed development is in an area identified as a critical aquifer recharge area,  
1105 then a maximum of 50% of the land area within the boundaries of the aquifer  
1106 recharge area shall be maintained in impervious surfaces. This allows for the  
1107 continued recharging of the aquifer.  
1108

1109 **14.12.240 Second Opinion Process**

1110 A. In the event that staff has determined that a site potentially contains a critical  
1111 aquifer recharge area (see classification section), the applicant, at their own  
1112 expense, shall have an Aquifer Recharge Site Evaluation performed. The site  
1113 evaluation shall be conducted by a qualified, licensed engineer or geologist with  
1114 appropriate hydrological background and experience and shall characterize the  
1115 site and its relationship to the aquifer. Such testing and analysis shall include,  
1116 but not be limited to the following:  
1117

- 1118 1. depth to ground water and / or impermeable soil layer;
- 1119
- 1120 2. aquifer properties such as hydraulic conductivity and gradients;
- 1121
- 1122 3. soil texture, permeability, and contaminant attenuation properties;
- 1123
- 1124 4. characteristics of the vadose zone (the unsaturated top layer of soil and  
1125 geologic material) including permeability and attenuation properties, and other  
1126 relevant facts;
- 1127
- 1128 5. the degree to which the aquifer is usable as a potable water source; the  
1129 feasibility of protective measures to preclude further degradation, the  
1130 practicability of treatment measures to maintain potability, and availability of  
1131 alternative potable water sources.  
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1133 B. The scope of the study shall be in direct relationship to the scope of the proposed  
1134 development.  
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## Article III Fish and Wildlife Habitat Conservation Areas

### **14.12.250 Exemptions**

- A. Removal of riparian vegetation within 30 feet of an existing structure, for the purposes of fire separation.
- B. Removal of riparian vegetation within 30 feet of permitted additions that will be attached to an existing structure.
- C. Structures and activities that currently and legally exist within fish and wildlife habitat conservation areas at the time of adoption of this Chapter.
- D.** Clearing of riparian vegetation for community trail system where an easement or deed is granted to a public entity. Maximum clearing width shall be 14 (fourteen) feet.

### **14.12.260 Classification / Rating System**

Level I Habitat consists of Threatened, Endangered, and Sensitive Species as identified on the Federal Register and /or the Washington State Listing as designated on the maps on file in the Office of Planning and Development.

Level II habitat consists of fish and wildlife habitat of local concern which are:

- Mule Deer Spring Range
- Mule Deer fawning areas
- Mule Deer migration corridor
- Mule Deer staging area
- Mule Deer critical winter range
- Mule Deer key winter range,
- Riparian habitat,
- Shrub Steppe,
- Mountain Goat,
- Great Blue Heron,
- Cliffs,
- Big Horn Sheep
- Golden Eagle
- Harlequin Duck

1175 Level III habitat consists of other locally important habitat and species which are:

- 1176 • White Tailed Deer,
- 1177 • Long-billed Curlew,
- 1178 • Chuckar,
- 1179 • Blue Grouse,
- 1180 • Mule Deer winter range.

1181 **14.12.270 Designation / Mapping**

1182 A. **Level I Habitat:**

1183 The habitat of Threatened, Endangered and Sensitive Species as identified on  
1184 the Federal Register and/or the Washington State Listing as designated on the  
1185 maps on file in the Office of Planning and Development.

1186 B. **Level II Habitat:**

1187 Habitat of fish and wildlife of local concern, as designated on the maps on file in  
1188 the Office of Planning and Development, which is *essential* to sustaining fish and  
1189 wildlife populations. Habitat may include rare and/or unique features.

1190 C. **Level III Habitat:**

1191 Habitat as designated on the maps on file in the Office of Planning and  
1192 Development, as locally important to fish and wildlife.

1193 **14.12.280 Development Applications**

1194 The following standards apply to land division and/or new construction of single and  
1195 multi-family residences, structures for commercial or recreational purposes.

1196 **14.12.290 Map Amendments**

1197 Applicants for land division or other development permit completing special studies may  
1198 apply for Critical Areas Map amendment pursuant to Section III Critical Areas - Maps  
1199 and Inventories.

1200 **14.12.300 Level I - Habitat Standards**

1201 A. Any development applications or ground disturbing activities except agricultural  
1202 activities authorized under OCC 14.12.090 in level I habitat as identified on  
1203 Okanogan County critical area maps shall prepare a critical area report in  
1204 accordance with OCC 14.12.150C.

1205 B. The conservation or enhancement of habitat through a habitat management plan,  
1206 conservation easement, or other instrument in accordance with a critical area  
1207 report (OCC 14.12.150C) may qualify for a tax deferral under the open space tax  
1208 program (OCC 14.08) or for a density bonus utilizing the Cluster Subdivision  
1209 process.  
1210

1211 **14.12.310 Level II - Habitat Standards**

1212 Development Requirements

1213 The provisions of this section apply to all development proposed in Level II Habitat.

1214 **A. Native Revegetation Standards**

1215 1. Revegetation shall be required to re-establish desirable native plants or plants  
1216 that enhance local fish and wildlife population in all areas disturbed by  
1217 construction outside of the primary outdoor use areas of a development.  
1218 Plantings shall consist primarily of a combination of native grasses, forbs,  
1219 shrubs, trees and/or ground cover. Note: To reduce noxious weed invasion  
1220 and increase recovery of native vegetation, revegetation should be  
1221 accomplished within the first growing season following disturbance of the site.

1222 2. Installation and Maintenance

1223 (a) Plantings required in this section shall be installed to the  
1224 satisfaction of the County in conformance with the approved site  
1225 plan, and scheduled to avoid seasonal conflicts which could affect  
1226 plant survival.

1227 3. *Performance Assurance and Enforcement*

1228 Performance bonds may be required, except for single family dwellings, in  
1229 accordance with Zoning Code, Title 17, Planned Development Section  
1230 17.19.080 D (3).

1231 B. The conservation or enhancement of habitat through a habitat management plan,  
1232 conservation easement, or other instrument in accordance with a critical area  
1233 report (OCC 14.12.150C) may qualify for a tax deferral under the open space tax  
1234 program (OCC 14.08) or for a density bonus utilizing the Cluster Subdivision  
1235 process.

1236 **14.12.320 Level III Habitat Standards**

1237 A. The conservation or enhancement of habitat through a habitat management plan,  
1238 conservation easement, or other instrument in accordance with a critical area  
1239 report (OCC 14.12.150C) may qualify for a density bonus utilizing the Cluster  
1240 Subdivision process.

1241 **14.12.330 Level II Riparian Habitat Conservation Areas**

1242 A. Riparian vegetation buffer requirements are intended to provide habitat for fish  
1243 and wildlife for the long term. (e.g., breeding, rearing, escape cover, important  
1244 travel corridors, streamside shade, foraging, spawning etc.). They are also  
1245 intended to mitigate impacts from development along shorelines and to enhance  
1246 shoreline habitat for water quality, fish, and wildlife. Note: Riparian vegetation  
1247 should not be removed unless there is no other alternative. Riparian vegetation  
1248 protection measures help prevent erosion, slow flood waters and helps filter  
1249 contaminants, water storage and release and aquifer recharge.

1250 1. Roads -- Roads shall be kept to a minimum. Roads within riparian areas shall  
1251 not run parallel with the water body and, where crossings are necessary, shall  
1252 cross riparian areas at as near right angles as possible.

1253 2. **Vegetation Removal Standards** –

1254 (a) Type NP and NS Waters  
1255 Lots or parcels with shoreline frontage:

1256 i. A view/access corridor to the ordinary high water  
1257 mark may be cleared of riparian vegetation, as long  
1258 as the view/access corridor does not exceed a width  
1259 of 25 feet; **or**

1260 ii. An equal amount of riparian vegetation, as in (a)  
1261 above, may be removed, in no more than 2 areas, to  
1262 meet other development needs, i.e. trails, picnic sites,  
1263 etc., **and**

1264 (b) Remaining vegetation shall be maintained as riparian habitat.  
1265 Noxious weeds in riparian areas are not considered native  
1266 vegetation and should be controlled.

1267 B. **Buffer Widths:** Riparian buffer widths are intended ~~in part to mitigate the~~  
1268 ~~impacts of construction near riparian areas and to protect riparian areas so that~~  
1269 ~~fish and wildlife may flourish.~~ Water bodies classified by the Water Typing  
1270 System (WAC 222-16-030) have the recommended buffer widths identified in the  
1271 table below. Widths shall be measured from the ordinary high water mark or the  
1272 top of the bank if the ordinary high water mark cannot be identified. A buffer area  
1273 shall have the width recommended in the table below, EXCEPT WHERE: ~~an~~  
1274 ~~alternative buffer is allowed pursuant to Riparian assessment in~~  
1275 ~~section 14.12.330C or pursuant to Buffer width averaging 14.12.330E or~~  
1276 ~~Administrative buffer reduction 14.12.330D.~~

1277 1. The previously existing built environment isolates portions of the riparian  
1278 buffer from the waterbody. In that circumstance, the regulated riparian buffer  
1279 shall extend from the ordinary high water mark to the waterward edge of the  
1280 built environment, or;

1281 ~~1.2.~~ The Administrator shall have the authority to reduce buffer widths  
1282 established in section (table below) pursuant to 14.12.330C Riparian  
1283 Assessment or 14.12.330E Buffer Width Averaging or 14.12.330D  
1284 Administrative Buffer Reduction.

1285 ~~2. Widths shall be measured from the ordinary high water mark or the top of the~~  
1286 ~~bank if the ordinary high water cannot be identified.~~

1287

1288 3. Standard Riparian Buffer Width Table

Riparian Buffer Widths	
Type S	150 feet
Type F	150 feet (100 feet if no anadromous fish)
Type Np	50 feet
Type Ns	25 feet
Lakes and Ponds	75

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**C. Riparian Assessment Criteria**

Riparian assessment is conducted on a site specific basis upon request of the applicant who demonstrates unique conditions on site which are clearly delineated on the property.

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1. A site assessment of the riparian area will be conducted by the Administrator or designee.
2. Delineation of the riparian boundary will be conducted based on vegetation composition and soil characteristics.
3. The delineation of the riparian boundary shall not adversely affect the buffer's functional value.
4. Sites which have prior buffer width reduced or modified by administrative action are not eligible for further reduction under this section. No additional buffer reduction is eligible under this process, except as authorized in OCC 17.34 Variances.

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**D. Administrative Reduction of Standard Riparian Buffer Area Width.**

The Administrator shall have authority to reduce buffer widths established through section 14.12.330B on a case specific basis for single family residences and low intensity uses as identified in 14.12.080, placed on legal lots subject to standard mitigation sequencing in section Critical Area Report C(1)(d), and when the applicant demonstrates to Administrators satisfaction that the following criteria have been met or the applicant can appeal the administrators decision under section 14.12.060(Administrative Appeals):

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1. Buffer width reduction shall not adversely affect the designated habitat conservation area and buffer's functional value.
2. Buffer width reduction is contingent upon the submittal and approval of a Critical Area Report in accordance with section 14.12.150C.

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1317 E. **Riparian Buffer Width Averaging.** Riparian buffer width averaging  
1318 The required buffer widths may be modified by the Administrator for single family  
1319 dwellings and low intensity uses as identified in 14.12.080, legal lots subject to  
1320 standard mitigation sequencing in section 14.12.150C(3)(d), and when the  
1321 applicant demonstrates to Administrators satisfaction that the following criteria  
1322 have been met:

- 1323 1. The designated habitat conservation area contains variations in sensitivity  
1324 due to existing physical characteristics or the character of the buffer varies in  
1325 slope, soils, or vegetation;
- 1326 2. The width averaging shall not adversely affect the designated habitat  
1327 conservation area and buffer's functional value;
- 1328 3. The total area contained within the buffer after averaging is no less than that  
1329 contained within the standard buffer prior to averaging.
- 1330 4. Buffer width averaging is contingent upon the submittal and approval of a  
1331 Critical Area Report in accordance with section 14.12.150C.

