

# CRITICAL AREAS REGULATIONS

**Okanogan County  
Office Of Planning And Development**

Draft Prepared  
10/15/2010

Draft CAO 10/25/2010

**Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMA Final**

## Table of Contents

<b>Critical Areas Administration</b> .....	1
<b>I. Purpose/Authority</b> .....	1
Administrative Implementation .....	2
<b>II. Applicability</b> .....	3
Preliminary Investigation / Site Visit .....	3
Special Studies and Map Amendments - When Required.....	4
Appeals .....	4
<b>III. Critical Areas - Maps and Inventories</b> .....	5
<b>IV. Definitions</b> .....	6
<b>V. General Exemptions</b> .....	17
<b>VI. Reasonable Use Exception</b> .....	17
<b>VII. Non-Conforming Uses and Structures</b> .....	18
<b>VIII. Amendments</b> .....	18
<b>IX. Variances</b> .....	18
<b>X. Conflict of Regulations</b> .....	18
<b>XI. Application Requirements</b> .....	18
<b>XII. Emergency Permit</b> .....	20
<b>XIII. Bonding</b> .....	21
Performance Bonds .....	21
Maintenance Bonds .....	21
<b>XIV. Enforcement</b> .....	22
<b>Critical Area Regulations</b> .....	23
<b>XV. Aquifer Recharge Areas</b> .....	23
Exemptions .....	23
Classification / Rating System .....	23
Designation / Mapping.....	23
Regulations .....	23
Critical Aquifer Recharge Protection:.....	24
Second Opinion Process .....	25
<b>XVI. Fish And Wildlife Habitat Conservation Areas</b> .....	26
Exemptions .....	26
Classification / Rating System .....	26
Designation / Mapping.....	27
Regulations .....	27
Performance Standards.....	27
Development Applications .....	27
Land Division Applications .....	27
Map Amendments.....	27
A. General Standards .....	27
B. Level I - Habitat Standards .....	28
C. Level II - Habitat Standards .....	28
1. Development Requirements.....	28
2. Planned Development Requirements:.....	30
3. Planned Destination Resort Requirements:.....	31
<b>XVII. Frequently Flooded Areas</b> .....	32
Exemptions .....	32

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMA Final

Classification / Rating System.....	32	Formatted: Normal
Designation / Mapping.....	32	Deleted: 33
Regulations .....	32	Deleted: 33
Protection Standards.....	32	Deleted: 33
<u>Floodplain Ordinance.....</u>	<u>32</u>	Deleted: 33
<b>XVIII. Geologically Hazardous Areas.....</b>	<b>51</b>	Deleted: 33
Exemptions .....	51	Deleted: 33
A. Erosion Hazard Areas.....	51	Deleted: 33
Classification / Rating System .....	51	Deleted: 34
Designation / Mapping.....	51	Deleted: 34
Regulations .....	51	Deleted: 34
B. Landslide Hazard Areas.....	52	Deleted: 34
Classification / Rating System .....	52	Deleted: 35
Designation / Mapping.....	52	Deleted: 35
Regulations .....	52	Deleted: 35
C. Mine Hazard Areas.....	53	Deleted: 35
Classification / Rating System .....	53	Deleted: 35
Designation / Mapping.....	53	Deleted: 36
Regulations .....	53	Deleted: 36
D. Seismic Hazard Areas .....	53	Deleted: 36
Classification / Rating System .....	54	Deleted: 36
Designation / Mapping.....	54	Deleted: 36
Regulations .....	54	Deleted: 36
E. Volcanic Hazard Areas .....	54	Deleted: 36
Classification / Rating System .....	54	Deleted: 36
Designation / Mapping.....	54	Deleted: 36
Regulations .....	54	Formatted: Normal
<u>F. Channel Migration Zones.....</u>	<u>54</u>	Deleted: 37
<u>Classification/Rating System.....</u>	<u>54</u>	Deleted: 37
<u>Designation/Mapping.....</u>	<u>54</u>	Deleted: 37
<u>Regulations.....</u>	<u>54</u>	Deleted: 38
<b>XIX. Wetlands .....</b>	<b>56</b>	Deleted: 38
Exemptions .....	56	Deleted: 38
Classification / Rating System.....	56	Deleted: 38
Designation / Mapping.....	56	Deleted: 38
Regulations .....	57	Deleted: 38
Regulated Activities .....	57	Deleted: 39
Permit Required.....	57	Deleted: 39
Waivers - Wetland Delineation Requirement .....	57	Deleted: 40
Delineation Required .....	58	Deleted: 40
Conditions of Permit Approval .....	58	Deleted: 40
Wetland Buffers.....	58	Deleted: 41
a. Standard Buffer Zone Widths.....	59	Deleted: 41
b. Standard Wetland Buffer Width Averaging .....	59	Deleted: 41
c. Buffer Integrity.....	60	Deleted: 41
d. Permitted Uses in a Wetland Buffer Zone.....	60	Deleted: 41
Mitigation .....	60	Deleted: GMA Critical Areas Ordinance¶ Adopted 02-02-94¶ GMA Final
Compensating for Wetlands Impacts.....	60	

Mitigation Plans .....64

Deleted: 45

Draft CAO 10/25/2010

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMA Final

# Okanogon County Critical Area Regulations

## Critical Areas Administration

### Background

The content of this regulation is, in part, based upon a report "Final Growth Management Committee Report" provided by the Okanogon County Growth Management Committee and adopted by Okanogon County Commissioners Resolution 13-94. The goals, policies, and concepts in the report should be viewed as a non-regulatory guide for interpretation of these Critical Area Regulations.

Formatted: Highlight

### I. Purpose/Authority

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

The purpose of these regulations include, but are not limited to, the following:

- To protect those areas providing critical recharge to groundwater used for potable supply;
- To minimize road building in all critical areas to the greatest extent possible;
- To promote innovative, efficient design of proposed projects wherever possible;
- To recognize the economic value of wildlife;
- To look for realistic opportunities to maintain and improve habitat where feasible;
- To communicate Okanogon County goals, policies, and strategies for critical areas regulation to local, state and federal agencies;
- To reduce the risk of life and property loss as a result of avoidable flood damage;
- To reduce the risk of life and property loss as a result of failure to avoid or mitigate development in geologically hazardous areas;
- To avoid or minimize damage to regulated wetlands wherever possible;
- To require activities not dependent on wetland location to locate at upland sites;
- To strive for no net loss of the functions and values of regulated wetlands by requiring restoration and / or enhancement of degraded wetlands. Recommend the creation of new wetlands to offset unavoidable losses due to development.

Further, Okanogon County declares that "critical areas" are characterized as either Resource Critical Areas or Hazard Critical Areas, as follows:

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

45 Resource Critical Areas - Wetlands, areas with critical recharging effect on  
46 potable water, and fish and wildlife habitat conservation areas are critical  
47 areas that are regulated for the purpose of protecting these resources  
48 from human activity that would cause undue damage to wetlands, wildlife  
49 habitat or wildlife movement; or would endanger public safety or health by  
50 adversely affecting aquifer recharge areas. Resource critical areas shall  
51 not be altered except as otherwise provided in this chapter or subsequent  
52 administrative rules.

53  
54 Hazard Critical Areas - Frequently flooded areas and geologically  
55 hazardous areas are critical areas that are regulated for the purpose of  
56 protecting the public from human activities that would affect public safety  
57 because it would place residential or other permanent human structures in  
58 the hazard critical areas as further defined in this chapter. Such activity  
59 will only be allowed as provided in this chapter.  
60

61 **Administrative Implementation**

62 As provided herein, Okanogan County Planning staff and the Planning  
63 Commission are directed to interpret and apply these Critical Area Regulations to  
64 accomplish the regulatory intent and purpose stated in this section. All effort  
65 shall be made to integrate any procedures required to assure compliance with  
66 this chapter with the Okanogan County Zoning Code, Subdivision Ordinance,  
67 Shoreline Master Program, Flood Damage Prevention Ordinance, and State  
68 Environmental Policy Act Ordinances.

69  
70 When any alteration of a Category I wetland is proposed, a public hearing shall  
71 be held pursuant to the public notice and other procedural requirements of  
72 Okanogan County Zoning Code Chapter 17.19.

73  
74 Federal and state agencies consulted for comment on development applications  
75 subject to this chapter, shall be allowed 21 days from the postmarked date on the  
76 notice from the County in which to comment on the project. The Administrator  
77 may extend the comment period up to 15 days at the request of a reviewing  
78 agency for unique, complex, or unusually large project proposals.  
79  
80

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

81 **II. Applicability**

82 All ~~land use activities, whether or not a permit or authorization is required,~~  
83 shall comply with the requirements of this chapter. Responsibility for the  
84 enforcement of this chapter shall rest with the Director of Planning and  
85 Development or the Director's designee. For the purposes of this chapter, "~~land~~  
86 ~~use activities~~" shall include ~~but not be limited to excavations, fills, subdivisions,~~  
87 ~~boundary line adjustments, building permits, any flood plain development permit,~~  
88 ~~subdivision, short subdivision, binding site plan, zone reclassification, cluster~~  
89 ~~subdivision, planned unit development, planned destination resort, and any other~~  
90 ~~development or use permit that would require approvals under existing or~~  
91 ~~subsequently adopted Okanogan County Codes and/or Ordinances, as~~  
92 ~~administered by the Office of Planning and Development, unless expressly~~  
93 ~~exempted from this chapter.~~

Deleted: development proposals

Deleted: whether public or private

Deleted: development proposals

Deleted: proposals which require any of the following:

95 **Preliminary Investigation / Site Visit**

96 1. Upon the receipt of an application, the Administrator or designee shall consult  
97 all critical area maps. After referring to the maps, the Administrator or designee  
98 shall perform a preliminary site visit (the cost of which is included in the permit  
99 application fee) to determine by visual observation, together with the known  
100 scientific evidence, whether or not critical areas may exist on the development  
101 site. Before the Administrator declares that critical areas do not exist, contrary to  
102 information provided on critical area maps, the Administrator shall consult the  
103 affected agencies of expertise.

104  
105 2. If the Administrator or designee is unable to confirm the existence or non-  
106 existence of critical areas, a second site visit shall be performed, including the  
107 agency of expertise, the Administrator or designee, and the applicant.

108  
109 3. If a determination concerning critical areas can not be made after a second  
110 site visit, the Administrator shall specify, with the agency of expertise, the  
111 required contents of a special study that will determine the existence or absence  
112 of critical areas, as defined in this chapter. Special studies will be circulated to  
113 the agencies of expertise during review of the development application.

114 **Special Studies and Map Amendments - When Required**

115 When sufficient information to identify the existence of or to evaluate the effects  
116 of a development proposal on critical areas is not provided or available, the  
117 Director shall notify the applicant that special studies are required. A special  
118 study shall be prepared by professionals with documented expertise and shall  
119 identify, locate, and describe any critical areas contained in the development site,  
120 and discuss how the development proposal meets the requirements of this  
121 chapter. The cost of a special study shall be the responsibility of the applicant.

122  
123 A special study or map amendment of any existing regulatory map shall gather  
124 information needed to complete the Site Plan as required by Section XI. Special

- Deleted: ¶
- ◆ a building permit, ¶
  - ◆ any flood plain development permit, ¶
  - ◆ any shoreline development permit, variance, or redesignation ¶
  - ◆ any conditional use permit, ¶
  - ◆ a variance, ¶
  - ◆ a zone reclassification, ¶
  - ◆ a short subdivision, ¶
  - ◆ a subdivision, ¶
  - ◆ a planned development, ¶
  - ◆ a planned destination resort, ¶
  - ◆ a binding site plan, ¶
  - ◆ any other development or use permit that 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. ¶
  - ◆ alteration of a Category I wetland ¶
- ¶

Deleted: GMA Critical Areas Ordinance ¶  
Adopted 02-02-94 ¶  
GMAFINAL

125 Studies shall identify, locate, and describe critical areas contained in the  
126 development site or that such critical areas do not exist; amount and type of  
127 encroachment or alteration of the critical area; and discuss how the proposed  
128 development will meet the requirements of this chapter.

129  
130 For special studies and map amendments of any existing regulatory map related  
131 to Fish and Wildlife Habitat Conservation Areas, the study shall identify, locate  
132 and describe specific fish and wildlife habitat within one half (0.5) mile of the  
133 proposed development. Off-site study may be accomplished using the best  
134 available mapping and data to estimate the location and function of adjacent  
135 habitat such as: movement corridors, fawning areas, spring range, riparian  
136 areas, etc.. The map shall also identify topography and specific vegetative  
137 communities present, structures, roads, fences, human activity areas, and lands  
138 which have been converted from native vegetation. A written summary of current  
139 and historical wildlife use (this shall include a list of species and their seasonal  
140 use of the site proposed for amendment) and current residential, recreational, or  
141 commercial use of the property. A section of the written summary shall be  
142 directed at describing the positive / negative impacts to wildlife of any proposed  
143 or anticipated development.

144

#### 145 **Appeals**

146 **1.** Applicants may appeal any decision to require a special study under this  
147 chapter or subsequently adopted rules in writing to the Planning Commission  
148 within ten calendar days of the date the notice of the special study requirement  
149 was mailed. Timely appeals shall be heard by the Planning Commission within  
150 45 days of its filing, and a decision rendered at that time. Public notice shall be  
151 given in accordance with Zoning Code section 17.37.080. Okanogan County  
152 shall provide a fee for these appeals in its fee ordinance which shall be paid by  
153 the appellant at the time of filing.

154

155 **2.** Administrative appeals regarding any other decisions or actions pursuant to  
156 this chapter or subsequently adopted rules shall be consolidated with any  
157 administrative appeals on the development proposal or permit, and conducted  
158 pursuant to the general requirements for appeals under the Okanogan County  
159 Zoning Code and Subdivision Ordinance.

160

161 **3.** If no administrative appeal process exists for the requested activity or permit,  
162 appeal of the decision shall be only by writ of review in Okanogan County  
163 Superior Court.

164

165 **4.** The Planning Commission shall give substantial weight to the decision of the  
166 Director or designee and require that the appellant bear the burden of proof in  
167 any appeal.

168

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

169 **III. Critical Areas - Maps and Inventories**

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

172

173 **A. Critical Areas Maps -Regulatory**

174 At the adoption of this chapter, the official critical areas map titled  
175 "Okanogan County Critical Areas Map" will be adopted. The  
176 adopted regulatory maps shall be based on scientific evidence  
177 gathered or confirmed after the adoption of this chapter.

178

179 **B. Critical Areas identified through the development review process**

180 1. Applicants may propose amendments to regulatory maps as  
181 they become available, using maps and data resulting from special  
182 studies. Map amendments may be processed at any time and shall  
183 be processed in accordance with Zoning Code Chapter 17.37.  
184 Agency review shall be accomplished in accordance with Zoning  
185 Code section 17.19.080 B.  
186

187 **IV. Definitions**

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

191

192 **A**

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

198

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

202

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

207

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

211

Deleted: no regulatory maps exist designating critical areas as defined in this chapter. The Office of Planning and Development currently refers to wildlife habitat maps developed by the Department of Wildlife. These maps contain inaccuracies in both designating wildlife habitat that does not exist and failing to designate wildlife habitat that does exist. The County will begin a process to develop regulatory maps designating critical areas as defined in this chapter, as soon as practical

Deleted: **B. Critical Areas Maps - Non-Regulatory**  
These maps are to be used as a guide and shall be continuously updated as new critical areas are identified in the development review process. However, due to the scale and content of these maps, they are not to be construed as regulatory. The actual presence or absence of a critical area as defined herein shall determine the application of this chapter to the development request or permit.  
1. Fish and Wildlife Habitat Maps (Levels I, II, and III Habitat) Additional Fish and Wildlife Habitat data and larger scale maps are on file with the Office of Planning and Development. This data is part of the Fish and Wildlife Habitat Mapping system and are currently the best available collected data.  
2. Department of Natural Resources, Official Water Type Reference Maps, as amended.  
3. National Wetlands Inventory Maps (NWI).  
C

Deleted: GMA Critical Areas Ordinance  
Adopted 02-02-94  
GMAFINAL

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

214

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

217

218 **B**

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

221

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

228

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

230

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

233

234 **C**

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

238

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

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

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

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

249

250 *Critical Aquifer Recharge Areas* - Areas with a critical recharging effect on  
251 aquifers used for potable water.

252

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

256

257 **D**

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

258 *Developable Area* - A site or portion of a site that may be utilized as the location  
259 of development, in accordance with the rules of this chapter.

260

261 *Development* - Any activity upon the land requiring a construction or use permit  
262 by Okanogan County.

263

264 **E**

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

270

271 *Erosion*- The process whereby wind, rain, water, and other natural agents  
272 mobilize and transport particles.

273

274 *Erosion hazard areas* - Areas that contain soil types which, according to Soil  
275 Conservation Service's Soil Classification System, may experience a severe to  
276 very severe erosion process.

277

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

279

280 *Existing and Ongoing Agricultural Uses* - Farming, horticulture, aquaculture,  
281 irrigation or grazing of animals, and those activities involved in the production of  
282 crops or livestock, for example:

283

- 284 ♦ the operation and maintenance of farm and stock ponds or drainage  
285 ditches,
- 286 ♦ the operation and maintenance of all irrigation systems and their  
287 components,
- 288 ♦ changes between agricultural activities(i.e.: crops to grazing, farming to  
289 fallow, etc.)
- 290 ♦ fencing activity
- 291 ♦ normal maintenance, repair, or operation of existing agricultural related  
292 structures, facilities, or improved areas.
- 293 ♦ preparation of the land for agricultural uses.

293

294 Activities which bring an area into agricultural use are not part of an ongoing  
295 operation. An operation ceases to be ongoing when the area on which it is  
296 conducted is converted to a nonagricultural use or has lain idle for more than five  
297 years, unless the idle land is registered in a federal or state soils conservation  
298 program, or unless the activity is maintenance of irrigation ditches, laterals,  
299 canals, or drainage ditches related to an existing and ongoing agricultural activity.  
300 Areas where agricultural use has been restricted resulting from inundation and  
301 where that inundation is the sole reason that the agricultural use has ceased, is  
302 considered an existing and on-going agricultural use, provided that the use is

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

303 resumed within five years of accessibility of the land. Forest practices are not  
304 included in this definition.

305

306 **F**

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

309

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

311

312 *Fish and Wildlife Habitat Conservation Areas* - Areas of local importance that  
313 include a seasonal range or habitat element with which a given species has a  
314 primary association, and which, if altered, may reduce the likelihood that the  
315 species will maintain and reproduce over the long-term. These might include  
316 areas of high relative density or species richness, breeding habitat, winter range,  
317 movement corridors, and areas of limited availability or high vulnerability to  
318 alteration, such as cliffs, tales, and wetlands.

319

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

323

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

326

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

329

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

334

335 *Frequently Flooded Areas* - Areas in the flood plain subject to a one percent (1%)  
336 or greater chance of flooding in any given year (100-year flood plain).

337

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

338 **G**  
339 *Geologically Hazardous Areas* - Areas that may not be suited to siting  
340 commercial, residential, or industrial development consistent with public health,  
341 safety or environmental standards, because of their susceptibility to erosion,  
342 sliding, earthquake, or other geological events. Types of geologically hazardous  
343 areas include: erosion, landslide, seismic, mine, and volcanic.

344  
345 *Growth Management Act* - RCW 36.70A, as amended.  
346

347 **H**  
348 *High intensity land use* - Land uses which are associated with moderate or high  
349 levels of human disturbance or substantial wetland habitat impacts including, but  
350 not limited to, medium and high density residential including lots with greater than  
351 1 dwelling unit per acre, and Planned Developments where the density is greater  
352 than the underlying zoning density, multifamily residential, active recreation, and  
353 commercial and industrial land uses greater than 1500 square feet, except home  
354 industries.

355  
356 *Hydric Soil* - A soil that is saturated, flooded or ponded long enough during the  
357 growing season to develop anaerobic conditions in the upper part. The presence  
358 of hydric soil shall be determined following the methods described in the "Federal  
359 Manual for Identifying and Delineating Jurisdictional Wetlands".  
360

361 **I**  
362 *In-kind compensation* - To replace wetlands with substitute wetlands whose  
363 characteristics closely approximate those destroyed or degraded by a regulated  
364 activity. It does not mean replacement "in-category."  
365

366 *Intermittent Streams* - A stream which flows only at certain times when it receives  
367 water from springs or from some surface source, such as melting snow., or rain.  
368

369 *Inter-rill* - Inter-rills are areas subject to sheetwash.  
370

371 **L**  
372 *Landslide hazard areas* - Areas that are potentially subject to risk of mass  
373 movement due to a combination of geologic landslide resulting from a  
374 combination of geologic, topographic, and hydrologic factors. These areas are  
375 typically susceptible to landslides because of a combination of factors including:  
376 bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or  
377 other factors.  
378

379 *Lek* - An area where sharp-tailed grouse gather to perform their courtship  
380 displays.  
381

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

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

390  
391 *Low-Intensity, Recreation Activities* - Activities that are compatible with the  
392 natural environment, are contoured and compatible with the land, contain no  
393 paved surfaces and accommodate uildlife usage. Activities that result in large  
394 concentrations of people are not considered recreational activities that are  
395 compatible with the natural environment.

396  
397 **M**

398 *Mine hazard areas* - Areas that are directly underlain by, adjacent to, or affected  
399 by mine workings such as adits, tunnels, drifts, or air shafts with the potential for  
400 creating large underground voids susceptible to collapse, tailings piles, and  
401 waste rock. In addition, tailings and waste rock piles have the potential for being  
402 mine hazard areas.

403  
404 *Mitigation* - Avoiding, minimizing or compensating for adverse critical areas  
405 impacts. Mitigation, in the following order of preference is:

- 406 1. Avoiding the impact altogether by not taking a certain action or parts of  
407 an action;
- 408 2. Minimizing impacts by limiting the degree or magnitude of the action and  
409 its implementation, by using appropriate technology, or by taking  
410 affirmative steps to avoid or reduce impacts;
- 411 3. Rectifying the impact by repairing, rehabilitating or restoring the affected  
412 environment;
- 413 4. Reducing or eliminating the impact over time by preservation and  
414 maintenance operations during the life of the action;
- 415 5. Compensating for the impact by replacing, enhancing, or providing  
416 substitute resources or environments;
- 417 6. Monitoring the impact and the compensation project and taking  
418 appropriate corrective measures. Mitigation for individual actions may  
419 include a combination of the above measures.

420  
421 **N**

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

423  
424 *Non-Conformity* - An existing use or structure that is not in compliance with  
425 current regulations.

426

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459

**O**

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

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

**P**

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

*Private Wildlife Open Space* - Land retained in an open condition in perpetuity for fish and wildlife conservation or enhancement purposes. Lands within this type of open space dedication may include but are not limited to, portions and combinations of forest habitats, grasslands, shrub steppe, on-site watersheds, 100 year flood plains, County shorelines or shorelines of state-wide significance, riparian areas and wetlands. Activities having minimal adverse impacts, are allowed in wildlife open space, such as but not limited to: low-intensity recreation activities, such as properly designed golf courses, volleyball courts, croquet courses, unpaved trails, wildlife watching blinds, short-term scientific or educational activities and sports fishing or hunting, and agricultural lands that are consistent with wildlife use. Any structures associated with an unpaved trail system where an easement or deed has been granted to a public entity, must blend with the natural surroundings and be minimal in size.

**R**

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

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

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

464  
465 *Riparian* - Areas that have vegetation requiring water year-round and  
466 seasonally. The width of these areas depends upon slope and vegetation cover,  
467 but for the purposes of this regulation, includes a maximum of 200 feet,  
468 measured on the slope of the land, from the ordinary high water mark on each  
469 side of the perennial streams, rivers, lakes, ponds, marshes, wetlands, Types 1-5  
470 Waters, etc.

471  
472 **S**  
473 *Seeps* - A spot where water oozes from the earth, often forming the source of a  
474 small stream.

475  
476 *Seismic Hazard Areas* - Areas that are subject to severe risk of damage as a  
477 result of earthquake-induced ground shaking, slope failure, settlement, or soil  
478 liquefaction.

479  
480 *Seismic Zone 2B* - The area identified in the 1991 Uniform Building Code on  
481 Figure No. 23-2, Seismic Zone Map of the United States. This zone determines  
482 the structural requirements for buildings constructed in the County.

483  
484 *Serviceable* - Presently usable.

485  
486 *Significant portion of its range* - That portion of a species range likely to be  
487 essential to the long term survival of the population in Washington.

488  
489 *Species* - Any group of animals classified as a species or subspecies as  
490 commonly accepted by the scientific community.

491  
492 **T**  
493 *Threatened* - Any fish or wildlife species that is native to the state of Washington  
494 and is likely to become an endangered species within the foreseeable future  
495 throughout a significant portion of its range within the state without cooperative  
496 management or removal of threats, and /or is listed in the Federal Register as a  
497 threatened species.

498

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

499 **U**  
500 *Unavoidable and necessary impacts* - Impacts to regulated wetlands that remain  
501 after a person proposing to alter regulated wetlands has demonstrated that all  
502 reasonable economic use is being denied.  
503

504 **V**  
505 *Variance* - An adjustment in the application of the regulations of a zoning  
506 ordinance to a particular piece of property, in a situation where the property,  
507 because of special circumstances found to exist on the land, is deprived as a  
508 result of the imposition of the zoning regulations of privileges commonly enjoyed  
509 by other properties in the same vicinity and zone. A variance shall be limited to  
510 only that adjustment necessary to remedy the disparity in privilege. A variance  
511 shall not be used to convey special privileges not enjoyed by other properties in  
512 the same vicinity and zone and subject to the same restrictions. Economic  
513 hardship is not grounds for a variance.  
514

515 *Volcanic hazard areas* - Areas that are subject to inundation by pyroclastic flows,  
516 lava flows, debris flows, mud flows, or related flooding resulting from volcanic  
517 activity.  
518

519 **W**  
520 *Water Typing System* - Waters classified according to WAC 222-16-030 as  
521 follows:

522 ~~**Type S Water** - "**Type S Water**" means all waters, within their bankfull~~  
523 ~~width, as inventoried as "shorelines of the state" under chapter 90.58~~  
524 ~~RCW and the rules promulgated pursuant to chapter 90.58 RCW including~~  
525 ~~periodically inundated areas of their associated wetlands.~~

Deleted: 1

526  
527 ~~**Type F Water** - means segments of natural waters other than Type S~~  
528 ~~Waters, which are within the bankfull widths of defined channels and~~  
529 ~~periodically inundated areas of their associated wetlands, or within lakes,~~  
530 ~~ponds, or impoundments having a surface area of 0.5 acre or greater at~~  
531 ~~seasonal low water and which in any case contain fish habitat or are~~  
532 ~~described by one of the following four categories;~~

Deleted: All waters, within their ordinary high water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rule promulgated pursuant to Chapter 90.58 RCW, but not including waters' associated wetlands as defined in Chapter 90.58 RCW.

Deleted: 2

- 533  
534 (a) ~~Waters, which are diverted for domestic use by more than 10~~  
535 ~~residential or camping units or by a public accommodation~~  
536 ~~facility licensed to serve more than 10 persons, where such~~  
537 ~~diversion is determined by the department to be a valid~~  
538 ~~appropriation of water and the only practical water source for~~  
539 ~~such users. Such waters shall be considered to be Type F~~  
540 ~~Water upstream from the point of such diversion for 1,500 feet~~  
541 ~~or until the drainage area is reduced by 50 percent, whichever is~~  
542 ~~less;~~

Deleted: Segments of natural waters which are not classified as Type 1 water and have a high fish, wildlife or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586

- (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;
- (d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:
  - i. The site must be connected to a fish habitat stream and accessible during some period of the year; and
  - ii. The off-channel water must be accessible to fish.