1332 F. **Access Standards**  
1333 Proposed roads and/or access routes shall be kept to a minimum and shared  
1334 whenever practical. Structures shall be built as close to existing access routes  
1335 as practical.

1336 **Article IV Frequently Flooded Areas**  
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1338 **14.12.340 General Provisions**  
1339 A. **Statutory Authorization**

1340 The State of Washington has authorized, in RCW 86.12.200, county  
1341 governments to adopt Comprehensive Flood Control Management Plans for any  
1342 drainage basin that is located wholly or partially within the county. Chapter  
1343 86.16.041 RCW requires counties to adopt Flood Plain Management Ordinances.  
1344 Furthermore, the State of Washington has given, in RCW 86.16.020, local  
1345 governments the authority to exercise state-wide flood plain management  
1346 regulations through the administration of the National Flood Insurance Program  
1347 by adoption of regulations designed to promote the public health, safety, and  
1348 general welfare of its citizenry. RCW 86.16.045 authorizes the County to adopt  
1349 Flood Plain Management Ordinances or requirements that exceed the minimum  
1350 federal requirements of the National Flood Insurance Program without following  
1351 the procedures provided in RCW 86.16.031 (8).

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1353 **B. PURPOSE AND INTENT**

1354 It is the purpose and intent of this ordinance to promote the public health,  
1355 safety, and general welfare by ensuring that development activities in or  
1356 around flood plains, riverine flood areas and lacustrine flood areas do not  
1357 negatively affect the lands ability to reduce flood and storm drainage and to  
1358 minimize and eliminate public and private losses due to flood conditions in  
1359 specific areas by provisions designed:

- 1360 1. To protect human life and health;
- 1361 2. To minimize expenditure of public money and costly flood control projects;
- 1362 3. To minimize the need for rescue and relief efforts associated with flooding  
1363 and generally undertaken at the expense of the general public;
- 1364 4. To minimize prolonged business interruptions;
- 1365 5. To minimize damage to public facilities and utilities such as water and gas  
1366 mains, electric, telephone and sewer lines, streets, and bridges located in  
1367 areas of special flood hazard.
- 1368 6. To help maintain a stable tax base by providing for the sound use and  
1369 development of areas of special flood hazard so as to minimize future flood  
1370 blight areas;
- 1371 7. To provide a method to notify potential buyers that property is in an area of  
1372 special flood hazard; and,
- 1373 8. To ensure that those who occupy the areas of special flood hazard assume  
1374 responsibility for their actions.

1375 **C. METHODS OF REDUCING FLOOD LOSSES**

1376 To accomplish its purpose and intent, this ordinance includes the following  
1377 methods and provisions for reducing flood losses:

- 1378 1. restricting or prohibiting uses which are dangerous to health, safety, and  
1379 property due to water or erosion hazards, or which result in damaging  
1380 increases in erosion or in flood heights or velocities;
- 1381 2. requiring that uses vulnerable to floods, including facilities which serve such  
1382 uses, be protected against flood damage at the time of initial construction;
- 1383 3. controlling the alteration of natural flood plains, stream channels, and natural  
1384 protective barriers, which help accommodate or channel flood waters;
- 1385 4. controlling filling, grading, dredging, and other development in floodways  
1386 which may increase flood damage; and;
- 1387 5. preventing or regulating the construction of flood barriers in floodways which  
1388 will unnaturally divert flood waters or may increase flood hazards in other  
1389 areas.

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**D. SOURCES**

1. Federal Emergency Management Agency, "Guide to Flood Insurance Rate Maps", FIA-14, May 1988, or any additions or revisions which supersede such publication.
2. Merriam Webster's Collegiate Dictionary, 10th ed., 1984.
3. Okanogan County Critical Areas Regulations, Ordinance No. 94-2 (adopted February 2, 1994) and subsequent amendments thereto.
4. Master Program for Okanogan County Shoreline Management adopted July 7, 1987, and subsequent amendments thereto.

**E. DEFINITIONS OF TERMS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. For the purposes of this section the following definitions are to be used:

1. **Appeal** A request for review of the Administrator's interpretation of any provisions of this chapter.
2. **Area Of Shallow Flooding** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
3. **Area Of Special Flood Hazard** The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.
4. **Basement** Any area of the building having its floor sub-grade (below ground level) on all sides
5. **Base Flood** The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
6. **Base Flood Elevation (BFE)** The height of the base flood in relation to the National Geodetic Vertical Datum of 1929 (or other datum where specified).
7. **Critical Facility** A facility for which even the slight chance of flooding might be too great. Critical facilities include, but are not limited to churches, schools, day care centers, prisons and detention facilities, group care facilities, sewage treatment facilities, nursing homes, hospitals, police , fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

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8. **Day Care Center** Any licensed or non licensed child care facility that provides care during part of the twenty-four hour day in a facility other than the family abode of the person or persons under whose direct care children are placed.
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9. **Detailed Study Areas** Those areas covered by the current Flood Insurance Study (FIS) for unincorporated areas of Okanogan County that have been studied by detailed methods, including areas so identified in the FIS, any area for which a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) has been issued, and any areas studied in detail at the request of the Federal Emergency Management Agency (FEMA) since publication of the current FIS. Detailed study entails the use of hydrologic and hydraulic study methods to determine flood hazard data.
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10. **Detention Facility** Any establishment dedicated to the incarceration of those members of a society deemed punishable for unlawful acts committed against property and or against any individual or group member of the general public.
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11. **Development** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard, to include those associated areas relevant to flood management.
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12. **Effective FIRM** The latest FIRM issued by FEMA, which is in effect as of the date shown in the title box of the FIRM as “EFFECTIVE DATE,” “REVISED,” or “MAP REVISED .”
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13. **Encroachment** The construction, placement of fill, or similar alteration of topography in the flood plain that reduces the area available to convey floodwaters.
- 1456
14. **FIRM** Flood Insurance Rate Map (see “effective FIRM”)
- 1457
- 15. Flood or Flooding**
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- (a) **A general and temporary condition of partial or complete inundation of normally dry land areas from:**
- 1460
- 1) The overflow of inland or tidal waters.
- 1461
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.
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- 3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
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1468 (b) The collapse or subsidence of land along the shore of a lake or  
1469 other body of water as a result of erosion or undermining caused  
1470 by waves or currents of water exceeding anticipated cyclical levels  
1471 or suddenly caused by an unusually high water level in a natural  
1472 body of water, accompanied by a severe storm, or by an  
1473 unanticipated force of nature, such as flash flood or an abnormal  
1474 tidal surge, or by some similarly unusual and unforeseeable event  
1475 which results in flooding as defined in paragraph (a)(1) of this  
1476 definition.

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1478 16. **Flood Damage** Harmful inundation, water erosion of soil, stream banks and  
1479 beds, harmful deposition by water of eroded and shifting soils and debris  
1480 upon property or in the beds of streams, or other bodies of water, damages  
1481 by high water to public roads, highways, bridges, utilities and to works built for  
1482 protection against floods or inundation, the interruption by floods of travel,  
1483 communication and commerce, and all other high water influences and  
1484 results which adversely affect the public health and safety of property. (RCW  
1485 86.16.120)

1486 17. **Flood Insurance Rate Map** The insurance and flood plain management  
1487 map issued by FEMA that identifies, based on detailed or approximate  
1488 analysis, areas of 100 year flood hazard in a community. Also shown on the  
1489 FIRM are actuarial insurance rate zones. In areas studied by detailed  
1490 analysis, the FIRM also shows BFE's and 500 year flood plain boundaries.

1491 18. **Flood Insurance Study** The engineering study provided by the Federal  
1492 Insurance Administration to identify flood-prone areas and other flood data  
1493 within a community.

1494 19. **Flood Plain or Flood Prone Area** Any land area subject to inundation by  
1495 water from any source (see definition of "flooding").

1496 20. **Flood Plain Management** The operation of a program of corrective and  
1497 preventive measures for reducing flood damage, including to but not limited  
1498 to, emergency preparedness plans, flood control works, and flood plain  
1499 management regulations.

1500 21. **Flood Plain Management Regulations** Those zoning ordinances,  
1501 subdivision regulations, building codes, health regulations, special purpose  
1502 ordinances (such as a flood plain ordinance) and other applications of police  
1503 power. The term describes such state or local regulations, in any  
1504 combination thereof, which provide standards for the purpose of flood  
1505 damage prevention and reduction.

1506 22. **Floodway** The channel of a river or other watercourse and the adjacent land  
1507 areas that must be reserved in order to discharge the base flood without  
1508 cumulatively increasing the water surface elevation more than one foot.

- 1509 23. **Group Care Facility** An agency, other than a foster-family home, which is  
1510 maintained and operated for the care of a group of children on a twenty-four  
1511 hour basis.
- 1512 24. **Lacustrine Flood Hazard Area** Those areas subject to inundation by  
1513 flooding from lakes or ponds.
- 1514 25. **Lowest Floor** The lowest floor of the lowest enclosed area (including  
1515 basement). An unfinished or flood resistant enclosure, usable solely for  
1516 parking of vehicles, building access or storage, in an area other than a  
1517 basement area, is not considered a building's lowest floor, provided that such  
1518 enclosure is not built so as to render the structure in violation of the applicable  
1519 non-elevation design requirements of this chapter.
- 1520 26. **Manufactured Home** A structure, transportable in one or more sections,  
1521 which is built on a permanent chassis and is designed for use with or without  
1522 a permanent foundation when connected to the required utilities. The term  
1523 "manufactured home" does not include a "recreational vehicle."
- 1524 27. **Manufactured Home Park Or Subdivision** A parcel (or contiguous parcels)  
1525 of land having two or more manufactured home sites for sale, rent, lease or  
1526 transfer of ownership.
- 1527 28. **Meander Belt** The area within which a stable river channel can be expected  
1528 to move back and forth in the present climate. Instability resulting from land  
1529 use changes or channel constraint can cause erosion beyond the meander  
1530 belt. Riparian wetlands and related features such as oxbows and sloughs  
1531 occur within the meander belt.
- 1532 29. **New Construction** structures for which the start of construction commenced  
1533 on or after the effective date of this ordinance.
- 1534 30. **Non-Detailed Study Areas** Those areas covered by the current Flood  
1535 Insurance Study (FIS) for unincorporated areas of Okanogan County that  
1536 have been studied by approximate methods. Study by approximate methods  
1537 entails extrapolation of data computed for detailed study areas.
- 1538 31. **Recreational Vehicle** A vehicle which is a) built on a single chassis; b) 400  
1539 square feet or less when measured at the largest horizontal projection; c)  
1540 designed to be self propelled or permanently towable by a light duty truck;  
1541 and d) designed primarily not for use as a permanent dwelling but as  
1542 temporary living quarters for recreational, camping, travel, or seasonal use.
- 1543 32. **Regulatory Floodway** The channel of a stream plus any adjacent flood  
1544 plain areas that must be kept free of encroachment so that the 100-year flood  
1545 discharge can be conveyed without increasing the base flood elevation more  
1546 than a specified amount.
- 1547 33. **Riverine Flood Hazard Area** Those areas related to, formed by, or  
1548 resembling a river (including tributaries), streams, creeks, etc., subject to  
1549 inundation by flooding.



1550 34. **Start Of Construction** Includes substantial improvement, and means the  
1551 date the building permit was issued, provided the actual start of construction,  
1552 repair, reconstruction, placement or other improvement was within 180 days  
1553 of the permit issuance date. The actual start means either the first placement  
1554 of permanent construction of a structure on a site, such as the pouring of  
1555 slabs or footings, the installation of piles, the construction of columns, or any  
1556 work beyond the stage of excavation. Permanent construction does not  
1557 include land preparation, such as clearing, grading and filling; nor does it  
1558 include the installation of streets and/or walkways; nor does it include  
1559 excavation for a basement, footings, piers, or foundation or the erection of  
1560 temporary forms.

1561 35. **Structure** A walled and roofed building including a gas or liquid storage tank  
1562 that is principally above ground.

1563 36. **Substantial Improvement** & Substantial Damage Any repair, reconstruction,  
1564 or improvement of a structure, the cost of which equals or exceeds 50 percent  
1565 of the market value of the structure either:

- 1566 (a) before the improvement or repair is started, or  
1567 (b) if the structure has been damaged and is being restored, before the  
1568 damage occurred. For the purposes of this definition substantial  
1569 improvement is considered to occur when the first alteration of any  
1570 wall, ceiling, floor, or other structural part of the building  
1571 commences, whether or not that alteration affects the external  
1572 dimensions of the structure.

1573  
1574 **The term does not include:**

- 1575 (a) any alteration of a structure listed on the National Register of  
1576 Historic Places or a State Inventory of Historic Places.  
1577 (b) any project for improvement and or of a structure to comply with  
1578 existing state or local health, sanitary, or safety code  
1579 specifications which are solely necessary to assure safe living.

1580 37. **Variance** A grant of relief from the requirements of this chapter which  
1581 permits construction in a manner that would otherwise be prohibited by this  
1582 chapter.

1583 38. **Water Surface Elevation** The height, in relation to NGVD of 1929 (or other  
1584 datum where specified), of floods of various magnitudes and frequencies in  
1585 lacustrine (lake) and riverine flood hazard areas.

## 1586 F. Exemptions

1587 Exemptions include those structures and activities that currently and legally exist  
1588 within the 100-year flood plain, at the time of adoption of this chapter.

1589



1590 **G. Classification / Rating System**

1591 Frequently flooded areas are lands within the flood plain (including the floodway)  
1592 that are subject to a one percent (1%) or greater chance of flooding in any given  
1593 year. These areas shall be consistent with all designations of the Federal  
1594 Emergency Management Agency (FEMA) and the National Flood Insurance  
1595 Program. These are designated on the FEMA Flood Insurance Rate maps set by  
1596 the Federal Insurance Administration.

1597 **H. Designation / Mapping**

1598 The County shall use the FEMA Flood Insurance Rate maps prepared by the  
1599 Federal Insurance Administration, a portion of the National Flood Insurance  
1600 program, to identify the 100-year flood plain in the County. These maps are  
1601 subject to update based on new information. Elevation surveys stamped by a  
1602 licensed surveyor are adequate proof of true elevation for development  
1603 purposes.

1604 **I. Lands to Which this Ordinance Applies**

1605 This ordinance shall apply to all areas of special flood hazard within the  
1606 jurisdiction of Okanogan County, identified on Flood Insurance Rate Maps as  
1607 100-year flood plains and maps associated with other special flood studies.

1608 **J. Basis For Establishing The Areas Of Special Flood Hazard**

- 1609 1. The basis for establishing Local Flood Plain Management regulations shall be  
1610 the areas designated as special flood hazard areas on the most recent maps  
1611 provided by the Federal Emergency Management Agency for the National  
1612 Flood Insurance Program. Best available information shall be used if these  
1613 maps are not available or sufficient. (RCW 86.16.051).
- 1614 2. The areas of special flood hazard identified by the Federal Insurance  
1615 Administration in a scientific and engineering report entitled The Flood  
1616 Insurance Study for the Okanogan County area (revised May 2, 1994 and its  
1617 subsequent revisions) with accompanying Flood Insurance Rate Maps and  
1618 any revisions thereto are hereby adopted by reference and declared to be a  
1619 part of this ordinance. The Flood Insurance Study and FIRMs are on file at  
1620 the Okanogan County Office of Planning and Development.

1621 **K. Penalties for Noncompliance**

- 1622 1. No structure or land shall hereafter be constructed, located, extended,  
1623 converted, or altered without full compliance with the terms of this ordinance  
1624 and other applicable regulations.
- 1625 2. Violation of the provisions of this ordinance by failure to comply with any of its  
1626 requirements including violations of conditions and safeguards established in  
1627 connection with conditions shall constitute a gross misdemeanor.

1628

- 1629 3. Any person who violates this ordinance or fails to comply with any of its  
1630 requirements shall upon conviction thereof be fined not more than three  
1631 hundred dollars (\$300.00) or imprisoned for not more than ninety (90) days,  
1632 or both, for each violation, and in addition shall pay all costs and expenses  
1633 involved in the case.
- 1634 4. Nothing herein contained shall prevent Okanogan County from taking such  
1635 other lawful action as is necessary to prevent or remedy any violation.

1636 | **L. Abrogation And Greater Restrictions**

1637 This ordinance is not intended to repeal, abrogate, or impair any existing  
1638 easements, covenants, or deed restrictions. However, where this ordinance  
1639 and another ordinance, easement, covenant, or deed restriction conflict or  
1640 overlap, whichever imposes the more stringent restrictions shall prevail.  
1641

1642 | **M. Interpretation**

1643 In the interpretation and application of this ordinance, all provisions shall be:

- 1644 1. Considered as minimum requirements;  
1645 2. Liberally construed in favor of the governing body; and,  
1646 3. Deemed neither to limit nor repeal any other powers granted under State  
1647 statutes.  
1648

1649 | **N. Warning and Disclaimer of Liability**

1650 The degree of flood protection required by this ordinance is considered  
1651 reasonable for regulatory purposes and is based on scientific and engineering  
1652 considerations. Larger floods can and will occur on rare occasions. Flood  
1653 heights may be increased by man-made or natural causes. This ordinance does  
1654 not imply that land outside the area of special flood hazards or uses permitted  
1655 within such areas will be free from flooding or flood damages. This ordinance  
1656 shall not create liability on the part of Okanogan County, any officer or employee  
1657 thereof, or the Federal Insurance Administration, for any flood damages that  
1658 result from reliance on this ordinance or any administrative decision lawfully  
1659 made hereunder.  
1660

1661 | **14.12.350 Protection Standards**

1662 | **A. General Protection Standards**

1663 In all areas of special flood hazards, the following standards are required:

- 1664 1. All development shall conform to the provisions of the Zoning Code, and the  
1665 Uniform Building Code, all of which contain safeguards to reduce the risk of  
1666 damage from flooding.  
1667

1668 2. Any use or development shall maintain the pre-development movement  
1669 (volume and velocity) of surface water and prevent or minimize the unnatural  
1670 diversion of flood water to otherwise flood-free areas which could necessitate  
1671 expensive and environmentally disruptive flood control methods. All  
1672 development applications shall clearly delineate the 100 year flood plain  
1673 boundary.

1674 **3. Anchoring**

1675 (a) All new construction and substantial improvements shall be  
1676 anchored to prevent flotation, collapse, or lateral movement of the  
1677 structure. Substantial improvements shall include any raw  
1678 sewage line or extension of any such line.

1679 (b) All manufactured homes must be anchored to prevent flotation,  
1680 collapse or lateral movement, and shall be installed using  
1681 methods and practices that minimize flood damage. Anchoring  
1682 methods may include, but are not limited to, use of over-the-top or  
1683 frame ties to ground anchors (Reference FEMA's Manufactured  
1684 Home Installation in Flood Hazard Areas guidebook for additional  
1685 techniques). See specific standards in Section 14.12.350B(4).

1686 **4. Construction Materials and Methods**

1687 (a) All new construction and substantial improvements shall be  
1688 constructed with materials and utility equipment resistant to flood  
1689 damage.

1690 (b) All new construction and substantial improvements shall be  
1691 constructed using methods and practices that minimize flood  
1692 damage.

1693 (c) Electrical, heating, ventilation, plumbing, and air-conditioning  
1694 equipment and other service facilities shall be designed and/or  
1695 otherwise elevated or located so as to prevent water from entering  
1696 or accumulating within the components during conditions of  
1697 flooding.

1698 **5. Utilities**

1699 (a) All new and replacement water supply systems shall be designed  
1700 to eliminate infiltration of flood waters into the system;

1701 (b) New and replacement sanitary sewage systems shall be designed  
1702 to eliminate infiltration of flood waters into the systems and  
1703 discharge from the systems into flood waters.

1704 (c) On-site waste disposal systems shall be located to avoid  
1705 impairment to them or contamination from them during flooding.

1706

1707 **6. Subdivision, Short Plat, Binding Site Plan, Planned Development**  
1708 **Proposals**

- 1709 (a) All subdivision, short plat, binding site plan, planned development  
1710 proposals shall be consistent with the need to minimize flood  
1711 damage;
- 1712 (b) All subdivision, short plats, binding site plan, planned  
1713 development proposals shall have public utilities and facilities  
1714 such as sewer, gas, electrical, and water systems located and  
1715 constructed to minimize flood damage;
- 1716 (c) All subdivision, short plat, binding site plan, planned development  
1717 proposals shall have adequate drainage provided to reduce  
1718 exposure to flood damage; and
- 1719 (d) Where base flood elevation data has not been provided or is not  
1720 available from another authoritative source, it shall be generated  
1721 for subdivision, short plat, binding site plan, planned development  
1722 proposals and other proposed developments which contain at  
1723 least 5 lots or 5 acres (whichever is less).

1724 **7. Review of Building Permits**

- 1725 (a) **Detailed Study Area**
- 1726 Information required by this ordinance for a detailed study  
1727 area shall be provided by a professional licensed surveyor  
1728 and or a professional licensed engineer.
- 1729 (b) **Non-Detailed Study Area**
- 1730 Information required by this ordinance for a non-detailed study  
1731 area shall be provided by a professional licensed engineer.  
1732 Computations of water surface elevations/base flood elevations  
1733 in open channels may be documented utilizing the Quick-2  
1734 computer program (or its FEMA authorized revisions or  
1735 replacement programs).
- 1736 1) Where elevation data is not available either through the Flood  
1737 Insurance Study, FIRM or from another authoritative source  
1738 (Section 14.12.360C(1)(b) applications for building permits shall  
1739 be reviewed to assure that proposed construction will be  
1740 reasonably safe from flooding. The test of reasonableness is a  
1741 local judgment and includes use of historical data, high water  
1742 marks, recent surveys, photographs of past flooding, etc., where  
1743 available. Failure to elevate at least two (2) feet above adjacent  
1744 grade in these zones may result in higher insurance rates.
- 1745

1746 **B. SPECIFIC STANDARDS**

1747 In all areas of special flood hazards where base flood elevation data has  
1748 been provided as set forth in Section 14.12.340J(1)(b) BASIS FOR  
1749 ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section  
1750 14.12.360C(1)(b), Use of Other Base Flood data, the following provisions are  
1751 required:

1752 **1. Residential Structure**

1753 (a) New construction and substantial improvement of any residential  
1754 structure shall have the lowest floor, including basement, elevated  
1755 one foot or more above base flood elevation.

1756 (b) Fully enclosed areas below the lowest floor that are subject to  
1757 flooding are prohibited, or shall be designed to automatically  
1758 equalize hydrostatic flood forces on exterior walls by allowing for  
1759 the entry and exit of flood waters. Designs for meeting this  
1760 requirement shall be certified by a registered professional  
1761 engineer and shall meet or exceed the following minimum criteria:

1762 1) A minimum of two openings having a total net area of not less  
1763 than one square inch for every square foot of enclosed area  
1764 subject to flooding shall be provided.

1765 2) The bottom of all openings shall be no higher than one foot  
1766 above grade.

1767 3) Openings may be equipped with screens, louvers, or other  
1768 coverings or devices provided that they permit the automatic  
1769 entry and exit of floodwaters.

1770 (c) No structures for human habitation or any sewage disposal  
1771 facilities shall be constructed or placed in areas inundated by the  
1772 100-year flood within areas identified in the Comprehensive Plan  
1773 as the Methow Review Subarea.