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

**Deleted: (a)** Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish population:¶  
**(i)** Stream segments having a defined channel 20 feet or greater in width between the ordinary high water mark and having a gradient of less than 4 percent.¶  
**(ii)** Lakes, ponds or impoundments having a surface area of 1 acre or greater at seasonal low water.¶  
**(b)** Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:¶  
**(i)** The site must be connected to a stream bearing salmonid and accessible during some period of the year; and ¶  
**(ii)** the off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.¶

**Deleted: 3**  
**Deleted:** Segments of natural waters which are not classified as Type 1 or 2 water and have a moderate to slight fish, wildlife and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

**Deleted: (a)** Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use:¶  
**(i)** Streams segments having a defined channel of 5 feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet.¶  
**(ii)** Ponds or impoundments having a surface area of less than 1 acre a seasonal low water and having an outlet to an anadromous fish stream.¶  
**(b)** Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:¶  
**(i)** Stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low [1]

**Deleted: GMA Critical Areas Ordinance**¶  
**Adopted 02-02-94**¶  
**GMAFINAL**

Deleted: 4

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

Deleted: This classification shall be applied to segments of natural waters which are not classified as Type 1,2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Type 1,2 and 3 waters. These may be perennial or intermittent.

Deleted: Type 5 Water - This classification shall be applied to all natural waters not classified as Type 1,2,3 or 4; including streams with or without well defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainage ways having short periods of spring or storm runoff.¶

594  
595  
596 **Wetlands** - Areas that are inundated or saturated by surface water or ground  
597 water at a frequency and duration sufficient to support, and that under normal  
598 circumstances do support, a prevalence of vegetation typically adapted for life in  
599 saturated soil conditions. Wetlands generally include swamps, marshes, bogs,  
600 and similar areas. Wetlands do not include those artificial wetlands intentionally  
601 created from non-wetland sites, including, but not limited to, irrigation and  
602 drainage ditches, grass-lined swales, canals, detention facilities, wastewater  
603 treatment facilities, farm ponds, and landscape amenities. However, wetlands  
604 may include those artificial wetlands intentionally created from non-wetland areas  
605 created to mitigate conversions of wetlands, if permitted by the county or city.  
606 (Washington State Wetlands Rating System for Eastern Washington as amended  
607 by Okanogan County).

608  
609 **Wetland buffers / wetland buffer zones** - Those areas that surround and protect a  
610 wetland from adverse impacts to the functions and values of a wetland.

611  
612 **Wetland Categories, Categories of wetlands or wetland types** - Descriptive  
613 Categories of the wetlands taxonomic classification system of the United States  
614 Fish and Wildlife Service (Cowardin, et al 1978).

615  
616 **Wetland edge** - The boundary of a wetland as delineated, based on the  
617 definitions contained in this chapter.

618  
619 **Wetland functions and values** - The beneficial roles served by wetlands may  
620 include, but are not limited to: water quality protection and enhancement; fish  
621 and wildlife habitat; food chain support; flood storage, conveyance and  
622 attenuation; groundwater recharge and discharge; erosion control; historical,  
623 archaeological and aesthetic value protection; and recreation. These beneficial  
624 roles are not listed in order of priority.

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

626  
627 **Wetlands, regulated** - All Category I and II wetlands, Category III wetlands larger  
628 than 2,500 square feet, and Category IV wetlands larger than 10,000 square feet.

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

629  
630 **V. General Exemptions**

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

633

634 1. Emergencies that threaten public health and safety and that require  
635 remedial or preventative action in a time frame too short to allow for  
636 compliance with the requirements of this chapter.

637

638 2. Public Agency proposals for maintenance, repair, or development  
639 when the County Commissioners determine that no reasonable alternative  
640 exists; provided, that repair, maintenance, improvement, etc., of public  
641 roads within existing public rights-of-way shall not require subsequent  
642 County review and approval.

643

#### 644 **VI. Reasonable Use Exception**

645 If an applicant for a development proposal demonstrates that application of this  
646 Chapter would deny all reasonable economic use of the subject property,  
647 reasonable economic development of the property will be allowed if the applicant  
648 also demonstrates:

649

650 1. That no reasonable economic use with materially less impact on Critical Areas  
651 is feasible; and,

652

653 2. That there will be no material damage to nearby public or private property and  
654 no material threat to the health and / or safety of people on or off the property as  
655 a result of the proposed development.

656

657 Requests for Reasonable Use Exceptions shall be heard by the Planning  
658 Commission, which shall make a recommendation for approval, modification, or  
659 disapproval to the Board of County Commissioners, who shall issue a final  
660 decision.

661

662 This chapter shall be interpreted to respect constitutional rights to property to the  
663 full extent recognized by the law of the United States and the State of  
664 Washington.

#### 665 **VII. Non-Conforming Uses and Structures**

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

668

#### 669 **VIII. Amendments**

670 Amendments to this Chapter shall be authorized and processed in the same  
671 manner and under the same statutory authority as amendments to any other  
672 portion of the Okanogan County Zoning Code.

673

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

674 **IX. Variances**

675 Requests for variance, as defined herein and in the Okanogan County Zoning  
676 Code Chapter 17.34, shall be processed in the same manner and under the  
677 same statutory authority as provided for Variances in Chapter 17.34.  
678

679 **X. Conflict of Regulations**

680 If more than one Okanogan County development regulation applies to any lands  
681 identified in this Chapter or a particular development application, then the most  
682 restrictive regulation shall apply.  
683

684 **XI. Application Requirements**

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

- 692
- 693 1. An aerial photograph at a scale no smaller than 1" = 400' showing the  
694 entire parcel of land owned by the applicant;  
695
  - 696 2. A site plan at 1"=50' showing existing improvements and natural  
697 features (such as rivers, cliffs, streams, ponds, etc.), including critical  
698 areas (such as specific wildlife habitat or wetland areas), within 330 feet of  
699 the proposed structures;  
700
  - 701 3. Boundaries and dimensions of the site(s);  
702
  - 703 4. The location of proposed sites and specifications for all development  
704 activities;  
705
  - 706 5. The purposes of the project and an explanation why the proposed  
707 activity cannot be located at another location on-site, that is not impacted  
708 by critical areas;  
709
  - 710 6. Location and identification of all existing and proposed roads,  
711 easements, driveways, and parking areas on or abutting the parcel;  
712
  - 713 7. A description of the vegetative cover around wetlands and streams,  
714 and identification of dominant species. Identification of existing vegetation  
715 in general, which would include identification of all evergreen trees greater  
716 than eight (8) inches in diameter and all deciduous trees greater than

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

717 twelve (12) inches in diameter, as measured four and one half (4.5) feet  
 718 above ground level, to be retained after completion of the development;  
 719  
 720 **8.** Location of existing vegetation and vegetation to be removed;  
 721  
 722 **9.** Proposed revegetation, including location, species and maintenance  
 723 plan;  
 724  
 725 **10.** Approximate elevations of the site and adjacent lands within the  
 726 critical area and its buffer;  
 727  
 728 **11.** Sketch of existing and proposed changes to topography which would  
 729 include steep slopes, ravines, grading, etc.;  
 730  
 731 **12.** Open Space: Amount, location, function and maintenance plan for  
 732 contiguous private wildlife open space or other open space;  
 733  
 734 **13.** Mitigation: Show the extent to which measures to lessen potential  
 735 adverse impacts to critical areas are incorporated into the project design,  
 736 including but not limited to enhancement of habitat, provision of  
 737 replacement habitat, public education, consideration of remaining open  
 738 space areas for viable functional habitat, migration corridors etc.; and,  
 739  
 740 **14.** A list of all property owners within 300' of a Category I wetland and all  
 741 properties contiguous to the parcel to be developed, if a public hearing is  
 742 required. If the owner of the parcel to be developed owns another parcel  
 743 or parcels of real property which lies contiguous to the parcel to be  
 744 developed, notice shall be given to owners of real property located within  
 745 300 feet of any portion of the boundaries of such contiguously located  
 746 parcels.  
 747  
 748 The applicant and the administrator or designee shall visit the site together  
 749 during the application process.  
 750

751 **XII. Emergency Permit**

752 Notwithstanding the provisions of this chapter or any other laws to the contrary,  
 753 the Administrator may issue an emergency permit if:

- 754
- 755 **a.** The Administrator determines that an unacceptable threat to life or severe  
 756 loss of property will occur if an emergency permit is not granted; and  
 757
  - 758 **b.** The anticipated threat or loss may occur before a permit can be issued or  
 759 modified under the procedures otherwise required by this chapter and other  
 760 applicable laws.  
 761

762 Any emergency permit granted shall incorporate, to the greatest extent  
 763 practicable and feasible but not inconsistent with the emergency situation, the

Deleted: GMA Critical Areas  
 Ordinance¶  
 Adopted 02-02-94¶  
 GMAFINAL

764 standards and criteria required for nonemergency activities under this act and  
765 shall:

766

767 a. be limited in duration to the time required to complete the authorized  
768 emergency activity, and

769

770 b. require the restoration of any wetland altered as a result of the emergency  
771 activity.

772

773 Issuance of an emergency permit by the Administrator does not preclude the  
774 necessity to obtain necessary approvals from appropriate federal and state  
775 authorities.

776

777 Notice of the issuance of the emergency permit and request for public comments  
778 shall be published at least once a week on the same day of the week for two  
779 consecutive weeks in a newspaper having a general circulation in Okanogan  
780 County no later than 10 days after issuance of the emergency permit.

781

782 The emergency permit may be terminated at any time without process upon a  
783 determination by the Administrator that the action was not or is no longer  
784 necessary to protect human health or the environment.

785

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

786 **XIII. Bonding**

787 **Performance Bonds**

788 The Administrator shall require the applicant of a development proposal to post a  
789 cash performance bond or other security acceptable to the Administrator in an  
790 amount and with surety and conditions sufficient to fulfill the requirements of this  
791 Code. The amount and the conditions of the bond shall be consistent with the  
792 purposes of this chapter. In the event of a breach of any condition of any such  
793 bond, the Administrator may institute an action in a court of competent  
794 jurisdiction upon such bond and prosecute the same to judgment and execution.  
795 The Administrator shall release the bond upon determining that:

- 796
- 797 a. all activities, including any required compensatory mitigation, have been
  - 798 completed in compliance with the terms and conditions of the permit and
  - 799 the requirements of this chapter; and
  - 800
  - 801 b. upon the posting by the applicant of a maintenance bond.

802

803 Until such written release of the bond, the principal or surety cannot be

804 terminated or canceled.

805

806 **Maintenance Bonds**

807 The Administrator shall require the holder of a development permit issued  
808 pursuant to this chapter to post a cash performance bond or other security  
809 acceptable to the Administrator in an amount and with surety and conditions  
810 sufficient to guarantee that structures, improvements, and mitigation required by  
811 the permit or by this chapter perform satisfactorily for a minimum of two (2) years  
812 after they have been completed. The Administrator shall release the  
813 maintenance bond upon determining that performance standards established for  
814 evaluating the effectiveness and success of the structures, improvements, and/or  
815 compensatory mitigation have been satisfactorily met for the required period. For  
816 compensation projects, the performance standards shall be those contained in  
817 the mitigation plan developed and approved during the permit review process  
818 pursuant to the **Mitigation Plans** section. The maintenance bond applicable to a  
819 compensation project shall not be released until the Administrator determines  
820 that performance standards established for evaluating the effect and success of  
821 the project have been met.

822

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

823 **XIV. Enforcement**

824 Noncompliance with any section of this ordinance may result in enforcement  
825 actions.

826  
827 1. Civil and / or criminal penalties.

828  
829 2. Orders and penalties issued pursuant to this subsection may be appealed as  
830 provided for by in the *Appeals* section.

831  
832 All enforcement shall be conducted pursuant to this Chapter and Chapter 17.38,  
833 of the Okanogan County Zoning Ordinance.

834

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

835 **Critical Area Regulations**

836

837 **XV. Aquifer Recharge Areas**

838

839

840 **Exemptions**

841 This section shall not apply to:

- 842 ◆ artificially diverted or stored water
- 843 ◆ the construction of a single family residence
- 844 ◆ any land use that has less than 50% of the aquifer recharge area on
- 845 the parcel, covered with non-porous surfaces
- 846 ◆ Structures and activities that currently and legally exist within aquifer
- 847 recharge areas at the time of adoption of this chapter.

848

849

850 **Classification / Rating System**

851 To date, no specific aquifer recharge studies have been performed in the County.

852 It is generally acknowledged that the following areas have the potential to be  
 853 aquifer recharge areas: rivers and creeks especially at their headwaters, forests,  
 854 wetlands, lakes and ponds, alluvial fans, and areas within the 100 year flood  
 855 plain. These areas are only considered aquifer recharge areas if certain porous  
 856 soil types as identified by the Soil Conservation Service, 1980 Soil Survey of  
 857 Okanogan County Area, Washington, are found to be present.

858

859

860 **Designation / Mapping**

861 As no aquifer recharge areas have been mapped within the County, the County  
 862 shall rely on existing soil and surficial geologic information in conjunction with the  
 863 above classification list of potential aquifer recharge areas, to determine where  
 864 unmapped aquifer recharge areas are in the County. As aquifer recharge areas  
 865 are identified, the County shall use the location to develop the aquifer recharge  
 866 base map for the County.

867

868

869 **Regulations**

870 These regulations apply to all activities that require a permit from the County  
 871 Office of Planning and Development and are only imposed on areas of aquifer  
 872 recharge:

Deleted: house

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

873 **Critical Aquifer Recharge Protection:**

874

875

876

877

878

879

880

881

882

883

884

885

886

887

888

889

890

891

892

893

894

895

896

897

898

899

900

901

902

903

904

905

906

907

908

909

910

911

912

913

914

915

916

1. Parcels requiring septic systems shall be subject to the minimum lot size requirement of the Okanogan County Health District, in order to protect against ground water contamination.
2. Commercial and industrial uses involving the processing, use, storage, or production of hazardous, toxic, or dangerous materials shall meet applicable federal, state, and local regulations within critical aquifer recharge areas because of the potential for introduction of those materials to ground water.
3. Agricultural and forest practices shall adhere to all applicable local, state, and federal laws regarding feedlots, pesticide and fertilizer application, forest conversions, and shall be conducted in a manner so as to limit introduction of contaminants to ground water.
4. All new developments / construction must comply with the requirements and recommendations of the Washington State Department of Health and the Department of Ecology, as they pertain to ground water protection.
5. The County Health District shall comply with any state or federally required well-head protection program for the County's public water supplies.
6. Any application for a county permit for a use that utilizes or generates hazardous or toxic materials, shall be required to comply with state and federal regulations (the Clean Drinking Water Act and the Clean Water Act) that pertain to hazardous or toxic materials.
7. All household hazardous waste shall be disposed of according to the County's Moderate Risk Waste Management Plan, Adopted August 1992 as ammended.
8. All new development activity shall comply with the maximum lot coverage required in that zone. When no maximum lot coverage is specified, and the proposed development is in an area identified as a critical aquifer recharge area, then a maximum of 50% of the land area within the boundaries of the aquifer recharge area shall be maintained in impervious surfaces. This allows for the continued recharging of the aquifer.

**Second Opinion Process**

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

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

924

925 1. depth to ground water and / or impermeable soil layer:

926

927 2. aquifer properties such as hydraulic conductivity and gradients;

928

929 3. soil texture, permeability, and contaminant attenuation properties;

930

931 4. characteristics of the vadose zone (the unsaturated top layer of soil  
932 and geologic material) including permeability and attenuation  
933 properties, and other relevant facts;

934

935 5. the degree to which the aquifer is usable as a potable water source;  
936 the feasibility of protective measures to preclude further degradation,  
937 the practicability of treatment measures to maintain potability, and  
938 availability of alternative potable water sources.

939

940 The scope of the study shall be in direct relationship to the scope of the proposed  
941 development.

942

943

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

944 **XVI. Fish And Wildlife Habitat Conservation Areas**  
945

946 **Exemptions**

- 947 ◆ Removal of riparian vegetation within 30 feet of an existing structure, for the  
948 purposes of fire separation.  
949  
950 ◆ Removal of riparian vegetation within 30 feet of permitted additions that will be  
951 attached to an existing structure.  
952  
953 ◆ Structures and activities that currently and legally exist within fish and wildlife habitat  
954 conservation areas at the time of adoption of this Chapter.  
955  
956 ◆ Clearing of riparian vegetation for community trail system where an easement or  
957 deed is granted to a public entity. Maximum clearing width shall be 14 (fourteen)  
958 feet.  
959  
960

961 **Classification / Rating System**

962 **Fish and Wildlife Habitat Conservation Areas:**

963 Level I Habitat consists of Threatened and Endangered Species as identified on the Federal  
964 Register and /or the Washington State Listing as designated on the maps on file in the  
965 Office of Planning and Development. Level II habitat consists of fish and wildlife of local  
966 concern including but not limited to Mule Deer habitat, Riparian habitat, etc. which is  
967 essential to sustaining fish and wildlife populations. Level III habitat consists of other  
968 important habitat and species such as white tailed deer, long-billed curlew, chuckar, blue  
969 grouse, etc.

Deleted: Level I Species ... [2]

970 **Designation / Mapping**

971 **Level I Habitat:**

972 The habitat of Threatened and Endangered Species as identified on the Federal  
973 Register and/or the Washington State Listing as designated on the **non-regulatory** maps  
974 on file in the Office of Planning and Development.

975 **Level II Habitat:**

976 Habitat of fish and wildlife of local concern, as designated on the **non-regulatory** maps  
977 on file in the Office of Planning and Development, which is *essential* to sustaining fish  
978 and wildlife populations. Habitat may include rare and/or unique features.

979 **Level III Habitat:**

980 Habitat as designated on the **non-regulatory** maps on file in the Office of Planning and  
981 Development, as *important* to fish and wildlife.

Formatted: Highlight

983 **Regulations**

984 **Performance Standards**

985 **Development Applications**

986 The following standards apply to land division and/or new construction of single  
987 and multi-family residences, structures for commercial or recreational purposes,  
988 but does not apply to accessory or agricultural structures. Structures exempt  
989 from Building Permit or land division requirements are also exempt from this  
990 regulation.  
991

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

992 **Land Division Applications**

993 Applications for land division are subject to the following requirements:

994 1. All division of land creating 5 lots or more, subject to Okanogan County  
995 Subdivision Code Title 16, shall be accomplished by Planned Development, Planned  
996 Destination Resort, or Binding Site Plan, as set forth in Okanogan County land use  
997 codes, when a threatened or endangered species is verified to be present and mapped  
998 as Level I Habitat by Okanogan County.

999 2. All division of land creating 5 lots or more, subject to Okanogan County  
1000 Subdivision Code Title 16, shall be accomplished by Planned Development, Planned  
1001 Destination Resort, or Binding Site Plan, as set forth in Okanogan County land use  
1002 codes, when 25% or more of the site falls within Level II habitat as mapped by  
1003 Okanogan County.  
1004

1005 **Map Amendments**

1006 Applicants for land division or other development permit completing special  
1007 studies may apply for Critical Areas Map amendment pursuant to Section III  
1008 Critical Areas - Maps and Inventories.  
1009

1010 **A. General Standards**

1011 1. Land division and/or new construction within Levels I and II Habitat  
1012 shall be subject to all of the use restrictions and development standards of the  
1013 underlying zoning district.

1014 2. Land division and/or new construction within Levels I and II Habitat  
1015 are potentially subject to SEPA procedural requirements.

1016 3. Land division and/or new construction within Levels I and II Habitat  
1017 that is within shoreline jurisdiction pursuant to RCW 90.58 shall be subject to the  
1018 County Shoreline Master Program as officially mapped and the **Flood Damage**  
1019 **Prevention Ord. No. 87-2**.  
1020

1021 **B. Level I - Habitat Standards**

1022 1. All development proposals shall follow the Bald Eagle Protection  
1023 Rules (RCW 77.12.655 and WAC 232.12.292) when the proposal is likely to have  
1024 a direct impact on the habitat of the Bald Eagle.

1025 2. Where the boundary of a parcel proposed to be developed or  
1026 divided lies contiguous to the habitat of a threatened or endangered species, the  
1027 proposal shall be modified or conditioned as necessary to avoid significant  
1028 adverse impacts to such habitat.

1029 3. All development proposals in Level I Habitat shall follow the  
1030 performance standards for Level II Habitat, unless waived by the Director.  
1031

1032 **C. Level II - Habitat Standards**

1033 **1. Development Requirements**

1034 The provisions of this section apply to all development proposed in Level I and  
1035 Level II Habitat.

1036 **a. Native Revegetation Standards**

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1037  
1038  
1039  
1040  
1041  
1042  
1043  
1044  
1045  
1046  
1047  
1048  
1049  
1050  
1051  
1052  
1053  
1054  
1055

- (1) Revegetation shall be required to re-establish desirable native plants or plants that enhance local fish and wildlife population in all areas disturbed by construction outside of the primary outdoor use areas of a development. Plantings shall consist primarily of a combination of native grasses, forbs, shrubs, trees and/or ground cover. Note: To reduce noxious weed invasion and increase recovery of native vegetation, revegetation should be accomplished within the first growing season following disturbance of the site.
- (2) All proposed plant material shall conform to the American Association of Nurserymen Standards (ANSI 2601-1973).
- (3) *Installation and Maintenance*
  - (a) Plantings required in this section shall be installed to the satisfaction of the County in conformance with the approved site plan, and scheduled to avoid seasonal conflicts which could affect plant survival.
  - (b) Property owners shall keep all required planting areas maintained, watered and free of noxious weeds as necessary to assure their long-term survival.

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1056  
1057  
1058  
1059  
1060  
1061  
1062  
1063  
1064  
1065  
1066  
1067  
1068  
1069  
1070  
1071  
1072  
1073  
1074  
1075  
1076  
1077  
1078  
1079  
1080  
1081  
1082  
1083  
1084  
1085  
1086  
1087  
1088  
1089  
1090  
1091  
1092  
1093  
1094  
1095  
1096  
1097  
1098  
1099  
1100  
1101  
1102

(4) *Performance Assurance and Enforcement*  
Performance bond will be required, except for single family dwellings, in accordance with Zoning Code, Title 17, **Planned Development Section 17.19.080 D (3)**.

**b. Riparian Vegetation Protection**

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

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

Deleted: (a)

(b) **Vegetation Removal Standards** --

Deleted: (b)

1. Type **NP and NS** Waters

Deleted: -

Lots or parcels with shoreline frontage:

Deleted: 1, 2, and 3

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

Deleted: 1.

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

Deleted: 2.

c. Remaining vegetation shall be maintained as riparian habitat. Noxious weeds in riparian areas are not considered native vegetation and should be controlled.

Deleted: 3.

2. **Vegetation removal standards for water bodies designated by the Shoreline Master Program, and water bodies meeting the definition of Shorelines of the State per RCW 90.58 (The Shoreline Management Act) shall be in accordance with the Okanogan County Shoreline Master Program, as amended.**

(c) **Riparian buffer widths:**

1. **a. Water bodies designated by the Shoreline Master Program Regulations of Okanogan County Shoreline Designations, as amended, and water bodies meeting the definition of Shorelines of the State per RCW 90.58 (The Shoreline Management Act), shall have the following required buffer widths:**

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1103

<u>Shoreline Designation</u>	<u>Non-Water Related Uses and Activities</u>	<u>Water-Related/Water-Oriented Uses and Activities</u>	<u>Water Dependent Uses and Activities<sup>1</sup></u>
<u>Natural</u>	<u>200'</u>	<u>150'</u>	<u>100'</u>
<u>Riverine/Lacustrine</u>	<u>150'</u>	<u>100'</u>	<u>50'</u>
<u>Conservancy</u>	<u>150'</u>	<u>100'</u>	<u>50'</u>
<u>Rural Resource</u>	<u>50'</u>	<u>50'</u>	<u>30'</u>
<u>Rural Residential</u>	<u>50'</u>	<u>50'</u>	<u>20'</u>
<u>Shoreline Recreation</u>	<u>50'</u>	<u>30'</u>	<u>10'</u>
<u>Urban Conservancy</u>	<u>100'</u>	<u>30'</u>	<u>10'</u>
<u>Shoreline Residential</u>	<u>50'</u>	<u>30'</u>	<u>20'</u>

1104  
1105  
1106  
1107  
1108  
1109

b. Water bodies not designated as Shorelines of the State in The Shoreline Master Program Regulations of Okanogan County or the Shoreline Management Act shall utilize the Water Typing System (WAC 222-16-030) classification maps and listings.

<u>Water Type</u>	<u>High Intensity Buffer</u>	<u>Low Intensity Buffer (Measured on the horizontal, from the ordinary high water mark)</u>
<u>S</u>	<u>250</u>	<u>200 feet</u>
<u>F</u>	<u>200</u>	<u>150 feet</u>
<u>Np</u>	<u>150</u>	<u>100 feet</u>
<u>Ns</u>	<u>50</u>	<u>50</u>

1110  
1111  
1112  
1113  
1114  
1115  
1116  
1118  
1119  
1120  
1121  
1122  
1123

1. In those instances where a shoreline has been classified by both The Shoreline Master Program Regulations of Okanogan County and the water type system under WAC 222-16-030, the applicable shoreline master program designation and riparian buffer width requirements in Section [redacted] shall apply.

**c. Fencing Standards**

The intent of this section is to identify the type of fencing that is necessary and appropriate to protect the deer migration in the County while providing for the operation and protection of livestock or other agriculturally related land uses.

Fencing shall conform to the following types:

**(1) Type "A" Fence**

<sup>1</sup> The setback may be reduced to 0' for those water-dependent uses (e.g. aquaculture, marinas) that require a location adjoining the water, but in all cases such a setback shall be limited to the smallest area possible.

**Deleted: (2)** Riparian setback requirements in riparian areas are intended in part to mitigate the impacts of construction near riparian areas and to protect riparian areas so that fish and wildlife may flourish. Water bodies classified by the Water Typing System (**WAC 222-16-030**) have the following required building setbacks where riparian areas occur: ¶  
¶  
**Water Type** ... [3]

**Deleted: GMA Critical Areas Ordinance**¶  
Adopted 02-02-94¶  
GMAFINAL

1124 Where fencing is proposed for residential development in designated  
1125 migration corridors, Type A fencing shall be required. Type A fence shall  
1126 consist of no more than (4) horizontal, well stretched, evenly spaced  
1127 wires, placed so that the top wire is no more than 42" above the ground  
1128 and the bottom re is at least 17" from the ground and all other wires at  
1129 intervals evenly spaced no less than 8", 16" and 24" below the top wire. If  
1130 posts are set more than 16 feet apart, the wires shall be supported by  
1131 stays, placed not more than 8 feet from each other or from the posts. All  
1132 other fences as strong and as well calculated as the fence described  
1133 above shall be allowed.

1134 **(2) Type "B" Fence**

1135 Type B fence may be permitted for dog kennels, garden fences, corrals,  
1136 sheep pastures, agricultural crops, etc.. Type B fence shall consist of  
1137 braided mesh fabric or any other combination of materials that will create  
1138 a continuous solid enclosure. Fence material shall be securely fastened  
1139 to substantial posts.

1140 **d. Access Standards**

1141 Proposed roads and/or access routes shall be kept to a minimum and shared  
1142 whenever practical. Structures shall be built as close to existing access routes  
1143 as practical.  
1144

1145 **2. Planned Development Requirements:**

1146 Planned Developments are subject to Level I Habitat standards, if applicable,  
1147 and the requirements of the section titled "1. Development Requirements", in this  
1148 section.

1149 **a.** Common Open Space within Planned Developments in Level I  
1150 and II habitat shall be dedicated Private Wildlife Open Space.