1774 (d) Small Structures: A low cost building such as a detached garage,  
1775 boathouse, pole barn, or storage shed, that is no larger than 576  
1776 square feet, less than 10% of the value of the property, and is not  
1777 used for human habitation may be exempt from the elevation  
1778 requirement of section 14.12.350B(1)(a), provided:

1779 1) It is used only for parking or storage;

1780 2) It is constructed and placed on the building site so as to offer  
1781 minimum resistance to the flow of floodwaters;

1782 3) It is anchored to prevent flotation which may result in damage to  
1783 other structures;

1784 4) All portions of the structure below the Base Flood Elevation  
1785 must be constructed of flood-resistant materials;

- 1786 5) Service utilities such as electrical and heating equipment meet  
1787 the standards of 14.12.350A(4)(c) and 14.12.350A(5);
- 1788 6) It has openings to allow free flowage of water that meet the  
1789 criteria in section 14.12.350B(1)(b);
- 1790 7) It must comply with floodway encroachment provisions of  
1791 section 14.12.350C.
- 1792 8) A variance for wet floodproofing is obtained in accordance with  
1793 14.12.360(D).

1794 2. **Agricultural Structure:** New construction and substantial improvement of any  
1795 agricultural structure shall either have the lowest floor, including basement,  
1796 elevated at a minimum one foot above baseflood elevation; or meet the  
1797 floodproofing requirements of 14.12.350B(3) Agricultural construction or  
1798 other accessory structures that constitute a minimal investment and comply  
1799 with the floodway encroachment standards may be exempt from the  
1800 floodproofing and elevation requirements of section 14.12.350B(3) below by  
1801 Variance when such structures, together with attendant utility sanitary  
1802 facilities:

- 1803 (a) Have a low potential for structural flood damage;
- 1804 (b) Are designed and oriented to allow the free passage of  
1805 floodwaters through the structure in a manner affording minimum  
1806 flood damage; and
- 1807 (c) Ensure that all electrical and mechanical equipment subject to  
1808 floodwater damage and permanently affixed to the structure be  
1809 elevated a minimum of one foot above the base flood elevation or  
1810 higher, or floodproofed;
- 1811 (d) Are constructed and placed on the building site so as to offer the  
1812 minimum resistance to the flow of floodwaters; and
- 1813 (e) Will not be used for human habitation
- 1814 (f) All such structures shall be anchored to resist flotation, collapse,  
1815 and lateral movement, and that only flood resistant materials are  
1816 used for elements of the buildings below the base flood elevation.

1817 **3. Nonresidential Structure**

1818 New construction and substantial improvement of any commercial, industrial  
1819 or other nonresidential structure shall either have the lowest floor, including  
1820 basement, elevated one foot or more above the level of the base flood  
1821 elevation; or, together with attendant utility facilities, shall:

- 1822 (a) be flood-proofed so that below one foot above the base flood level  
1823 the structure is watertight with walls substantially impermeable to  
1824 the passage of water;



- 1825 (b) have structural components capable of resisting hydrostatic and  
 1826 hydrodynamic loads and effect of buoyancy;
- 1827 (c) be certified by a registered professional engineer that the design  
 1828 and methods of construction are in accordance with accepted  
 1829 standards of practice for meeting provisions of this subsection  
 1830 based on their development and/or review of the structural design,  
 1831 specifications and plans. Such certifications shall be provided to  
 1832 the official as set forth in Section 14.12.360C1(b).
- 1833 (d) Nonresidential structures that are elevated, not flood-proofed,  
 1834 must meet the same standards for space below the lowest floor as  
 1835 described in 14.12.350B1(b).
- 1836 (e) Applicants flood-proofing nonresidential buildings shall be notified  
 1837 that flood insurance premiums will be based on rates that are one  
 1838 foot below the flood-proofed level (e.g.: a building constructed to  
 1839 the base flood level will be rated as one foot below that level).

1840 **4. Manufactured Homes**

- 1841 (a) All manufactured homes to be placed or substantially improved  
 1842 within Zones A1-30, AH, and AE on the community's FIRM on  
 1843 sites:
- 1844 1) Outside of a manufactured home park or subdivision,  
 1845 2) In a new manufactured home park or subdivision,  
 1846 3) In an expansion to an existing manufactured home park or  
 1847 subdivision, or
- 1848 4) In an existing manufactured home park or subdivision on which  
 1849 a manufactured home has incurred "substantial damage as the  
 1850 result of a flood: shall be elevated on a permanent foundation  
 1851 such that the lowest floor of the manufactured home is elevated  
 1852 on a permanent foundation one foot above the base flood  
 1853 elevation and be securely anchored to an adequately anchored  
 1854 foundation system to resist flotation, collapse and lateral  
 1855 movement.
- 1856 (b) Manufactured homes to be placed or substantially improved on  
 1857 sites in an existing manufactured home park or subdivision within  
 1858 Zones A1-30, AH, and AE on the community's FIRM that are not  
 1859 subject to the provisions of 14.12.350B(4)(a) shall be elevated so  
 1860 that either:
- 1861 1) The lowest floor of the manufactured home is elevated one foot  
 1862 above the base flood elevation, or  
 1863



1864 2) The manufactured home chassis is supported by reinforced  
1865 piers or other foundation elements of at least equivalent  
1866 strength that are no less than 36 inches in height above grade  
1867 and be securely anchored to an adequately anchored  
1868 foundation system to resist flotation, collapse, and lateral  
1869 movement.

1870 (c) All manufactured homes to be placed within Zone A shall be  
1871 elevated and anchored to resist flotation, collapse, or lateral  
1872 movement. Methods of anchoring may include, but not be limited  
1873 to use of over the top or frame ties to ground anchors. This  
1874 requirement is in addition to local requirements for resisting wind  
1875 forces.  
1876 |

## 5. Recreational Vehicles

1878 (a) Recreational vehicles placed on sites within Zones A1-30, AH and  
1879 AE on the community's FIRM shall:

1880 1) Be on the site for fewer than 180 calendar days during a  
1881 calendar year, and

1882 2) Be fully licensed and ready for highway use, on its wheels or  
1883 jacking system, is attached to the site only by quick disconnect  
1884 types utilities and security devices, and has no permanently  
1885 attached additions, or

1886 3) Be elevated on a permanent foundation such that the lowest  
1887 floor of the recreational vehicle is elevated one foot or more  
1888 above the base flood elevation and be securely anchored to an  
1889 adequately anchored foundation system to resist flotation,  
1890 collapse and lateral movement.

## 6. Critical Facilities

1892 Construction of new critical facilities shall be, to the extent possible, located  
1893 outside the limits of the Special Flood Hazard Area (SFHA) (100-year flood  
1894 plain). Construction of new critical facilities shall be permissible within the  
1895 SFHA if no feasible alternative site is available. Critical facilities constructed  
1896 within the SFHA shall have the lowest floor elevated to three feet or more  
1897 above the level of the base elevation (100-year) at the site. Flood-proofing  
1898 and sealing measures shall be taken to ensure that toxic substances will not  
1899 be displaced by or released into flood waters. Two access routes elevated to  
1900 or above the level of the base flood plain shall be provided to all critical  
1901 facilities. Such elevated access routes shall not increase the base flood  
1902 elevation by one foot or more.

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**C. FLOODWAYS**

1. Located within areas of special flood hazard established in Section 14.12.340J are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) Restriction of land uses within designated floodways include the prohibition of construction or reconstruction of residential structures except for:

- 1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
- 2) repairs, reconstruction, or improvements to a structure of which the cost does not exceed fifty percent of the market value of the structure in either,
  - i. before the repair or reconstruction is started, or
  - ii. if the structure has been damaged, and is being restored, before damage occurred.

NOTE: Work done on a structure to comply with existing health, sanitary, or safety codes, or to structures identified as historic places may be excluded in the fifty percent determination, only if agreed upon and approved by the Planning Director.

(b) The minimum requirements for national flood insurance program, and

(c) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels, increase flood velocities or erosion potential on or off-site, or diminish the flood alleviation capacity of the river system.

(d) If Section 14.12.350C, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.12.350, PROVISIONS FOR FLOOD HAZARD REDUCTION.

**NOTE: Where base flood elevations have been provided but floodways have not, Section 14.12.050D, applies.**

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**D. ENCROACHMENTS**

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point as determined by a registered professional engineer.

**E. STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)**

1. Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas the following provisions apply:

- (a)** New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (b)** New construction and substantial improvements of nonresidential structures within AO zones shall either:
  - 1) have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - 2) together with attendant utility and sanitary facilities, be completely flood-proofed to one foot above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 14.12.350B3(c).
- (c)** Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

- 1982 (d) Recreational vehicles placed on sites within AO Zones on the
- 1983 community's FIRM either:
- 1984 1) be on the site for fewer than 180 consecutive days, and
- 1985 2) be fully licensed and ready for highway use, on its wheels or
- 1986 jacking system, is attached to the site only by quick disconnect
- 1987 type utilities and security devices, and has no permanently
- 1988 attached additions; or
- 1989 3) Meet the requirements of 14.12.350E above and the elevation
- 1990 and anchoring requirements for manufactured homes.

1991

1992 **F. SEVERABILITY**

1993 If any section or provision of this ordinance shall be adjudged to be invalid or

1994 unconstitutional, such adjudication shall not affect the validity of the ordinance as

1995 a whole or any section, provision, or part thereof not adjudged to be invalid or

1996 unconstitutional.

1997 **14.12.360 ADMINISTRATION**

1998 **A. ESTABLISHMENT OF DEVELOPMENT PERMIT**

1999 1. Development Permit Required. A development permit shall be obtained

2000 before construction or development begins within any area of special flood

2001 hazard established in Section 14.12.340J. The permit shall be for all

2002 structures including manufactured homes, as set forth in 14.12.340E,

2003 DEFINITIONS, and for all development including fill and other activities, also

2004 as set forth in the DEFINITIONS.

2005 2. Application for Development Permit

2006 (a) Application for a development permit shall be made on forms

2007 furnished by the Okanogan County Office of Planning and

2008 Development and may include but not be limited to: two (2)

2009 copies of plans drawn to scale showing the nature, location,

2010 dimensions, and elevations of the area in question; existing or

2011 proposed structures, fill, storage of materials, drainage facilities,

2012 and the location of the foregoing.

2013 (b) The following specific information is required on plan drawings:

- 2014 1) elevation in relation to mean sea level, of the lowest floor
- 2015 (including basement) of all structures;
- 2016 2) elevation in relation to mean sea level to which any structure
- 2017 has been flood-proofed;
- 2018 3) certification by a registered professional engineer that the flood-
- 2019 proofing methods for any nonresidential structure meet the
- 2020 flood-proofing criteria in Section 14.12.350B3;

- 2021 4) description of the extent to which a watercourse will be altered  
2022 or relocated as a result of proposed development;  
2023 5) certified topographic data; and  
2024 6) hydrologic and hydraulic analyses. (Applicable for non-detailed  
2025 study areas only).  
2026 7) Information required by this ordinance for a detailed study area  
2027 shall be provided by a professional licensed surveyor or a  
2028 professional licensed engineer.  
2029 8) Information required by this ordinance for a non-detailed study  
2030 area shall be provided by a professional licensed engineer on a  
2031 stable base mylar.

2032 **B. DESIGNATION OF THE ADMINISTRATOR**

- 2033 1. The Director of the Okanogan County Office of Planning and Development is  
2034 hereby appointed to administer and implement this ordinance by granting or  
2035 denying development permit applications in accordance with its provisions.  
2036 2. The Director may at his/her discretion delegate the Administrative  
2037 requirements of this ordinance.

2038 **C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

- 2039 1. Duties of the Administrator shall include, but not be limited to:

2040 **(a) Permit Review**

- 2041 1) Review all development permits to determine that the permit  
2042 requirements of this ordinance have been satisfied.  
2043 2) Review all development permits to determine that all necessary  
2044 permits have been obtained from those Federal, State, or local  
2045 governmental agencies from which prior approval is required.  
2046 3) Review all development permits to determine if the proposed  
2047 development is located in the floodway. If located in the  
2048 floodway, assure that the encroachment provisions of Section  
2049 14.12.350 are met.

2050 **(b) Use of Other Base Flood Data**

2051 When base flood elevation data has not been provided in  
2052 accordance with Section 14.12.340J, BASIS FOR ESTABLISHING  
2053 THE AREAS OF SPECIAL FLOOD HAZARD, the Administrator  
2054 shall obtain, review, and reasonably utilize any base flood elevation  
2055 and floodway data available from a federal, State or other source,  
2056 in order to administer Sections 14.12.350.