1151 **b. Private Wildlife Open Space:** The Common Open Space  
1152 percentage required by Zoning Code Title 17 shall be designated Private  
1153 Wildlife Open Space. One of the following methods shall be used to  
1154 protect and manage such open space:

1155 **(1)** Establishment of an association or non-profit corporation of  
1156 all property owners and corporations within the project area to  
1157 ensure perpetual maintenance of private wildlife open space.

1158 **(2)** Retention of ownership, control and maintenance of private  
1159 wildlife open space by a single owner. Appropriate restrictions  
1160 shall be placed in all deeds for privately owned Private Wildlife  
1161 Open Space to assure that such open space shall continue in  
1162 perpetuity to conform to its intended use. Deed restrictions run  
1163 with the land and may contain a prohibition against future divisions  
1164 of land without further County approvals.

1165 **c. Vegetative Screening:** The function of establishing  
1166 vegetation screens is to enhance wildlife use of "Private Wildlife Open  
1167 Space" by reducing human and dog harassment occurring where easy  
1168 visual contact is made. Where topographic features of a site do not  
1169 obscure use of "Private Wildlife Open Space" or lack of native vegetative  
1170 is anticipated to impact fish and wildlife movement or use in the  
1171 immediate area, a vegetative screen may be required. During site plan  
1172 review the County, in consultation with the Washington Department of

Formatted: Not Highlight

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1173 Wildlife, will determine what, if any, vegetative screening should be  
1174 incorporated in development design. If a vegetative screen is  
1175 recommended by the County, screen specifications will be provided by  
1176 the County following consultation with the Washington Department of  
1177 Wildlife.

1178 (1) *Installation and Maintenance*

1179 (a) Plantings required in this section shall be installed to  
1180 the satisfaction of the County in conformance with the  
1181 approved site plan, and scheduled to avoid seasonal  
1182 conflicts which could affect plant survival.

1183 (b) Property owners shall keep all required planting areas  
1184 maintained, watered and free of noxious weeds as  
1185 necessary to assure their long-term survival.

1186 (2) *Performance Assurance and Enforcement*

1187 Performance bond will be required in accordance with  
1188 Zoning Code, Title 17 , Planned Development Section  
1189 17.19.080 D (3).

1190 **d. Dog Control**

1191 The following statement shall appear on the face of all planned  
1192 development plats: "All dogs belonging to residents, occupants, guests,  
1193 or any other person lawfully on the property shall be kenneled, leashed,  
1194 or under direct human supervision at all times and not allowed to roam  
1195 freely, in order to protect the wildlife."  
1196

1197 **3. Planned Destination Resort Requirements:**

1198 Applications for Planned Destination Resorts are subject to Level I Habitat  
1199 Standards, if applicable, and the requirements of section "1. *Development*  
1200 *Requirements*" in this chapter. Special studies will be required by the  
1201 Administrator. Density reduction in identified Critical Areas may be  
1202 recommended at the discretion of the Planning Commission.  
1203 See Okanogan County Zoning Code, Chapter 17.20 for complete requirements.

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1204 **XVII. Frequently Flooded Areas**

1205  
1206

1207 **Exemptions**

1208 Exemptions include those structures and activities that currently and legally exist  
1209 within the 100-year flood plain, at the time of adoption of this chapter.

1210  
1211

1212 **Classification / Rating System**

1213 Frequently flooded areas are lands within the flood plain (including the floodway)  
1214 that are subject to a one percent (1%) or greater chance of flooding in any given  
1215 year. These areas shall be consistent with all designations of the Federal  
1216 Emergency Management Agency (FEMA) and the National Flood Insurance  
1217 Program. These are designated on the FEMA Flood Insurance Rate maps set by  
1218 the Federal Insurance Administration.

1219  
1220

1221 **Designation / Mapping**

1222 The County shall use the FEMA Flood Insurance Rate maps prepared by the  
1223 Federal Insurance Administration, a portion of the National Flood Insurance  
1224 program, to identify the 100-year flood plain in the County. These maps are  
1225 subject to update based on new information. Elevation surveys stamped by a  
1226 licensed surveyor are adequate proof of true elevation for development  
1227 purposes.

1228  
1229

1230 **Regulations**

1231 **Protection Standards**

- 1232 1. All development shall conform to the provisions of the Okanogan  
1233 County Flood Hazard Ordinance, the Zoning Code, and the Uniform  
1234 Building Code, all of which contain safeguards to reduce the risk of  
1235 damage from flooding.
- 1236 2. Any use or development shall maintain the pre-development  
1237 movement (volume and velocity) of surface water and prevent or  
1238 minimize the unnatural diversion of flood water to otherwise flood-free  
1239 areas which could necessitate expensive and environmentally  
1240 disruptive flood control methods.
- 1241 3. All development applications shall clearly delineate the 100 year flood  
1242 plain boundary.

1243 **Floodplain Ordinance**  
1244 **Statutory Authorization**

1245 **The State of Washington has authorized, in RCW 86.12, county governments to**  
1246 **adopt Comprehensive Flood Control Management Plans for any drainage basin that**

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1247 is located wholly or partially within the county. Chapter 86.16 RCW requires  
1248 counties to adopt Flood Plain Management Ordinances. Furthermore, the State of  
1249 Washington has given, in RCW 86.16.020, local governments the authority to  
1250 exercise state-wide flood plain management regulations through the administration  
1251 of the National Flood Insurance Program by adoption of regulations designed to  
1252 promote the public health, safety, and general welfare of its citizenry. RCW  
1253 86.16.045 authorizes the County to adopt Flood Plain Management Ordinances or  
1254 requirements that exceed the minimum federal requirements of the National Flood  
1255 Insurance Program without following the procedures provided in RCW 86.16.031 (8).

1256 **PURPOSE AND INTENT**

1257 It is the purpose and intent of this ordinance to promote the public health, safety,  
1258 and general welfare by ensuring that development activities in or around flood  
1259 plains, riverine flood areas and lacustrine flood areas do not negatively affect the  
1260 lands ability to reduce flood and storm drainage and to minimize and eliminate  
1261 public and private losses due to flood conditions in specific areas by provisions  
1262 designed:

1263 A. To protect human life and health;

1264 B. To minimize expenditure of public money and costly flood control projects;

1265 C. To minimize the need for rescue and relief efforts associated with  
1266 flooding and generally undertaken at the expense of the general public;

1267 D. To minimize prolonged business interruptions;

1268 E. To minimize damage to public facilities and utilities such as water and gas  
1269 mains, electric, telephone and sewer lines, streets, and bridges located in  
1270 areas of special flood hazard.

1271 F. To help maintain a stable tax base by providing for the sound use and  
1272 development of areas of special flood hazard so as to minimize future flood  
1273 blight areas;

1274 G. To provide a method to notify potential buyers that property is in an area of  
1275 special flood hazard; and,

1276 H. To ensure that those who occupy the areas of special flood hazard  
1277 assume responsibility for their actions.

1278 **METHODS OF REDUCING FLOOD LOSSES**

1279 To accomplish its purpose and intent, this ordinance includes the following  
1280 methods and provisions for reducing flood losses:

1281 A. restricting or prohibiting uses which are dangerous to health, safety, and  
1282 property due to water or erosion hazards, or which result in damaging increases  
1283 in erosion or in flood heights or velocities;

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

- 1284 B. requiring that uses vulnerable to floods, including facilities which serve such  
 1285 uses, be protected against flood damage at the time of initial construction;
- 1286 C. controlling the alteration of natural flood plains, stream channels, and natural  
 1287 protective barriers, which help accommodate or channel flood waters;
- 1288 D. controlling filling, grading, dredging, and other development in floodways  
 1289 which may increase flood damage; and;
- 1290 E. preventing or regulating the construction of flood barriers in floodways  
 1291 which will unnaturally divert flood waters or may increase flood hazards  
 1292 in other areas.

1293 **SOURCES AND DEFINITIONS OF TERMS**

1294 **A. Sources**

- 1295 1 Federal Emergency Management Agency, "Guide to Flood Insurance Rate ← **Formatted: Bullets and Numbering**  
 1296 Maps", FIA-14, May 1988, or any additions or revisions which supersede  
 1297 such publication.
- 1298 2 Merriam Webster's Collegiate Dictionary, 10th ed., 1984.
- 1299 3 Okanogan County GMA Critical Areas Regulations, Ordinance No. 94-2  
 1300 (adopted February 2, 1994) and subsequent amendments thereto.
- 1301 4 Master Program for Okanogan County Shoreline Management adopted July  
 1302 7, 1987, and subsequent amendments thereto.

1303 **B. Definitions**

1304 Unless specifically defined below, words or phrases used in this ordinance shall  
 1305 be interpreted so as to give them the meaning they have in common usage and  
 1306 to give this ordinance its most reasonable application.

- 1307 1 **Appeal** A request for review of the Administrator's interpretation of any ← **Formatted: Bullets and Numbering**  
 1308 provisions of this chapter.
- 1309 2 **Area Of Shallow Flooding** A designated AO or AH Zone on the Flood  
 1310 Insurance Rate Map (FIRM). The base flood depths range from one to  
 1311 three feet; a clearly defined channel does not exist; the path of flooding is  
 1312 unpredictable and indeterminate; and, velocity flow may be evident. AO is  
 1313 characterized as sheet flow and AH indicates ponding.
- 1314 3 **Area Of Special Flood Hazard** The land in the flood plain within a  
 1315 community subject to a one percent or greater chance of flooding in any  
 1316 given year. Designation on maps always includes the letter A.
- 1317 4 **Basement** Any area of the building having its floor sub-grade (below  
 1318 ground level) on all sides

**Deleted: GMA Critical Areas  
 Ordinance¶  
 Adopted 02-02-94¶  
 GMAFINAL**

1319  
1320  
1321  
  
1322  
1323  
1324  
  
1325  
1326  
1327  
1328  
1329  
1330  
  
1331  
1332  
1333  
1334  
  
1335  
1336  
1337  
1338  
1339  
1340  
1341  
1342  
  
1343  
1344  
1345  
1346  
  
1347  
1348  
1349  
1350  
1351  
  
1352  
1353  
1354  
  
1355  
1356  
1357  
  
1358

- 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.
- 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.
- 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.
- 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.
- 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.
- 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 ."
- 13 **Encroachment** The construction, placement of fill, or similar alteration of topography in the flood plain that reduces the area available to convey floodwaters.
- 14 **FIRM** Flood Insurance Rate Map (see "effective FIRM")

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1359  
1360  
1361  
1362  
  
1363  
1364  
1365  
1366  
1367  
1368  
1369  
1370  
  
1371  
1372  
1373  
1374  
1375  
  
1376  
1377  
  
1378  
1379  
  
1380  
1381  
1382  
1383  
  
1384  
1385  
1386  
1387  
1388  
1389  
  
1390  
1391  
1392  
1393  
  
1394  
1395  
1396  
  
1397  
1398

- 15 Flood or Flooding** A general and temporary condition of partial or complete inundation of normally dry land areas from: a) the overland flow of inland or tidal waters and/or b) the unusual and rapid accumulation of runoff of surface waters from any source.
- 16 Flood Damage** Harmful inundation, water erosion of soil, stream banks and beds, harmful deposition by water of eroded and shifting soils and debris upon property or in the beds of streams, or other bodies of water, damages by high water to public roads, highways, bridges, utilities and to works built for protection against floods or inundation, the interruption by floods of travel, communication and commerce, and all other high water influences and results which adversely affect the public health and safety of property. (RCW 86.16.120)
- 17 Flood Insurance Rate Map** The insurance and flood plain management map issued by FEMA that identifies, based on detailed or approximate analysis, areas of 100 year flood hazard in a community. Also shown on the FIRM are actuarial insurance rate zones. In areas studied by detailed analysis, the FIRM also shows BFE's and 500 year flood plain boundaries.
- 18 Flood Insurance Study** The engineering study performed by FEMA to identify flood-prone areas and other flood data within a community.
- 19 Flood Plain or Flood Prone Area** Any land area subject to inundation by water from any source (see definition of "flooding").
- 20 Flood Plain Management** The operation of a program of corrective and preventive measures for reducing flood damage, including to but not limited to, emergency preparedness plans, flood control works, and flood plain management regulations.
- 21 Flood Plain Management Regulations** Those zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- 22 Floodway** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- 23 Group Care Facility** An agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis.
- 24 Lacustrine Flood Hazard Area** Those areas subject to inundation by flooding from lakes or ponds.

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1399  
1400  
1401  
1402  
1403  
1404  
  
1405  
1406  
1407  
1408  
  
1409  
1410  
1411  
  
1412  
1413  
1414  
1415  
1416  
  
1417  
1418  
  
1419  
1420  
1421  
1422  
  
1423  
1424  
1425  
1426  
1427  
  
1428  
1429  
1430  
1431  
  
1432  
1433  
1434  
  
1435  
1436  
1437  
1438  
1439

- 25 **Lowest Floor** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.
- 26 **Manufactured Home** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- 27 **Manufactured Home Park Or Subdivision** A parcel (or contiguous parcels) of land having two or more manufactured home sites for sale, rent, lease or transfer of ownership.
- 28 **Meander Belt** The area within which a stable river channel can be expected to move back and forth in the present climate. Instability resulting from land use changes or channel constraint can cause erosion beyond the meander belt. Riparian wetlands and related features such as oxbows and sloughs occur within the meander belt.
- 29 **New Construction** structures for which the start of construction commenced on or after the effective date of this ordinance.
- 30 **Non-Detailed Study Areas** Those areas covered by the current Flood Insurance Study (FIS) for unincorporated areas of Okanogan County that have been studied by approximate methods. Study by approximate methods entails extrapolation of data computed for detailed study areas.
- 31 **Recreational Vehicle** A vehicle which is a) built on a single chassis; b) 400 square feet or less when measured at the largest horizontal projection; c) designed to be self propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 32 **Regulatory Floodway** The channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment so that the 100-year flood discharge can be conveyed without increasing the base flood elevation more than a specified amount.
- 33 **Riverine Flood Hazard Area** Those areas related to, formed by, or resembling a river (including tributaries), streams, creeks, etc., subject to inundation by flooding.
- 34 **Start Of Construction** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit issuance date. The actual start means either the first placement of permanent construction of a structure on a site, such

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1440 as the pouring of slabs or footings, the installation of piles, the construction  
1441 of columns, or any work beyond the stage of excavation. Permanent  
1442 construction does not include land preparation, such as clearing, grading  
1443 and filling; nor does it include the installation of streets and/or walkways;  
1444 nor does it include excavation for a basement, footings, piers, or foundation  
1445 or the erection of temporary forms.

1446 **35 Structure** A walled and roofed building including a gas or liquid storage  
1447 tank that is principally above ground.

1448 **36 Substantial Improvement** Any repair, reconstruction, or improvement of  
1449 a structure, the cost of which equals or exceeds 50 percent of the market  
1450 value of the structure either:

- 1451 a) before the improvement or repair is started, or
- 1452 b) if the structure has been damaged and is being restored, before the  
1453 damage occurred. For the purposes of this definition substantial  
1454 improvement is considered to occur when the first alteration of any  
1455 wall, ceiling, floor, or other structural part of the building commences,  
1456 whether or not that alteration affects the external dimensions of the  
1457 structure.

1458 **The term does not include:**

- 1460 c) any alteration of a structure listed on the National Register of Historic  
1461 Places or a State Inventory of Historic Places.
- 1462 d) any project for improvement and or of a structure to comply with  
1463 existing state or local health, sanitary, or safety code specifications  
1464 which are solely necessary to assure safe living.

1466 **37 Variance** A grant of relief from the requirements of this chapter which  
1467 permits construction in a manner that would otherwise be prohibited by this  
1468 chapter.

← Formatted: Bullets and Numbering

1469 **38 Water Surface Elevation** The height, in relation to NGVD of 1929 (or  
1470 other datum where specified), of floods of various magnitudes and  
1471 frequencies in lacustrine (lake) and riverine flood hazard areas.

1472 **GENERAL PROVISIONS**

1473 **A. LANDS TO WHICH THIS ORDINANCE APPLIES**

1474 This ordinance shall apply to all areas of special flood hazard within the  
1475 jurisdiction of Okanogan County, identified on Flood Insurance Rate Maps as  
1476 100-year flood plains and maps associated with other special flood studies.

1477 **B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

1478 The basis for establishing Local Flood Plain Management regulations shall be the  
1479 areas designated as special flood hazard areas on the most recent maps provided  
1480 by the Federal Emergency Management Agency for the National Flood Insurance

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1481 Program. Best available information shall be used if these maps are not available or  
1482 sufficient. (RCW 86.16.051).

1483 The areas of special flood hazard identified by the Federal Insurance Administration  
1484 in a scientific and engineering report entitled The Flood Insurance Study for the  
1485 Okanogan County area (revised May 2, 1994 and its subsequent revisions) with  
1486 accompanying Flood Insurance Rate Maps is hereby adopted by reference and  
1487 declared to be a part of this ordinance. The Flood Insurance Study is on file at the  
1488 Okanogan County Office of Planning and Development.

1489 **C. PENALTIES FOR NONCOMPLIANCE**

1490 No structure or land shall hereafter be constructed, located, extended, converted, or  
1491 altered without full compliance with the terms of this ordinance and other applicable  
1492 regulations. Violation of the provisions of this ordinance by failure to comply with any  
1493 of its requirements including violations of conditions and safeguards established in  
1494 connection with conditions shall constitute a gross misdemeanor. Any person who  
1495 violates this ordinance or fails to comply with any of its requirements shall upon  
1496 conviction thereof be fined not more than three hundred dollars (\$300.00) or  
1497 imprisoned for not more than ninety (90) days, or both, for each violation, and  
1498 in addition shall pay all costs and expenses involved in the case. Nothing herein  
1499 contained shall prevent Okanogan County from taking such other lawful action as is  
1500 necessary to prevent or remedy any violation.

1501 **D. ABROGATION AND GREATER RESTRICTIONS**

1502 This ordinance is not intended to repeal, abrogate, or impair any existing  
1503 easements, covenants, or deed restrictions. However, where this ordinance and  
1504 another ordinance, easement, covenant, or deed restriction conflict or overlap,  
1505 whichever imposes the more stringent restrictions shall prevail.

1506 **E. INTERPRETATION**

1507 In the interpretation and application of this ordinance, all provisions shall be:

- 1508 1 Considered as minimum requirements;
- 1509 2 Liberally construed in favor of the governing body; and,
- 1510 3 Deemed neither to limit nor repeal any other powers granted under State  
1511 statutes.

Formatted: Bullets and Numbering

1512

1513 **F. WARNING AND DISCLAIMER OF LIABILITY**

1514 The degree of flood protection required by this ordinance is considered reasonable  
1515 for regulatory purposes and is based on scientific and engineering considerations.  
1516 Larger floods can and will occur on rare occasions. Flood heights may be increased  
1517 by man-made or natural causes. This ordinance does not imply that land outside the  
1518 area of special flood hazards or uses permitted within such areas will be free from

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1519 flooding or flood damages. This ordinance shall not create liability on the part of  
1520 Okanogan County, any officer or employee thereof, or the Federal Insurance  
1521 Administration, for any flood damages that result from reliance on this ordinance or  
1522 any administrative decision lawfully made hereunder.

1523 **ADMINISTRATION**

1524 **A. ESTABLISHMENT OF DEVELOPMENT PERMIT**

1525 **1. Development Permit Required**

1526 A development permit shall be obtained before construction or development  
1527 begins within any area of special flood hazard established in Section 15.08.050.  
1528 B. The permit shall be for all structures including manufactured homes, as set  
1529 forth in 15.08.040, B, DEFINITIONS, and for all development including fill and  
1530 other activities, also as set forth in the DEFINITIONS.

1531 **2 Application for Development Permit**

1532

1533 a) Application for a development permit shall be made on forms  
1534 furnished by the Okanogan County Office of Planning and  
1535 Development and may include but not be limited to: two (2) copies of  
1536 plans drawn to scale showing the nature, location, dimensions, and  
1537 elevations of the area in question; existing or proposed structures, fill,  
1538 storage of materials, drainage facilities, and the location of the  
1539 foregoing.

1540 b) The following specific information is required on plan drawings:

- 1541 (1) elevation in relation to mean sea level, of the lowest floor  
1542 (including basement) of all structures;
- 1543 (2) elevation in relation to mean sea level to which any structure has  
1544 been flood-proofed;
- 1545 (3) certification by a registered professional engineer that the flood-  
1546 proofing methods for any nonresidential structure meet the flood-  
1547 proofing criteria in Section 15.08.070, B, 2;
- 1548 (4) description of the extent to which a watercourse will be altered or  
1549 relocated as a result of proposed development;
- 1550 (5) certified topographic data; and
- 1551 (6) hydrologic and hydraulic analyses. (Applicable for non-detailed  
1552 study areas only).

1553 c) Information required by this ordinance for a *detailed study area*  
1554 shall be provided by a professional licensed surveyor or a

Formatted: Bullets and Numbering

Formatted: Highlight

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1555 professional licensed engineer.

1556 d) Information required by this ordinance for a non-detailed study area  
1557 shall be provided by a professional licensed engineer on a stable  
1558 base mylar.

1559 **B. DESIGNATION OF THE ADMINISTRATOR**

1560 1 The Director of the Okanogan County Office of Planning and Development  
1561 is hereby appointed to administer and implement this ordinance by granting  
1562 or denying development permit applications in accordance with its  
1563 provisions.

1564 2 The Director may at his/her discretion delegate the Administrative  
1565 requirements of this ordinance.

1566 **C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

1567 Duties of the Administrator shall include, but not be limited to:

1568 **1. Permit Review**

1569 a) Review all development permits to determine that the permit  
1570 requirements of this ordinance have been satisfied.

1571 b) Review all development permits to determine that all necessary  
1572 permits have been obtained from those Federal, State, or local  
1573 governmental agencies from which prior approval is required.

1574 c) Review all development permits to determine if the proposed  
1575 development is located in the floodway. If located in the floodway,  
1576 assure that the encroachment provisions of Section 15.08.070 are  
1577 met.

1578 **2. Use of Other Base Flood Data**

1579 When base flood elevation data has not been provided in accordance with  
1580 Section 15.08.050, B, BASIS FOR ESTABLISHING THE AREAS OF  
1581 SPECIAL FLOOD HAZARD, the Administrator shall obtain, review, and  
1582 reasonably utilize any base flood elevation and floodway data available from  
1583 a federal, State or other source, in order to administer Sections 15.08.070.

1584 **3. Information to be Obtained and Maintained**

1585 a) Where base flood elevation data is provided through the Flood  
1586 Insurance Study or required as in Section 15.08.060, C, 2, obtain and  
1587 record the actual elevation (in relation to mean sea level) of the lowest  
1588 floor (including basement) of all new or substantially improved  
1589 structures, and whether or not the structure contains a basement.

1590 b) For all new or substantially improved flood-proofed structures:  
1591 (1) verify and record the actual elevation (in relation to mean sea level),

Formatted: Bullets and Numbering

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1592  
1593  
1594  
1595  
1596  
1597  
1598  
1599  
1600  
1601  
1602  
1603  
1604  
1605  
1606  
1607  
1608  
1609  
1610  
1611  
1612  
1613  
1614  
1615  
1616  
1617  
1618  
1619  
1620  
1621  
1622  
1623  
1624  
1625  
1626  
1627  
1628  
1629  
1630  
1631  
1632  
1633  
1634  
1635

- and
- (2) maintain required flood-proofing certifications.
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

**4. Alteration of Watercourses**

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

**5. Interpretation of FIRM Boundaries**

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.08.060, D.

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

**1. Procedures**

- a) The Okanogan County Board of Adjustment/Hearings Examiner as established by Okanogan County Commissioners shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) 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.
- c) 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.
- d) 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:
  - (1) the danger that materials may be swept onto other lands to the injury of others;
  - (2) the danger to life and property due to flooding or erosion damage;
  - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) the importance of the services provided by the proposed facility to the community;
  - (5) the necessity to the facility of a waterfront location, where

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1636  
1637  
1638  
1639  
1640  
1641  
1642  
1643  
1644  
1645  
1646  
1647  
1648  
1649  
1650  
1651  
1652  
1653  
1654  
1655  
1656  
1657  
1658  
1659  
1660  
1661  
1662  
1663  
1664  
1665  
1666  
1667  
1668  
1669  
1670  
1671  
1672  
1673  
1674  
1675  
1676  
1677  
1678  
1679  
1680  
1681  
1682

- applicable;
  - (6) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) the compatibility of the proposed use with existing and anticipated development;
  - (8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) 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
  - (11) the cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of Section 15.08.060, D, 1, d), and the purposes of this ordinance, the Okanogan County Board of Adjustment/Hearings Examiner may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

## **2. Conditions for Variances**

- a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items [(1)-(11)] in Section 15.08.060, D, 1, d), have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
  - (1) a showing of good and sufficient cause;
  - (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - (3) a determination that the granting of a variance will not result in

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1683  
1684  
1685  
1686  
1687  
1688  
1689  
1690  
1691  
1692  
1693  
1694  
1695  
1696  
1697  
1698  
1699  
1700  
1701  
1702  
1703  
1704  
1705  
1706  
1707  
1708  
1709  
1710  
1711  
1712  
1713  
1714  
1715  
1716  
1717  
1718  
1719  
1720  
1721  
1722  
1723  
1724  
1725  
1726  
1727  
1728

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 15.08.060, D, 1, d), or conflict with existing local laws or ordinances.

- f) 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.
- g) 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 15.08.060, D, 2, a), and otherwise complies with Sections 15.08.070, A, 1, and 15.08.070, A, 2, of the GENERAL STANDARDS.
- h) 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.

## **PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **A. GENERAL STANDARDS**

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

#### **1. Anchoring**

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. Substantial improvements shall include any raw sewage line or extension of any such line.
- b) All manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's Manufactured Home Installation in Flood Hazard Areas guidebook for additional techniques). See specific standards in Section 15.08.070, B, 3.

#### **2. Construction Materials and Methods**

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1729  
1730  
1731  
1732  
1733  
1734  
1735  
1736  
1737  
1738  
1739  
1740  
1741  
1742  
1743  
1744  
1745  
1746  
1747  
1748  
1749  
1750  
1751  
1752  
1753  
1754  
1755  
1756  
1757  
1758  
1759  
1760  
1761  
1762  
1763  
1764  
1765  
1766  
1767  
1768  
1769  
1770  
1771  
1772  
1773  
1774  
1775

constructed using methods and practices that minimize flood damage.

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

### **3. Utilities**

- a) All new and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### **4. Subdivision, Short Plat, Binding Site Plan, Planned Development Proposals**

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

### **5. Review of Building Permits**

#### **a) Detailed Study Area**

Information required by this ordinance for a detailed study area shall be provided by a professional licensed surveyor and or a professional licensed engineer.

#### **b) Non-Detailed Study Area**

Information required by this ordinance for a non-detailed study area

← --- Formatted: Bullets and Numbering

← --- Formatted: Bullets and Numbering

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1776  
1777  
1778  
1779  
1780  
1781  
1782  
1783  
1784  
1785  
1786  
1787  
1788  
1789  
1790  
1791  
1792  
1793  
1794  
1795  
1796  
1797  
1798  
1799  
1800  
1801  
1802  
1803  
1804  
1805  
1806  
1807  
1808  
1809  
1810  
1811  
1812  
1813  
1814  
1815  
1816  
1817  
1818  
1819  
1820  
1821  
1822

shall be provided by a professional licensed engineer. Computations of water surface elevations/base flood elevations in open channels may be documented utilizing the Quick-2 computer program (or its FEMA authorized revisions or replacement programs).

(1) Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 15.08.060, C, 2), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, recent surveys, photographs of past flooding, etc., where available. Failure to elevate at least two (2) feet above adjacent grade in these zones may result in higher insurance rates.