2057

- 2058                   **(c) Information to be Obtained and Maintained**
- 2059                   1) Where base flood elevation data is provided through the Flood
- 2060                   Insurance Study, FIRM or required as in Section
- 2061                   14.12.360(c)(1), obtain and record the actual elevation (in
- 2062                   relation to mean sea level) of the lowest floor (including
- 2063                   basement) of all new or substantially improved structures, and
- 2064                   whether or not the structure contains a basement.
- 2065                   2) For all new or substantially improved flood-proofed structures
- 2066                   where base flood elevation data is provided through the Flood
- 2067                   Insurance Study, FIRM or required as in 14.12.360(c)(1):
- 2068                             i. Obtain and record the actual elevation (in relation to
- 2069                             mean sea level),to which the structure was
- 2070                             floodproofed and
- 2071                             ii. maintain required flood-proofing certifications.
- 2072                   3) Maintain for public inspection all records pertaining to the
- 2073                   provisions of this ordinance.

- 2074                   **(d) Alteration of Watercourses**
- 2075                   1) Notify adjacent communities and the Washington State
- 2076                   Department of Ecology prior to any alteration or relocation of a
- 2077                   watercourse, and submit evidence of such notification to the
- 2078                   Federal Insurance Administration.
- 2079                   2) Require that maintenance is provided within the altered or
- 2080                   relocated portion of said watercourse so that the flood carrying
- 2081                   capacity is not diminished.

- 2082                   **(e) Interpretation of FIRM Boundaries**
- 2083                   Make interpretations where needed, as to exact location of the
- 2084                   boundaries of the areas of special flood hazards (for example,
- 2085                   where there appears to be a conflict between a mapped boundary
- 2086                   and actual field conditions). The person contesting the location of
- 2087                   the boundary shall be given a reasonable opportunity to appeal
- 2088                   the interpretation as provided in Section 14.12.360D.

2089                   **D. APPEAL AND VARIANCE PROCEDURES AND VARIANCE CONDITIONS**

- 2090                   **(a) Procedures**
- 2091                   1) The Okanogan County Board of Adjustment/Hearings Examiner
- 2092                   as established by Okanogan County Commissioners shall hear
- 2093                   and decide appeals and requests for variances from the
- 2094                   requirements of this ordinance.
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- 2) The Okanogan County Board of Adjustment/Hearings Examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this ordinance.
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- 3) Those aggrieved by the decision of the Okanogan County Board of Adjustment/Hearings Examiner, or any taxpayer, may appeal such decision to Okanogan County Superior Court.
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- 4) In passing upon such applications, the Okanogan County Board of Adjustment/Hearings Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
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- i. the danger that materials may be swept onto other lands to the injury of others;
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- ii. the danger to life and property due to flooding or erosion damage;
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- iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
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- iv. the importance of the services provided by the proposed facility to the community;
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- v. the necessity to the facility of a waterfront location, where applicable;
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- vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
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- vii. the compatibility of the proposed use with existing and anticipated development;
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- viii. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
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- ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
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- x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
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2134 xi. the cost of providing governmental services during  
2135 and after flood conditions, including maintenance and  
2136 repair of public utilities and facilities such as sewer,  
2137 gas, electrical, and water systems, and streets and  
2138 bridges.

2139 5) Upon consideration of the factors of Section 14.12.360D(a)4,  
2140 and the purposes of this ordinance, the Okanogan County  
2141 Board of Adjustment/Hearings Examiner may attach such  
2142 conditions to the granting of variances as it deems necessary to  
2143 further the purposes of this ordinance.

2144 6) The Administrator shall maintain the records of all appeal  
2145 actions and report any variances to the Federal Insurance  
2146 Administration upon request.

2147 **(b) Conditions for Variances**

2148 1) Generally, the only condition under which a variance from the  
2149 elevation standard may be issued is for new construction and  
2150 substantial improvements to be erected on a lot of one-acre or  
2151 less in size contiguous to and surrounded by lots with existing  
2152 structures constructed below the base flood level, providing  
2153 items [(i)-(xi)] in Section 14.12.360D(a)(4), have been fully  
2154 considered. As the lot size increases the technical justification  
2155 required for issuing the variance increases.

2156 2) Variances may be issued for the reconstruction, rehabilitation,  
2157 or restoration of structures listed on the National Register of  
2158 Historic Places or the State Inventory of Historic Places, without  
2159 regard to the procedures set forth in this section.

2160 3) Variances shall not be issued within a designated floodway if  
2161 any increase in flood levels during the base flood discharge  
2162 would result.

2163 4) Variances shall only be issued upon a determination that the  
2164 variance is the minimum necessary, considering the flood  
2165 hazard, to afford relief.

2166 5) Variances shall only be issued upon:

2167 i. a showing of good and sufficient cause;

2168 ii. a determination that failure to grant the variance  
2169 would result in exceptional hardship to the applicant;

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- iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 14.12.360D(a)(4), or conflict with existing local laws or ordinances.
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- 6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
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- 7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 14.12.360D(b)1, and otherwise complies with Sections 14.12.350A3, and 14.12.350A4, of the GENERAL STANDARDS.
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- 8) Variances may be issued for small accessory structures including but not limited to detached garages, storage sheds, and pole barns where it can be determined that such action will have low damage potential and complies with 14.12.350(B)(1)(d).
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- 9) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- 2201

2202 **Article V Geologically Hazardous Areas**

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2204 **14.12.370 Exemptions**

2205 Exemptions include those structures and activities that currently and legally exist in  
2206 geologically hazardous areas, at the time of adoption of this chapter.

2207

2208 **Erosion Hazard Areas**

2209 **14.12.380 Classification / Rating System**

2210 Erosion hazard areas are those areas that contain **ALL THREE** of the following  
2211 characteristics:

2212 A. A slope of 30% or greater,

2213 B. Soils identified by the Soil Conservation Service (SCS) as unstable and having a  
2214 high potential for erosion, and

2215 C. Areas that are exposed to the erosion effects of wind or water.

2216 **14.12.390 Designation / Mapping**

2217 SCS soil erosion-hazard ratings are interpretations of the potential for erosion, applied  
2218 to broadly generalized map units. They do not pinpoint erosion sites, but rather areas  
2219 which because of soil properties, availability of water, etc., are more susceptible to  
2220 severe erosion than others. The SCS maps will be used to identify areas of erosion  
2221 potential. The soil information needs to be combined with site-specific information (rills,  
2222 inter-rills, and wind erosion) to determine if erosion hazard is present on the site. The  
2223 SCS has identified the soil types that have Erosion Hazard potential in Okanogan  
2224 County.

2225 **14.12.400 Regulations**

2226 A. Areas identified as Erosion Hazard Areas shall not be developed unless it is  
2227 demonstrated that the project is structurally safe from the potential hazard, and  
2228 that the development will not increase the hazard risk.

2229 B. A reasonable setback or design considerations for development on or next to an  
2230 Erosion Hazard Area shall be established on a case-by-case basis.

2231 C. Existing uses legally established in Erosion Hazard Areas shall be allowed to  
2232 continue. Expansion of any existing use shall meet structural standards that  
2233 ensure the safety of the project.

2234 D. A run-off management plan or an erosion control plan may be required of anyone  
2235 proposing to develop in an Erosion Hazard Area, to reduce sedimentation  
2236 problems.

2237

- 2238 E. If an applicant disagrees with the staff recommendation for setbacks or the extent  
2239 of the hazard present, and could not mitigate the hazard to the point of  
2240 precluding development of the site, the applicant has the option of hiring a  
2241 structural geologist with expertise in erosion hazards, to study the area and  
2242 prepare a report detailing findings and recommendations for the potential for site  
2243 development. The report shall conform to Special Studies Section II C of this  
2244 chapter.
- 2245 F. Disturbance of an Erosion Hazard Area requires reseeding with native  
2246 vegetation, to assist in stabilization of the area and to discourage the infiltration  
2247 of knapweed.

2248 **Landslide Hazard Areas**

2249 **14.12.410 Classification / Rating System**

2250 Landslide hazard areas may include:

- 2251 A. All areas in the County that have historically been prone to land sliding (check  
2252 geologic maps).
- 2253 B. All areas containing soil types identified by the Soil Conservation Service as  
2254 unstable and prone to landslide hazard.
- 2255 C. All areas in the County that show evidence of or are at risk from snow  
2256 avalanches.
- 2257 D. All areas in the County that are potentially unstable as a result of rapid stream  
2258 incision or stream bank erosion.

2259 **14.12.420 Designation / Mapping**

2260 Lands that meet the classification criteria are hereby designated as landslide hazard  
2261 areas and will be mapped by Okanogan County as resources become available.

2262 **14.12.430 Regulations**

- 2263 A. Areas identified as Landslide Hazard Areas shall not be developed unless it is  
2264 demonstrated that the project is structurally safe from the potential hazard, and  
2265 that the development will not increase the hazard risk.
- 2266 B. A reasonable setback for development near a Landslide Hazard Area shall be  
2267 established on a case-by-case basis, based on the type of development  
2268 proposed and the type and extent of Landslide Hazard present.

2269

2270 C. If an applicant disagrees with the staff recommendation for setbacks or the extent  
2271 of the hazard present, and could not mitigate the hazard to the point of  
2272 precluding development of the site, the applicant has the option of hiring a  
2273 qualified professional with experience in landslide hazards, to study the area and  
2274 prepare a report detailing findings and recommendations for the potential for site  
2275 development. The report shall conform to the Special Studies Section of this  
2276 chapter.

2277 **Mine Hazard Areas**

2278 **14.12.440 Classification / Rating System**

2279 Mine Hazard Areas include: Areas that are directly underlain by, adjacent to, or affected  
2280 by mine workings such as adits, tunnels, drifts, or air shafts with the potential for  
2281 creating large underground voids susceptible to collapse, tailings piles, and waste rock.  
2282 In addition, steep and unstable slopes created by open mines, tailings and waste rock  
2283 piles have the potential for being mine hazard areas. Mine hazard areas are based  
2284 upon the identification of active or historic mining activity and site-specific information  
2285 regarding topography and geology.

2286 **14.12.450 Designation / Mapping**

2287 Lands that meet the classification criteria are hereby designated as mine hazard areas  
2288 and will be mapped by Okanogan County as resources become available.

2289 **14.12.460 Regulations**

2290 In the event that a development is proposed within 25 feet of one of the above classified  
2291 areas, and a development approval is required by the County, the following regulations  
2292 shall apply:

2293 A. The locations of obvious previous mining activities and workings shall be noted  
2294 on all site plans submitted to the County for any development requiring a permit  
2295 from the County.

2296 B. The applicant shall comply with any known, previously prepared and approved  
2297 site reclamation plan.

2298 C. The applicant should attempt to avoid development directly on any tailings pile.  
2299 A setback for development may be suggested by the Office of Planning and  
2300 Development. If the content of the tailings pile is known to be hazardous, a  
2301 setback for development will be determined based on the known hazard of the  
2302 type and mineral/chemical content of each tailings pile, and an industry standard  
2303 for safety distance from that specific mineral/chemical, based on the proposed  
2304 use of the site.

2305 D. Setbacks from obvious mine workings shall be determined and suggested on a  
2306 case-by-case basis.

2307

2308 E. Development that affects the portion of a site that contains previous mining  
2309 activities may require the applicant to prepare a reclamation plan for restoration  
2310 of the site, if the hazard is determined to be one constituting a significant hazard  
2311 to health and life and is a clear and present danger to human health and the  
2312 environment.

2313 F. If necessary, a geotechnical report may be required to determine safety  
2314 distances for any development of a site containing mine hazards, or for the  
2315 preparation of a reclamation plan for the site. The report shall conform to Special  
2316 Studies Section II of this chapter.

2317

2318 **Seismic Hazard Areas**

2319 **14.12.470 Classification / Rating System**

2320 The majority of Okanogan County is located within Seismic Design Category C in  
2321 accordance with the Uniform Building Code (2009 Edition, as amended).

2322

2323 **14.12.480 Designation / Mapping**

2324 There are no known active faults in Okanogan County.

2325 **14.12.490 Regulations**

2326 A. All development activities shall be required to conform to the applicable  
2327 provisions of the Uniform Building Code which contains structural safeguards to  
2328 reduce the risks from seismic activity.

2329 B. No development shall occur on any known active fault line that has the potential  
2330 to cause severe damage to structures. A reasonable setback for development  
2331 shall be required on a case-by-case basis (based on the type and recent activity  
2332 of the particular fault and the proposed development).

2333

2334 **Volcanic Hazard Areas**

2335 **14.12.500 Classification / Rating System**

2336 No Volcanic Hazard Areas are known to exist in Okanogan County. There are,  
2337 however, several active volcanoes that could have impacts on areas of Okanogan  
2338 County. The impacts would include the fall-out of ash. There is no way to prevent the  
2339 impacts of fallen ash, but there are ways to respond to the ash that could lessen its  
2340 impacts.

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2343 **14.12.510 Designation / Mapping**

2344 No mapping is necessary.

2345 **14.12.520 Regulations**

2346 The County shall consider updating its "Emergency Response Program" to address the  
2347 affects of fallen ash and how citizens could help minimize that impact.

2348

2349 **Channel Migration Zones**

2350 **14.12.530 Classification/Rating System**

2351 Those areas subject to risk from lateral channel movement due to stream bank  
2352 destabilization, rapid stream channel changes (i.e. avulsions), stream bank erosion,  
2353 and/or shifts in location of stream channels, as shown on Okanogan County's Channel  
2354 Migration Zone Hazard maps.

2355 A. The CMZ is comprised of two areas defined as severe and moderate channel  
2356 migration zones as outlined in the Channel Migration Study completed for  
2357 Okanogan County located in Appendix A and B.

2358 1. Severe Channel Migration Zone: A channel migration zone shall be  
2359 designated as severe hazard when it lies within the boundaries of HMZ;  
2360 and/or within the AHZ; and/or within the channels probable EHZ as predicted  
2361 to occur within the next fifty years and as measured in either direction from  
2362 the outside edge of either the HMZ or AHZ as defined above, whichever is  
2363 furthest from the river.

2364 2. Moderate Channel Migration Zone: A channel migration zone shall be  
2365 designated as moderate hazard when it lies outside the sever hazard channel  
2366 migration zone and within the FEMA floodplain boundary.

2367 B. When a natural geologic feature will affect the predicted migration, the zone  
2368 width shall be modified to consider such natural constraints; and

2369 C. When structures such as arterial roads or flood hazard reduction facilities are  
2370 likely to be protected from future bank erosion due to existing programs for public  
2371 maintenance, the zone width may be modified to the boundary of such  
2372 structures.

2373 **14.12.540 Designation/Mapping**

2374 Maps are provided for the Methow River in Appendix A and the Okanogan River in  
2375 Appendix B.

2376

2377

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2379 **14.12.550 Regulations**

2380 A. New structural flood hazard reduction measures shall be allowed only when it  
2381 can be demonstrated by a scientific and engineering analysis that they are  
2382 necessary to protect existing development.

2383 B. A stormwater management plan may be required on a case by case basis.

2384 C. A geotechnical report and mitigation plan may be required on a case by case  
2385 basis.

2386 D. Moderate Channel Migration Zones

2387 1. Actions allowed within the Moderate Channel Migration Zone will be outlined  
2388 in the Federal Emergency Management Agency (FEMA) National Flood  
2389 Insurance Program (NFIP) regulations as addressed in section 14.12.360  
2390 through 14.12.390.

2391 2. Final subdivisions, short plats, and binding site plans located within the  
2392 moderate hazard channel migration zone shall contain language in the plat  
2393 dedication to indicate lots or portions of lots that are affected by channel  
2394 migration. The dedication on the plat shall read as follows:

2395 (a) "This property is subject to flood inundation as defined by the  
2396 current FEMA FIS for Okanogan County. As such, this property  
2397 may be subject to risks from overbank flooding, bank erosion,  
2398 and/or channel migration. Based on historical data, the channel or  
2399 stream may erode or migrate and change locations over time,  
2400 possibly undercutting or eroding portions of this property.  
2401 Structures and/or property may be at risk from flood inundation  
2402 and/or the migrating channel and could be damaged or destroyed.  
2403 Activities in the migration zone are subject to the provisions of  
2404 14.12.550.

2405 (b) Building setback lines may be drawn on lots, parcels and tracts so  
2406 as to indicate suitable areas for construction of structures or  
2407 improvements.

2408 E. Severe Channel Migration Zones

2409 1. New dwelling and/or accessory structures outside the linear boundaries of the  
2410 flood plain as shown on the FEMA maps and in accordance with OCC  
2411 14.12.360A (floodplain development permit) after the effective date of this  
2412 ordinance will only be allowed pursuant with the requirements outlined below.  
2413 New dwellings shall not be allowed in the severe channel migration zones.

2414

- 2415 2. Within severe channel migration zones, only the following may be allowed in  
2416 regards to the maintenance, repair, structural modification of or addition to a:
- 2417 (a) Existing critical facility or building used as a place of employment.
  - 2418 (b) Existing place of public assembly;
  - 2419 (c) Existing dwelling unit;
  - 2420 (d) Existing accessory dwelling unit or accessory living quarters; or
  - 2421 (e) Existing accessory structures
  - 2422 (f) These shall only be allowed if the following are met:
    - 2423 i. There is no increase in the footprint of any existing  
2424 structure greater than 1500 square feet.
    - 2425 ii. Combined footprint increases outlined in 14.12.550E  
2426 (2)(above section) on the property have not  
2427 exceeded 1500 square feet from the effective date of  
2428 this ordinance.
    - 2429 iii. The footprint can only be expanded in such a way  
2430 that it minimizes the increase of channel migration  
2431 hazard.
    - 2432 iv. The character of use of the structure does not  
2433 change.
    - 2434 v. The capacity of the septic system cannot be  
2435 increased with the allowed combined footprint  
2436 increases.
    - 2437 vi. The septic system can only be replaced for sanitation  
2438 purposes; such upgrade cannot increase the  
2439 capacity of the system.
    - 2440 vii. The maintenance, repair, structural modification or  
2441 addition does not qualify as a substantial  
2442 improvement as set forth in 14.12.340E (NFIP),  
2443 unless;
      - 2444 a. Conducted to comply with regulations  
2445 pertaining to health, sanitation, building or  
2446 fire safety, or
      - 2447 b. The structure is identified as a historic place.
- 2448

- 2449  
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3. Within severe channel migration zones, new accessory structures, excluding the following are allowed.
- 2451           **(a)**    On-site sewage disposal facilities
- 2452           **(b)**    Water supply wells
- 2453           **(c)**    Those used as critical facilities or buildings used as a place of  
2454            employment.
- 2455           **(d)**    Place of public assembly or dwelling unit,
- 2456           **(e)**    Accessory dwelling unit or accessory living quarters.
- 2457
- 2458
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4. Accessory structures listed in section 14.12.550E(3)(above) shall only be allowed if all of the following are met:
- 2460           **(a)**    No feasible alternative location is available on-site that is outside of  
2461            the severe channel migration zone; and
- 2462           **(b)**    The structure is located where it is least subject to risk and  
2463            minimizes the increase of hazard; and utilizes existing access  
2464            routes
- 2465           **(c)**    The footprint of the new structure does not exceed 1500 square  
2466            feet; and,
- 2467           **(d)**    Combined footprint increases outlined in 14.12.550E(2) on the  
2468            property have not exceeded 1500 square feet from the effective  
2469            date of this ordinance.
- 2470
- 2471
5. Replacement dwelling residences shall be allowed, provided that all of the following are met:
- 2472           **(a)**    The dwelling residence was lost to natural hazards (excluding  
2473            floods).
- 2474           **(b)**    There is no increase of footprint consistent from above; and
- 2475           **(c)**    The footprint shall be established from :
- 2476                           i. The Okanogan County Building Department records;  
2477                           or if no such data is on file
- 2478                           ii. The Okanogan County Assessor's Office
- 2479
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- 2481
6. Maintenance or repair of water supply wells and increases to the depth of existing water supply wells when necessary to capture water supplies.

- 2482  
2483
7. Maintenance of existing access routes and related earthworks shall be allowed, provided that all of the following are met;
- 2484           **(a)**    The road carrying capacity cannot increase
- 2485           **(b)**    Must get permits in accordance with Okanogan County  
2486                           14.12.360A(floodplain Development permit)
- 2487           **(c)**    It does not increase the risk of channel migration.
- 2488
8. There shall not be any new roads in the severe channel migration zone.
- 2489
9. Final subdivisions, short plats, and binding site plans located within the  
2490 severe hazard channel migration zone shall contain language in the plat  
2491 dedication to indicate lots or portions of lots that are affected by channel  
2492 migration. The dedication on the plat shall read as follows:
- 2493           **(a)**    “This property is in a severe channel migration zone. Based on  
2494 historical data, the channel or stream is expected to migrate and  
2495 change locations over time, possible undercutting or eroding  
2496 portions of this property. Property and; or structures within the  
2497 channel migration zones may be at risk from the migrating channel  
2498 and could be damaged or destroyed. Activities in the channel  
2499 migration zone are subject to the provisions of 14.12.570.
- 2500           **(b)**    Building setback lines shall be drawn on lots, parcels and tracts so  
2501 as to indicate suitable areas for construction of structures or  
2502 improvements.
- 2503

2504 **Article VI Wetlands**

2505 **14.12.560 Exemptions**

- 2506 A. The following uses shall be allowed within a wetland or wetland buffer:
- 2507 1. Conservation or preservation of soil, water, vegetation, fish, and other  
2508 wildlife;
- 2509 2. Outdoor recreational activities, including, but not limited to, fishing, bird  
2510 watching, hiking, hunting, boating, horseback riding, Nordic skiing, swimming,  
2511 canoeing, and bicycling provided the activity does not alter the wetland by  
2512 changing existing topography, water conditions or water sources;
- 2513 3. The harvesting of wild crops in a manner that is not injurious to natural  
2514 reproduction of such crops and provided the harvesting does not require tilling  
2515 of soil, planting of crops, or alteration of the wetland by changing existing  
2516 topography, water conditions or water sources;
- 2517 4. The maintenance (but not construction) of drainage ditches;
- 2518 5. Education, scientific research, and use of nature trails;
- 2519 6. Navigation aids and boundary markers;
- 2520 7. Boat mooring buoys;
- 2521 8. Site investigative work necessary for land use application submittals such as  
2522 surveys, soil logs, percolation tests and other related activities. In every case,  
2523 wetland impacts shall be minimized and disturbed areas shall be immediately  
2524 restored;
- 2525 9. Normal maintenance, repair, or operation of existing serviceable structures,  
2526 facilities, or improved areas;
- 2527 10. Minor modification of existing serviceable and/or legal non-conforming  
2528 structures shall be allowed to expand a maximum of 25% of the square  
2529 footage existing at the time of the adoption of this chapter (the expansion  
2530 maximum shall include decks, room additions, second floor areas and the  
2531 like, where modification does not further encroach on the buffer and adversely  
2532 impact wetland functions; and
- 2533 11. Structures and activities that currently and legally exist within wetlands buffer  
2534 areas at the time of adoption of this Chapter.

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2537 **14.12.570 Classification / Rating System**

2538 Wetlands shall be classified and rated according to the criteria and procedures  
2539 contained in the "Washington State Wetland Rating System for Eastern Washington",  
2540 (Publication #04-06-015, March 2007), as amended.