## **B. SPECIFIC STANDARDS**

← - - - Formatted: Bullets and Numbering

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.08.050, B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 15.08.060, C, 2, Use of Other Base Flood data, the following provisions are required:

### **1. Residential Construction**

- a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.
- b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a registered professional engineer and shall meet or exceed the following minimum criteria:
  - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c) **No structures for human habitation or any sewage disposal facilities shall be constructed or placed in areas inundated by the 100-year flood within the Methow Review District, Rural Residential, and Low Density Residential zoning districts. (Ord. 94-10 § 2, 1994).**

### **2. Nonresidential Construction**

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1823  
1824  
1825  
1826  
1827  
1828  
1829  
1830  
1831  
1832  
1833  
1834  
1835  
1836  
1837  
1838  
1839  
1840  
1841  
1842  
1843  
1844  
1845  
1846  
1847  
1848  
1849  
1850  
1851  
1852  
1853  
1854  
1855  
1856  
1857  
1858  
1859  
1860  
1861  
1862  
1863  
1864  
1865  
1866  
1867  
1868  
1869

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

- a) be flood-proofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b) have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy;
- c) be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.08.060, C, 2.
- d) Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 15.08.070, B, 1, b).
- e) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g.: a building constructed to the base flood level will be rated as one foot below that level).

### 3. Manufactured Homes

- a) All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:
    - (1) Outside of a manufactured home park or subdivision,
    - (2) In a new manufactured home park or subdivision,
    - (3) In an expansion to an existing manufactured home park or subdivision, or
    - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage as the result of a flood:
- shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- b) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions shall be elevated so that either:

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1870  
1871  
1872  
1873  
1874  
1875  
1876  
1877  
1878  
1879  
1880  
1881  
1882  
1883  
1884  
1885  
1886  
1887  
1888  
1889  
1890  
1891  
1892  
1893  
1894  
1895  
1896  
1897  
1898  
1899  
1900  
1901  
1902  
1903  
1904  
1905  
1906  
1907  
1908  
1909  
1910  
1911  
1912  
1913  
1914  
1915  
1916

- (1) The lowest floor of the manufactured home is elevated one foot above the base flood elevation, or
- (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### **4. Recreational Vehicles**

← --- Formatted: Bullets and Numbering

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

- a) Be on the site for fewer than 180 calendar days during a calendar year, and
- b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect types utilities and security devices, and has no permanently attached additions, or
- c) Be elevated on a permanent foundation such that the lowest floor of the recreational vehicle is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

← --- Formatted: Bullets and Numbering

#### **5. Critical Facilities**

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

### **C. FLOODWAYS**

Located within areas of special flood hazard established in Section 15.08.050, B 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:

- 1. Restriction of land uses within designated floodways include the prohibition of construction or reconstruction of residential structures except for:
  - a) repairs, reconstruction, or improvements to a structure which do not

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1917  
1918  
1919  
1920  
1921  
1922  
1923  
1924  
1925  
1926  
1927  
1928  
1929  
1930  
1931  
1932  
1933  
1934  
1935  
1936  
1937  
1938  
1939  
1940  
1941  
1942  
1943  
1944  
1945  
1946  
1947  
1948  
1949  
1950  
1951  
1952  
1953  
1954  
1955  
1956  
1957  
1958  
1959  
1960  
1961  
1962  
1963

increase the ground floor area; and  
b) 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,

- (1) before the repair or reconstruction is started, or
- (2) 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.

- 2. The minimum requirements for national flood insurance program, and
- 3. the state requirements adopted pursuant to RCW 86.16.031(8) that are applicable to the County.
- 4. 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.

5. If Section 15.08.070, C, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 15.08.070, PROVISIONS FOR FLOOD HAZARD REDUCTION.

NOTE: Where base flood elevations have been provided but floodways have not, Section 15.08.070, D, applies.

Formatted: Highlight

**D. ENCROACHMENTS**

Formatted: Bullets and Numbering

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)**

Formatted: Bullets and Numbering

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:

- 1 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

Formatted: Bullets and Numbering

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1964  
1965  
1966  
1967  
1968  
1969  
1970  
1971  
1972  
1973  
1974  
1975  
1976  
1977  
1978  
1979  
1980  
1981  
1982  
1983  
1984  
1985  
1986  
1987  
1988  
1989  
1990  
1991  
1992  
1993  
1994

specified).

2 New construction and substantial improvements of nonresidential structures within AO zones shall either:

a) 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

b) 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 15.08.070, B, 2, c).

3 Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

4 Recreational vehicles placed on sites within AO Zones on the community's FIRM either:

a) be on the site for fewer than 180 consecutive days, and

b) be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c) Meet the requirements of 15.08.070, E above and the elevation and anchoring requirements for manufactured homes.

**SEVERABILITY**

If any section or provision of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged to be invalid or unconstitutional.

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

1995  
1996  
1997

## **XVIII. Geologically Hazardous Areas**

1998  
1999  
2000  
2001  
2002

### **Exemptions**

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

2003  
2004  
2005

### **A. Erosion Hazard Areas**

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

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

2006  
2007  
2008  
2009  
2010  
2011  
2012  
2013  
2014

- ◆ A slope of 30% or greater,
- ◆ Soils identified by the Soil Conservation Service (SCS) as unstable and having a high potential for erosion, and
- ◆ Areas that are exposed to the erosion effects of wind or water.

2015

#### **Designation / Mapping**

2016  
2017  
2018  
2019  
2020  
2021  
2022  
2023  
2024  
2025

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

2026

#### **Regulations**

2027  
2028  
2029  
2030  
2031  
2032  
2033  
2034  
2035  
2036  
2037

1. Areas identified as Erosion Hazard Areas shall not be developed unless it is demonstrated that the project is structurally safe from the potential hazard, and that the development will not increase the hazard risk.
2. A reasonable setback or design considerations for development on or next to an Erosion Hazard Area shall be established on a case-by-case basis.
3. Existing uses legally established in Erosion Hazard Areas shall be allowed to continue. Expansion of any existing use shall meet structural standards that ensure the safety of the project.
4. A run-off management plan or an erosion control plan may be required of anyone proposing to develop in an Erosion Hazard Area, to reduce sedimentation problems.

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

- 2038  
2039  
2040  
2041  
2042  
2043  
2044  
2045  
2046  
2047  
2048  
2049
5. If an applicant disagrees with the staff recommendation for setbacks or the extent of the hazard present, and could not mitigate the hazard to the point of precluding development of the site, the applicant has the option of hiring a structural geologist with expertise in erosion hazards, to study the area and prepare a report detailing findings and recommendations for the potential for site development. The report shall conform to Special Studies Section II C of this chapter.
  6. Disturbance of an Erosion Hazard Area requires reseeding with native vegetation, to assist in stabilization of the area and to discourage the infiltration of knapweed.

2050  
2051  
2052

## **B. Landslide Hazard Areas**

### **Classification / Rating System**

2053  
2054

Landslide hazard areas may include:

- 2055  
2056  
2057  
2058  
2059  
2060  
2061  
2062  
2063  
2064
- ◆ All areas in the County that have historically been prone to land sliding (check geologic maps).
  - ◆ All areas containing soil types identified by the Soil Conservation Service as unstable and prone to landslide hazard.
  - ◆ All areas in the County that show evidence of or are at risk from snow avalanches.
  - ◆ All areas in the County that are potentially unstable as a result of rapid stream incision or stream bank erosion.

2065

### **Designation / Mapping**

2066  
2067  
2068  
2069  
2070

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

2071

### **Regulations**

- 2072  
2073  
2074  
2075  
2076  
2077  
2078  
2079  
2080  
2081  
2082  
2083  
2084
1. Areas identified as Landslide Hazard Areas shall not be developed unless it is demonstrated that the project is structurally safe from the potential hazard, and that the development will not increase the hazard risk.
  2. A reasonable setback for development near a Landslide Hazard Area shall be established on a case-by-case basis, based on the type of development proposed and the type and extent of Landslide Hazard present.
  3. If an applicant disagrees with the staff recommendation for setbacks or the extent of the hazard present, and could not mitigate the hazard to the point of precluding development of the site, the applicant has the option of hiring a qualified professional with experience in landslide hazards, to study the area and prepare a report detailing findings and recommendations for the potential for site development. The report shall conform to the Special Studies Section of this chapter.

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

2085

2086 **C. Mine Hazard Areas**

2087 **Classification / Rating System**

2088 Mine Hazard Areas include: Areas that are directly underlain by, adjacent to, or  
2089 affected by mine workings such as adits, tunnels, drifts, or air shafts with the  
2090 potential for creating large underground voids susceptible to collapse, tailings  
2091 piles, and waste rock. In addition, steep and unstable slopes created by open  
2092 mines, tailings and waste rock piles have the potential for being mine hazard  
2093 areas. Mine hazard areas are based upon the identification of active or historic  
2094 mining activity and site-specific information regarding topography and geology.  
2095

2096 **Designation / Mapping**

2097 Lands that meet the classification criteria are hereby designated as mine hazard  
2098 areas and will be mapped by Okanogan County as resources become available.  
2099

2100 **Regulations**

2101 In the event that a development is proposed within 25 feet of one of the above  
2102 classified areas, and a development approval is required by the County, the  
2103 following regulations shall apply:  
2104

- 2105 1. The locations of obvious previous mining activities and workings shall be  
2106 noted on all site plans submitted to the County for any development requiring  
2107 a permit from the County.
- 2108 2. The applicant shall comply with any known, previously prepared and  
2109 approved site reclamation plan.
- 2110 3. The applicant should attempt to avoid development directly on any tailings  
2111 pile. A setback for development may be suggested by the Office of Planning  
2112 and Development. If the content of the tailings pile is known to be hazardous,  
2113 a setback for development will be determined based on the known hazard of  
2114 the type and mineral/chemical content of each tailings pile, and an industry  
2115 standard for safety distance from that specific mineral/chemical, based on the  
2116 proposed use of the site.
- 2117 4. Setbacks from obvious mine workings shall be determined and suggested on  
2118 a case-by-case basis.
- 2119 5. Development that affects the portion of a site that contains previous mining  
2120 activities may require the applicant to prepare a reclamation plan for  
2121 restoration of the site, if the hazard is determined to be one constituting a  
2122 significant hazard to health and life and is a clear and present danger to  
2123 human health and the environment.
- 2124 6. If necessary, a geotechnical report may be required to determine safety  
2125 distances for any development of a site containing mine hazards, or for the  
2126 preparation of a reclamation plan for the site. The report shall conform to  
2127 Special Studies Section II of this chapter.  
2128  
2129

2130 **D. Seismic Hazard Areas**

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

2131 **Classification / Rating System**

2132 The majority of Okanogan County is located within Seismic Zone 2B in  
2133 accordance with the **Uniform Building Code (2006 Edition, as amended)**.

Deleted: 1991

2134  
2135 **Designation / Mapping**

2136 There are no known active faults in Okanogan County.  
2137

2138 **Regulations**

- 2139 1. All development activities shall be required to conform to the applicable
- 2140 provisions of the Uniform Building Code which contains structural safeguards
- 2141 to reduce the risks from seismic activity.
- 2142 2. No development shall occur on any known active fault line that has the
- 2143 potential to cause severe damage to structures. A reasonable setback for
- 2144 development shall be required on a case-by-case basis (based on the type
- 2145 and recent activity of the particular fault and the proposed development).

2146

2147 **E. Volcanic Hazard Areas**

2148 **Classification / Rating System**

2149 No Volcanic Hazard Areas are known to exist in Okanogan County. There are,  
2150 however, several active volcanoes that could have impacts on areas of  
2151 Okanogan County. The impacts would include the fall-out of ash. There is no  
2152 way to prevent the impacts of fallen ash, but there are ways to respond to the  
2153 ash that could lessen its impacts.  
2154

2155 **Designation / Mapping**

2156 No mapping is necessary.  
2157

2158 **Regulations**

2159 The County shall consider updating its "Emergency Response Program" to  
2160 address the affects of fallen ash and how citizens could help minimize that  
2161 impact.  
2162

2163 **F. Channel Migration Zones**

2164 **Classification/Rating System**

2165 Those areas subject to risk from lateral channel movement due to stream bank  
2166 destabilization, rapid stream channel changes (i.e. avulsions), stream bank  
2167 erosion, and/or shifts in location of steam channels, as shown on Okanogan  
2168 County's Channel Migration Zone Hazard maps.  
2169

2170 **Designation/Mapping**

2171 Maps are provided for the Methow River in Appendix A and the Okanogan River  
2172 in Appendix B.  
2173

2174 **Regulations**

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

- 2175 | 1. New structural flood hazard reduction measures shall be allowed only when it  
2176 | can be demonstrated by a scientific and engineering analysis that they are  
2177 | necessary to protect existing development.  
2178 |  
2179 | 2. A stormwater management plan may be required on a case by case basis.  
2180 |  
2181 | 3. A geotechnical report and mitigation plan may be required on a case by case  
2182 | basis.  
2183 |  
2184 |

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

2185  
2186

## **XIX. Wetlands**

### **Exemptions**

2188 All Category II and III wetlands with a total area less than 2,500 square feet and  
2189 all Category IV wetlands with a total area less than 10,000 square feet are not  
2190 regulated by this ordinance, and therefore, are exempt from regulations.