2541 **14.12.580 Designation / Mapping**

2542 The approximate location and extent of wetlands in the County are displayed on the  
2543 National Wetlands Inventory Map. The wetland map, along with other supportive  
2544 documentation, are to be used as a guide to the general location and extent of  
2545 wetlands. There may be wetlands that are not shown on the wetlands inventory maps.  
2546 However, each potential wetland must be evaluated by the Administrator to determine  
2547 the applicability of these requirements. In the event that any of the wetland  
2548 designations shown on the maps conflict with the criteria set forth in this chapter, the  
2549 criteria shall take precedence.

2550 A. 14.12.590 Regulated Activities Permit Required development permit is required  
2551 when any alterations are proposed to a wetland.

2552 B. The following activities are regulated in Category I, II, and certain Category III  
2553 and IV wetlands and their buffers, unless specifically listed as an exemption:

2554 1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals,  
2555 organic matter, or material of any kind;

2556 2. The dumping, discharging, or filling with any material;

2557 3. The draining, flooding, or disturbing of the water level or water table;

2558 4. The driving of pilings;

2559 5. The placing of obstructions;

2560 6. The construction, reconstruction, demolition, or expansion of any structure;

2561 7. The destruction or alteration of native wetlands vegetation (including clearing,  
2562 harvesting, shading through chemicals, intentional burning, or planting of  
2563 vegetation that would alter the character of a wetland, provided that these  
2564 activities are not part of a forest practice governed under chapter 76.09 RCW  
2565 and its rules; or

2566 8. Activities that result in a significant change of water temperature, a significant  
2567 change of physical or chemical characteristics of wetlands water sources,  
2568 including quantity, or the introduction of pollutants.

2569 **14.12.600 Waivers - Wetland Delineation Requirement**

2570 The Administrator may waive the delineation requirement if the use or structure is  
2571 greater than 300 feet away from the OHWM of the wetland.

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2574 **14.12.610 Delineation Required**

- 2575 A. A wetland delineation and categorization shall be performed on property  
2576 containing wetlands where development activities are planned within the wetland  
2577 or wetland buffer.
- 2578 B. The delineation shall be performed by a qualified individual or firm and be  
2579 prepared in the following manner:
- 2580 1. Designating Wetlands. Wetlands are those areas, designated in accordance  
2581 with the U.S. Army Corp of Engineers Wetland Delineation Manual including  
2582 regional supplements as amended, that are inundated or saturated by surface  
2583 or groundwater at a frequency and duration sufficient to support, and that  
2584 under normal circumstances do support, a prevalence of vegetation adapted  
2585 for life in saturated soil conditions. All areas within the county meeting the  
2586 wetland designation criteria in the Identification and Delineation Manual,  
2587 regardless of any formal identification, are hereby designated critical areas  
2588 and are subject to the provisions of this chapter.
- 2589 2. Wetland Ratings. Wetlands shall be rated according to the Washington State  
2590 Department of Ecology wetland rating system found in the Washington State  
2591 Wetland Rating System for Eastern Washington, Ecology Publication No. 04-  
2592 06-015, or as revised by Ecology.
- 2593 C. The location of the outer extent of the wetland buffer and the areas to be  
2594 disturbed pursuant to an approved permit shall be marked in the field, and such  
2595 field marking shall be approved by the Administrator prior to the commencement  
2596 of permitted activities. Such field markings shall be maintained throughout the  
2597 duration of the permit.

2598 **14.12.620 Conditions of Permit Approval**

- 2599 A. Conditions attached to the granting of a wetlands permit shall assure the  
2600 protection of the functions and values of the affected regulated wetlands.
- 2601 B. Development applications shall consider and / or incorporate the following  
2602 provisions, if applicable:
- 2603 1. limiting the degree or magnitude of the regulated activity;
- 2604 2. limiting the implementation of the regulated activity;
- 2605 3. using appropriate and best available technology;
- 2606 4. taking affirmative steps to avoid or reduce impacts;
- 2607 5. sensitive site design and siting of facilities and construction staging areas  
2608 away from regulated wetlands and their buffers;
- 2609 6. involving resource agencies early in site planning; and
- 2610



2611 7. providing protective measures such as siltation curtains, hay bales and other  
2612 siltation prevention measures, scheduling the regulated activity to avoid  
2613 interference with wildlife and fisheries rearing, resting, nesting or spawning  
2614 activities.

2615 **14.12.630 Wetland Buffers**

2616 A. Standard Buffer Zone Widths shall be measured using one of the alternatives  
2617 below except when the previously existing built environment isolates portions of  
2618 the wetland buffer from the waterbody. In that circumstance, the regulated  
2619 wetland buffer shall extend from the ordinary high water mark to the waterward  
2620 edge of the built environment

2621 1. Alternative I- (Table 2): Buffer width based only on the category of wetland  
2622 impacted. The wetland shall be delineated and categorized by a qualified  
2623 professional using the Washington State Delineation Manual for Eastern  
2624 Washington as amended.

2625 (a) Table 2

Category of Wetland	Widths of Buffers
IV	50 ft
III	150 ft
II	200 ft
I	250 ft

2626 2. Alternative II-(Table 3) Wetland buffers based on intensity of land use<sup>1</sup>,  
2627 providing the wetland is delineated and categorized by a qualified  
2628 professional using the Washington State Wetland Identification and  
2629 Delineation Manual for Eastern Washington as amended:

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<sup>1</sup> See Table 4 for a list of uses and their intensity.

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(a) Table 3

Category of Wetland	Land Use with Low Impact *	Land Use with Moderate Impact *	Land Use with High Impact*
IV	25 ft	40 ft	50 ft
III	75 ft	110 ft	150 ft
II	100 ft	150 ft	200 ft
I	125 ft	190 ft	250 ft
* See Table 4 for types of land uses that can result in low, moderate, and high impacts to wetlands.			

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(b) Table 4

Level of Impact from Proposed Change in Land Use	Types of Land Use
High	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Urban</li> <li>• Industrial</li> <li>• Institutional</li> <li>• Retail sales</li> <li>• Residential (more than 1 unit/acre)</li> <li>• High-intensity recreation (golf courses, ball fields, etc.)</li> <li>• Hobby farms</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• Residential (1 unit/acre or less)</li> <li>• Moderate-intensity open space (parks with biking, jogging, etc.)</li> <li>• Paved trails</li> <li>• Building of logging roads</li> <li>• Utility corridor or right-of-way shared by several utilities and including access/maintenance road</li> </ul>
Low	<ul style="list-style-type: none"> <li>• Forestry (cutting of trees only)</li> <li>• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</li> <li>• Unpaved trails</li> <li>• Utility corridor without a maintenance road and little or no vegetation management.</li> </ul>

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3. Alternative III-Applicants may alternatively evaluate and determine wetland buffer width based on the intensity of the impacts, wetland function, or special characteristics located in the tables below. A critical area report that shows such a reduction will result in preservation of wetland function will be required. Such report and plan must be prepared by a qualified professional and be based on the most current, accurate, and complete scientific and technical information and site specific conditions and analysis.

(a) Table 5: Widths of buffers needed to protect Category I wetlands

<b>Wetland Characteristics</b>	<b>Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)</b>	<b>Other Measures Recommended for Protection</b>
Natural Heritage Wetlands	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft Restore degraded parts of buffer
Bogs	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
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

<b>Wetland Characteristics</b>	<b>Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)</b>	<b>Other Measures Recommended for Protection</b>
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

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(b) Table 6: Widths of Buffers Needed to Protect Category II Wetlands

<b>Wetland Characteristics</b>	<b>Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)</b>	<b>Other Measures Recommended for Protection</b>
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

<b>Wetland Characteristics</b>	<b>Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)</b>	<b>Other Measures Recommended for Protection</b>
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	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	
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or sub-basin scale (protection of the water regime in the watershed)  Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristics	Low - 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

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(c) Table 7: Widths of Buffers Needed to Protect Category III Wetlands

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
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

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(d) Table 8: Widths of Buffers Needed to Protect Category IV Wetlands

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
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

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B. Standard Wetland Buffer Width Averaging

Standard wetland buffer zones may be modified by averaging buffer widths. Wetland buffer width averaging shall be allowed only where the applicant demonstrates **all** of the following:

1. that the wetland and its buffer contain variations in sensitivity due to existing physical characteristics;
2. that low intensity land uses would be located adjacent to areas where buffer width is reduced, and that such low intensity land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism to not be converted to a high intensity use; **and**
3. that width averaging will not materially degrade the wetland functional values.
4. In no instance shall the buffer width be reduced by more than 50% of the standard buffer or be less than 25 feet.

2673 C. Buffer Integrity  
2674 Except as otherwise specified, wetland buffer zones shall be retained in their  
2675 natural condition. Where buffer disturbance has occurred during construction,  
2676 revegetation with native vegetation may be required.  
2677

2678 D. Permitted Uses in a Wetland Buffer Zone

2679 Activities shall not be allowed in a buffer zone except for the following:

- 2680
- 2681 1. activities having minimal adverse impacts on buffers and no adverse impacts  
2682 on regulated wetlands. These may include but are not limited to: low  
2683 intensity, passive recreational activities such as unpaved trails, wildlife  
2684 watching blinds, short term scientific or educational activities, and sports  
2685 fishing or hunting;  
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  - 2687 2. with respect to category III and IV wetlands, stormwater management  
2688 facilities having no reasonable alternative on-site location; or  
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  - 2690 3. with respect to category II, III, and IV wetlands, low-intensity development  
2691 having no feasible alternative location.  
2692

2693 **14.12.640 Compensating for Wetlands Impacts.**

2694 As a condition of any permit allowing alteration within wetlands and/or wetland buffers,  
2695 or as an enforcement action pursuant to the **Enforcement** section, the Administrator  
2696 shall require that the applicant engage in the restoration, creation or enhancement of  
2697 wetlands and their buffers in order to offset the impacts resulting from the applicant's or  
2698 violator's actions. The Applicant shall develop a plan that provides for land acquisition,  
2699 construction, maintenance and monitoring of replacement wetlands that recreate, as  
2700 nearly as possible, the original wetlands in terms of function, geographic location and  
2701 setting, and that are larger than the original wetlands. The overall goal of any  
2702 compensatory project shall be no net loss of regulated wetlands functions and values.  
2703 Compensation shall be completed prior to wetland destruction, where possible. All  
2704 wetlands restored, created or purchased shall be maintained as a wetland in perpetuity.

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2706 **14.12.650 Compensatory Mitigation**

2707 Compensatory mitigation shall follow an approved mitigation plan pursuant to 14.12.710  
2708 the **Mitigation Plans** section and shall meet the following minimum performance  
2709 standards:

- 2710 A. Given the uncertainties in scientific knowledge and the need for expertise and  
2711 monitoring, wetland compensatory projects may be permitted only when the  
2712 Administrator finds that the compensation project is associated with an activity or  
2713 development otherwise permitted and that the restored, created, or enhanced  
2714 wetland will be as persistent as the wetland it replaces. Additionally, every  
2715 mitigation plan shall require and include the following aspects:



- 2716 1. scientific expertise, supervisory capability, and financial resources to carry out  
2717 the project;
- 2718 2. capability for monitoring the site and to make corrections during a two year  
2719 period if the project fails to meet projected goals; and
- 2720 3. protection and management of the compensation area to avoid further  
2721 development or degradation and to provide for long-term persistence of the  
2722 compensation area.

2723 **14.12.660 Wetlands Restoration, Creation, Enhancement, or Compensation**

2724 A. Wetlands mitigation shall be accomplished by any one or combination of the  
2725 following five methods, at the choice of the applicant:

- 2726 1. restoration of an existing wetland on-site,  
2727 2. creation of a new wetland on-site,,  
2728 3. purchase of a wetland, off-site,  
2729 4. compensation by payment to be used to purchase existing wetlands, off-site,  
2730 or  
2731 5. enhancement of an existing degraded wetland.

2732 B. Any applicant who alters wetlands shall restore wetlands, create wetlands,  
2733 contribute for the purchase of wetlands, enhance an existing wetland, or  
2734 purchase wetlands for wetlands preservation in order to compensate for wetland  
2735 losses.

2736 C. The restored, created, enhanced or purchased wetlands shall be a higher  
2737 category than the altered wetland.

2738 D. Restored wetlands, created wetlands, and wetlands purchased for preservation  
2739 shall be determined according to function, acreage, type, location, time factors,  
2740 ability to be self-sustaining and projected success. Wetland functions and values  
2741 shall be calculated using the best professional judgment of a qualified wetland  
2742 ecologist using the best available techniques. Multiple compensation projects  
2743 may be proposed for one project in order to best achieve the goal of no net loss  
2744 of the function and value of the wetland.

2745 E. The following ratios apply to creation of new wetlands, restoration of wetlands, or  
2746 wetlands purchased for preservation which is in-kind, onsite, timed prior to or  
2747 concurrent with alteration, and has a high probability of success. These ratios do  
2748 not apply to remedial actions resulting from illegal alterations. The first number  
2749 specifies the acreage of wetlands requiring replacement and the second  
2750 specifies the acreage of wetlands altered.

2751 **NOTE:** Replacement ratios do not apply to wetlands purchased through the  
2752 Wetland Preservation Fund. The wetlands fee paid by the applicant is based  
2753 on the replacement ratios noted below.

2754

## 1. Wetland Replacement Ratios

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only <sup>2</sup>	Re-establishment or Creation (R/C) and Rehabilitation (RH) <sup>4</sup>	Re-establishment or Creation (R/C) and Enhancement (E) <sup>4</sup>	Enhancement Only <sup>4</sup>
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal pool	2:1 Replacement has to be seasonally ponded wetland	4:1 Replacement has to be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible <sup>3</sup>	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible <sup>5</sup>	R/C Not considered possible <sup>5</sup>	Case-by-case
Category I Alkali	Not considered possible <sup>5</sup>	6:1 rehabilitation of an alkali wetland	R/C Not considered possible <sup>5</sup>	R/C Not considered possible <sup>5</sup>	Case-by-case
Category I Bog	Not considered possible <sup>5</sup>	6:1 Rehabilitation of a bog	R/C Not considered possible <sup>5</sup>	R/C Not considered possible <sup>5</sup>	Case-by-case

**NOTE:** Preservation is discussed in the following section.

<sup>4</sup> These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

<sup>5</sup> Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some special functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

2757 F. When the applicant chooses to contribute to the Wetland Preservation Fund  
2758 established by Okanogan County, fees shall be paid at the ratios listed above,  
2759 and according to the adopted Okanogan County Land Use Fee Schedule.

2760 In all cases, a minimum acreage replacement ratio of 1.25:1 shall be  
2761 required.

2762 **14.12.670 Wetland Type**

2763 A. In-kind compensation shall be provided except where the applicant can  
2764 demonstrate that:

- 2765 1. the wetland system is already significantly degraded and out-of-kind  
2766 replacement will result in a wetland with greater functional value;
- 2767 2. scientific problems such as exotic vegetation and changes in watershed  
2768 hydrology make implementation of in-kind compensation impossible;
- 2769 3. out-of-kind replacement will best meet identified regional goals (e.g.,  
2770 replacement of historically diminished wetland types).
- 2771 4. where out-of-kind replacement is accepted, greater acreage replacement  
2772 ratios may be required to compensate for lost functional values.

2773 **14.12.680 Location.**

2774 A. On-site compensation shall be provided except where the applicant can  
2775 demonstrate that:

- 2776 1. the hydrology and ecosystem of the original wetland and those who benefit  
2777 from the hydrology and ecosystem will not be substantially damaged by the  
2778 onsite loss; **and**
- 2779 2. onsite compensation is not scientifically feasible due to problems with  
2780 hydrology, soils or other factors; **or**
- 2781 3. compensation is not practical due to potentially adverse impact from  
2782 surrounding land uses; **or**
- 2783 4. existing functional values at the site of the proposed restoration are  
2784 significantly greater than lost wetland functional values; **or**
- 2785 5. that established regional goals for flood storage, flood conveyance, habitat or  
2786 other wetland functions have been established and strongly justify location of  
2787 compensatory measures at another site.

2788 B. Offsite compensation shall occur within the same watershed as the wetland loss  
2789 occurred, provided that Category IV wetlands may be replaced outside of the  
2790 watershed when there is no reasonable alternative.

2791

- 2792 C. In selecting compensation sites, applicants shall pursue siting in the following  
2793 order of preference:
- 2794 i. upland sites which were formerly wetlands;
  - 2795 ii. idled upland sites generally having bare ground or vegetative cover  
2796 consisting primarily of exotic introduced species, weeds, or emergent  
2797 vegetation;
  - 2798 iii. other disturbed upland.

2799 **14.12.690 Timing.**

- 2800 A. Where feasible, compensatory projects shall be completed prior to activities that  
2801 will disturb wetlands, and immediately after activities that will temporarily disturb  
2802 wetlands. In all other cases, except for Category I wetlands, compensatory  
2803 projects should be completed prior to use or occupancy of the activity or  
2804 development which was conditioned upon such compensation. Construction of  
2805 compensation projects shall be timed to reduce impacts to existing wildlife and  
2806 flora.

2807 **14.12.700 Cooperative Restoration, Creation or Enhancement Projects.**

- 2808 A. The Administrator may encourage, facilitate, and approve cooperative projects  
2809 wherein a single applicant or other organization with demonstrated capability  
2810 may undertake a compensation project with funding from other applicants under  
2811 the following circumstances:
- 2812 1. restoration, creation or enhancement at a particular site may be scientifically  
2813 difficult or impossible; or
  - 2814 2. creation of one or several larger wetlands may be preferable to many small  
2815 wetlands.
- 2816 B. Persons proposing cooperative compensation projects shall:
- 2817 1. submit a joint permit application;
  - 2818 2. demonstrate compliance with all standards;
  - 2819 3. demonstrate the organizational and fiscal capability to act cooperatively; and
  - 2820 4. demonstrate that long term management can and will be provided.

2821

2822 **14.12.710 Mitigation Plans**

2823 All wetland restoration, creation and/or enhancement projects required pursuant to this  
2824 chapter either as a permit condition or as the result of an enforcement action shall follow  
2825 a mitigation plan prepared by qualified wetland professionals approved by the  
2826 Administrator. The applicant or violator shall receive written approval of the mitigation  
2827 plan by the Approval Authority prior to commencement of any wetland restoration,  
2828 creation or enhancement activity. Mitigation Plans shall contain the following  
2829 components:

- 2830 A. Baseline Information. A written assessment and accompanying maps of the:
- 2831 1. impacted wetland including, at a minimum, wetland delineation; existing
- 2832 wetland acreage; vegetative, fauna and hydrologic characteristics; soil and
- 2833 substrate conditions; topographic elevations and
- 2834 2. compensation site, if different from the impacted wetland site, including at a
- 2835 minimum: existing acreage; vegetative, faunal and hydrologic conditions;
- 2836 relationship within watershed and to existing waterbodies; soil and substrate
- 2837 conditions, topographic elevations; existing and proposed adjacent site
- 2838 conditions; buffers; and ownership.
- 2839 B. Environmental Goals and Objectives. A written report shall be provided
- 2840 identifying goals and objectives and describing:
- 2841 1. The purposes of the compensation measures including a description of site
- 2842 selection criteria, identification of compensation goals; identification of target
- 2843 evaluation species and resource functions, dates for beginning and
- 2844 completion, and a complete description of the structure and functional
- 2845 relationships sought in the new wetland. The goals and objectives shall be
- 2846 related to the functions and values of the original wetland or if out-of-kind, the
- 2847 type of wetland to be emulated; and
- 2848 2. A review of the available literature and/or experience to date in restoring or
- 2849 creating the type of wetland proposed shall be provided. An analysis of the
- 2850 likelihood of success of the compensation project at duplicating the original
- 2851 wetland shall be provided based on the experiences of comparable projects, if
- 2852 any. An analysis of the likelihood of persistence of the created or restored
- 2853 wetland shall be provided based on such factors as surface and ground water
- 2854 supply and flow patterns, dynamics of the wetland ecosystem; sediment or
- 2855 pollutant influx and/or erosion, periodic flooding and drought, etc., presence of
- 2856 invasive flora or fauna, potential human or animal disturbance, and previous
- 2857 comparable projects, if any.
- 2858 C. Performance Standards. Specific criteria shall be provided for evaluating whether
- 2859 or not the goals and objectives of the project and for beginning remedial action or
- 2860 contingency measures. Such criteria may include water quality standards,
- 2861 survival rates of planted vegetation, species abundance and, diversity targets,
- 2862 habitat diversity indices, or other ecological, geological or hydrological criteria.
- 2863
- 2864

2865 D. Detailed Construction Plans. Written specifications and descriptions of  
2866 compensation techniques shall be provided including the proposed construction  
2867 sequence, grading and excavation details, erosion and sediment control features  
2868 needed for wetland construction and long-term survival, a planting plan  
2869 specifying plant species, quantities, locations, size, spacing, and density; source  
2870 of plant materials, propagules, or seeds; water and nutrient requirements for  
2871 planting; where appropriate, measures to protect plants from predation;  
2872 specification of substrate stockpiling techniques and planting instructions;  
2873 descriptions of water control structures and water-level maintenance practices  
2874 needed to achieve the necessary hydrocycle/hydroperiod characteristics; etc.  
2875 These written specifications shall be accompanied by detailed site diagrams,  
2876 scaled cross-sectional drawings, topographic maps showing slope percentage  
2877 and final grade elevations, and any other drawings appropriate to show  
2878 construction techniques or anticipated final outcome. The plan shall provide for  
2879 elevations which are appropriate for the desired habitat type(s) and which  
2880 provide sufficient tidal prism and circulation data.

2881 E. Monitoring Program. A program outlining the approach for monitoring  
2882 construction of the compensation project and for assessing a completed project  
2883 shall be provided. Monitoring may include, but is not limited to:

- 2884 1. Establishing vegetation plots to track changes in plant species composition  
2885 and density over time;
- 2886 2. using photo stations to evaluate vegetation community response;
- 2887 3. sampling surface and subsurface waters to determine pollutant loading, and  
2888 changes from the natural variability of background conditions (pH, nutrients,  
2889 heavy metals);
- 2890 4. measuring base flow rates and storm water runoff to model and evaluate  
2891 water quality predictions, if appropriate;
- 2892 5. measuring sedimentation rates, if applicable; and
- 2893 6. sampling fish and wildlife populations to determine habitat utilization, species  
2894 abundance and diversity.
- 2895 7. A protocol shall be included outlining how the monitoring data will be  
2896 evaluated by agencies that are tracking the progress of the compensation  
2897 project. A monitoring report shall be submitted annually, at a minimum,  
2898 documenting milestones, successes, problems, and contingency actions of  
2899 the compensation project. The compensation project shall be monitored for a  
2900 period necessary to establish that performance standards have been met, but  
2901 not for a period less than five years.

2902 F. Contingency Plan. Identification of potential courses of action, and any corrective  
2903 measures to be taken when monitoring or evaluation indicates project  
2904 performance standards are not being met.  
2905

2906 G. Permit Conditions. Any compensation project prepared pursuant to this section  
2907 and approved by the Administrator shall become part of the application for the  
2908 permit.

2909 H. Performance Bonds and Demonstration of Competence.  
2910 Demonstration of financial resources, administrative, supervisory, and technical  
2911 competence and scientific expertise of sufficient standing to successfully execute  
2912 the compensation project shall be provided. A compensation project manager  
2913 shall be named and the qualifications of each team member involved in preparing  
2914 the mitigation plan and implementing and supervising the project shall be  
2915 provided, including educational background and areas of expertise, training and  
2916 experience with comparable projects. In addition, bonds ensuring fulfillment of  
2917 the compensation project, monitoring program, and any contingency measure if  
2918 required pursuant to 14.12.170 or 14.12.180 shall be posted in the amount of one  
2919 hundred twenty (120) percent of the expected cost of compensation.

2920 I. Compensatory mitigation is not required for regulated activities, for which a  
2921 permit has been obtained, that occur only in the buffer or expanded buffer and  
2922 which have no adverse impacts to regulated wetlands.