2191 In addition, the following uses shall be allowed within a wetland or wetland buffer:

- 2192 ◆ Conservation or preservation of soil, water, vegetation, fish, and other wildlife;
- 2193 ◆ Outdoor recreational activities, including, but not limited to, fishing, bird watching,  
2194 hiking, hunting, boating, horseback riding, Nordic skiing, swimming, canoeing,  
2195 and bicycling provided the activity does not alter the wetland by changing existing  
2196 topography, water conditions or water sources;
- 2197 ◆ The harvesting of wild crops in a manner that is not injurious to natural  
2198 reproduction of such crops and provided the harvesting does not require tilling of  
2199 soil, planting of crops, or alteration of the wetland by changing existing  
2200 topography, water conditions or water sources;
- 2201 ◆ Existing and ongoing agricultural activities;
- 2202 ◆ Existing and ongoing commercial and agricultural operations in wetland areas  
2203 that are legally conducted activities at the time of the adoption of wetlands  
2204 regulations;
- 2205 ◆ The maintenance (but not construction) of drainage ditches;
- 2206 ◆ Education, scientific research, and use of nature trails;
- 2207 ◆ Navigation aids and boundary markers;
- 2208 ◆ Boat mooring buoys;
- 2209 ◆ Site investigative work necessary for land use application submittals such as  
2210 surveys, soil logs, percolation tests and other related activities. In every case,  
2211 wetland impacts shall be minimized and disturbed areas shall be immediately  
2212 restored;
- 2213 ◆ Normal maintenance, repair, or operation of existing serviceable structures,  
2214 facilities, or improved areas;
- 2215 ◆ Minor modification of existing serviceable structures within a buffer zone shall be  
2216 allowed to expand a maximum of 25% of the square footage existing at the time  
2217 of the adoption of this chapter (the expansion maximum shall include decks,  
2218 room additions, second floor areas and the like, where modification does not  
2219 adversely impact wetland functions; and
- 2220 ◆ Structures and activities that currently and legally exist within wetlands buffer  
2221 areas at the time of adoption of this Chapter.  
2222

### **Classification / Rating System**

2224 Wetlands shall be classified and rated according to the "four category" criteria  
2225 and procedures contained in the "Washington State Wetland Rating System for  
2226 Eastern Washington", (Publication #04-06-015, March 2007), as amended by  
2227 Okanogan County.

### **Designation / Mapping**

2229 The approximate location and extent of wetlands in the County are displayed on  
2230 the National Wetlands Inventory Map. The wetland map, along with other  
2231 supportive documentation, are to be used as a guide to the general location and

Deleted: 91-58

Deleted: Oct. 1991

Deleted: and the Okanogan County  
Wetlands Inventory Map, as it is  
developed.

Deleted: s

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

2232 extent of wetlands. There may be wetlands that are not shown on the wetlands  
2233 inventory maps. However, each potential wetland must be evaluated by the  
2234 Administrator to determine the applicability of these requirements. In the event  
2235 that any of the wetland designations shown on the maps conflict with the criteria  
2236 set forth in this chapter, the criteria shall take precedence.  
2237  
2238

## 2239 **Regulations**

### 2240 **Regulated Activities**

#### 2241 **Permit Required**

2242 A development permit is required when any alterations are proposed to a  
2243 wetland.

Deleted: Category I

2244

2245 The following activities are regulated in Category I, II, and certain Category III  
2246 and IV wetlands and their buffers, unless specifically listed as an exemption:

Deleted: A development permit is required when any alterations are proposed to any Category II, III, and IV wetlands only when in conjunction with other permits that are required by the Office of Planning and Development.

2247

- 2248 a. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals,  
2249 organic matter, or material of any kind;
- 2250 b. The dumping, discharging, or filling with any material;
- 2251 c. The draining, flooding, or disturbing of the water level or water table;
- 2252 d. The driving of pilings;
- 2253 e. The placing of obstructions;
- 2254 f. The construction, reconstruction, demolition, or expansion of any structure;
- 2255 g. The destruction or alteration of native wetlands vegetation (including  
2256 clearing, harvesting, shading through chemicals, intentional burning, or  
2257 planting of vegetation that would alter the character of a wetland, provided  
2258 that these activities are not part of a forest practice governed under chapter  
2259 **76.09 RCW** and its rules; or
- 2260 h. Activities that result in a significant change of water temperature, a  
2261 significant change of physical or chemical characteristics of wetlands water  
2262 sources, including quantity, or the introduction of pollutants.

2263

2264

#### 2265 **Waivers - Wetland Delineation Requirement**

2266 The requirement for a complete wetland delineation will be waived for any  
2267 proposed low-intensity activity that, after a field investigation by county staff,  
2268 indicates the following:

- 2269 ♦ Sufficient information exists for staff to estimate the boundaries of a wetland  
2270 without delineation; **and**
- 2271 ♦ The proposed activity and all structures are not proposed to be located within the  
2272 following distances from the estimated wetland boundary:

2273	Category I	250 ft.
2274	Category II	125 ft.
2275	Category III	75 ft.
2276	Category IV	75 ft.

2277 (NOTE: These are not standard wetland buffers; these are an option provided  
2278 for cases when a delineation is not made. If a single family residence is

Deleted: GMA Critical Areas Ordinance  
Adopted 02-02-94  
GMAFINAL

2279 proposed to be closer to the wetland than the distance identified above, a  
2280 wetland delineation shall be performed.)

2281

2282 ♦ The proposed activity is more than 300 feet from the estimated wetland boundary, if  
2283 the Category of wetland is unknown.

2284

2285

2286

### **Delineation Required**

2287

A wetland delineation and categorization shall be performed on property  
2288 containing wetlands where development activities are planned within the wetland  
2289 or wetland buffer.

2290

2291

The delineation shall be performed by a qualified individual or firm and be  
2292 prepared according to the most recent State Wetlands Rating System for Eastern  
2293 Washington (Publication #04-06-015) and the 1989 Federal Wetlands Manual  
2294 (Rating System). Either the applicant shall be responsible to provide a  
2295 delineation, or, as an alternative, the Administrator may engage a qualified  
2296 individual or firm at the expense of the applicant before a permit can be issued.

Deleted: 91-58

2297

2298

The location of the outer extent of the wetland buffer and the areas to be  
2299 disturbed pursuant to an approved permit shall be marked in the field, and such  
2300 field marking shall be approved by the Administrator prior to the commencement  
2301 of permitted activities. Such field markings shall be maintained throughout the  
2302 duration of the permit.

2303

2304

2305

### **Conditions of Permit Approval**

2306

Conditions attached to the granting of a wetlands permit shall assure the  
2307 protection of the functions and values of the affected regulated wetlands.

2308

2309

Development applications shall consider and / or incorporate the following  
2310 provisions, if applicable:

2311

2312

- 2313 1. limiting the degree or magnitude of the regulated activity;
- 2314 2. limiting the implementation of the regulated activity;
- 2315 3. using appropriate and best available technology;
- 2316 4. taking affirmative steps to avoid or reduce impacts;
- 2317 5. sensitive site design and siting of facilities and construction staging areas  
away from regulated wetlands and their buffers;
- 2318 6. involving resource agencies early in site planning; and
- 2319 7. providing protective measures such as siltation curtains, hay bales and other  
2320 siltation prevention measures, scheduling the regulated activity to avoid  
2321 interference with wildlife and fisheries rearing, resting, nesting or spawning  
2322 activities.

2323

2324

2325

### **Wetland Buffers**

2326

#### **a. Standard Buffer Zone Widths**

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

2327 Wetland buffer zones shall be required for all activities contiguous to wetlands.  
 2328 Any wetland created, restored or enhanced as compensation for approved  
 2329 wetland alterations shall also include the standard buffer required for the  
 2330 category for the created, restored, or enhanced wetland. All buffers shall be  
 2331 measured from the wetland boundary as surveyed in the field during delineation.  
 2332 The width of the wetland buffer zone shall be determined according to wetland  
 2333 category and the proposed land use.  
 2334

Wetland Category	Buffer
<b>Category I</b>	
High Intensity	300 feet
Low Intensity	200 feet
<b>Category II</b>	
High Intensity	200 feet
Low Intensity	75 feet
<b>Category III</b>	
High Intensity	75 feet
Low Intensity	50 feet
<b>Category IV</b>	
High Intensity	50 feet
Low Intensity	50 feet

2335  
 2336  
 2337  
 2338  
 2339  
 2340  
 2341  
 2342

**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;

Deleted: GMA Critical Areas  
 Ordinance¶  
 Adopted 02-02-94¶  
 GMAFINAL

2343 2. that low intensity land uses would be located adjacent to areas where buffer  
2344 width is reduced, and that such low intensity land uses are guaranteed in  
2345 perpetuity by covenant, deed restriction, easement, or other legally binding  
2346 mechanism to not be converted to a high intensity use; **and**  
2347 3. that width averaging will not materially degrade the wetland functional values.  
2348 In no instance shall the buffer width be reduced by more than 50% of the  
2349 standard buffer or be less than 25 feet.

2350  
2351 **c. Buffer Integrity**

2352 Except as otherwise specified, wetland buffer zones shall be retained in their  
2353 natural condition. Where buffer disturbance has occurred during construction,  
2354 revegetation with native vegetation may be required.

2355  
2356 **d. Permitted Uses in a Wetland Buffer Zone**

2357 Activities shall not be allowed in a buffer zone except for the following:

- 2358  
2359 1. activities having minimal adverse impacts on buffers and no adverse impacts on  
2360 regulated wetlands. These may include but are not limited to: low intensity, passive  
2361 recreational activities such as unpaved trails, wildlife watching blinds, short term  
2362 scientific or educational activities, and sports fishing or hunting;  
2363  
2364 2. with respect to category III and IV wetlands, stormwater management facilities having  
2365 no reasonable alternative on-site location; or  
2366  
2367 3. with respect to category II, III, and IV wetlands, low-intensity development having no  
2368 feasible alternative location.

2369  
2370 **Mitigation**

2371 A Condition of Approval or a Result of Enforcement

2372 **Compensating for Wetlands Impacts.**

2373 As a condition of any permit allowing alteration within wetlands and/or wetland  
2374 buffers, or as an enforcement action pursuant to the **Enforcement** section, the  
2375 Administrator shall require that the applicant engage in the restoration, creation  
2376 or enhancement of wetlands and their buffers in order to offset the impacts  
2377 resulting from the applicant's or violator's actions. The Applicant shall develop  
2378 a plan that provides for land acquisition, construction, maintenance and  
2379 monitoring of replacement wetlands that recreate, as nearly as possible, the  
2380 original wetlands in terms of function, geographic location and setting, and that  
2381 are larger than the original wetlands. The overall goal of any compensatory  
2382 project shall be no net loss of regulated wetlands functions and values.  
2383 Compensation shall be completed prior to wetland destruction, where possible.  
2384 All wetlands restored, created or purchased shall be maintained as a wetland  
2385 in perpetuity.  
2386 Compensatory mitigation shall follow an approved mitigation plan pursuant to  
2387 the **Mitigation Plans** section and shall meet the following minimum  
2388 performance standards:

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

2389  
2390  
2391  
2392  
2393  
2394  
2395  
2396  
2397  
2398  
2399  
2400  
2401  
2402  
2403  
2404  
2405  
2406  
2407  
2408  
2409  
2410  
2411  
2412  
2413  
2414  
2415  
2416  
2417  
2418  
2419  
2420  
2421  
2422  
2423  
2424  
2425  
2426  
2427  
2428  
2429  
2430  
2431  
2432  
2433  
2434  
2435

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

- A. scientific expertise, supervisory capability, and financial resources to carry out the project;
- B. capability for monitoring the site and to make corrections during a two year period if the project fails to meet projected goals; and
- C. protection and management of the compensation area to avoid further development or degradation and to provide for long-term persistence of the compensation area.

2. Wetlands Restoration, Creation, Enhancement, or Compensation  
Wetlands mitigation shall be accomplished by any one or combination of the following five methods, at the choice of the applicant:

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

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

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

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

D. The following ratios apply to creation of new wetlands, restoration of wetlands, or wetlands purchased for preservation which is in-kind, onsite, timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

2436  
2437  
2438  
2439  
2440  
2441  
2442  
2443  
2444

resulting from illegal alterations. The first number specifies the acreage of wetlands requiring replacement and the second specifies the acreage of wetlands altered.

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

**Replacement Ratios**

<b>Category I</b>	<b>6.00:1</b>
<b>Category II and III</b>	
<b>Forested</b>	<b>3.00:1</b>
<b>Scrub-Shrub</b>	<b>2.00:1</b>
<b>Emergent</b>	<b>1.50:1</b>
<b>Category IV</b>	<b>1.25:1</b>

2445  
2446  
2447  
2448  
2449  
2450  
2451  
2452

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

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

2453

**3. Wetland Type**

2454  
2455  
2456  
2457  
2458  
2459  
2460  
2461  
2462  
2463  
2464  
2465

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

- i. the wetland system is already significantly degraded and out-of-kind replacement will result in a wetland with greater functional value;
- ii. scientific problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impossible;
- iii. out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types).
- iv. where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

Deleted: GMA Critical Areas Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

- 2466 4. Location.
- 2467 **A.** On-site compensation shall be provided except where the applicant
- 2468 can demonstrate that:
- 2469 i. the hydrology and ecosystem of the original wetland and those who benefit
- 2470 from the hydrology and ecosystem will not be substantially damaged by the
- 2471 onsite loss; **and**
- 2472 ii. onsite compensation is not scientifically feasible due to problems with
- 2473 hydrology, soils or other factors; **or**
- 2474 iii. compensation is not practical due to potentially adverse impact from
- 2475 surrounding land uses; **or**
- 2476 iv. existing functional values at the site of the proposed restoration are
- 2477 significantly greater than lost wetland functional values; **or**
- 2478 v. that established regional goals for flood storage, flood conveyance,
- 2479 habitat or other wetland functions have been established and strongly justify
- 2480 location of compensatory measures at another site.
- 2481 **B.** Offsite compensation shall occur within the same watershed as the
- 2482 wetland loss occurred, provided that Category IV wetlands may be
- 2483 replaced outside of the watershed when there is no reasonable
- 2484 alternative.
- 2485 **C.** In selecting compensation sites, applicants shall pursue siting in the
- 2486 following order of preference:
- 2487 i. upland sites which were formerly wetlands;
- 2488 ii. idled upland sites generally having bare ground or vegetative cover
- 2489 consisting primarily of exotic introduced species, weeds, or emergent
- 2490 vegetation;
- 2491 iii. other disturbed upland.
- 2492
- 2493 5. Timing.
- 2494 **A.** Where feasible, compensatory projects shall be completed prior to
- 2495 activities that will disturb wetlands, and immediately after activities that will
- 2496 temporarily disturb wetlands. In all other cases, except for Category I
- 2497 wetlands, compensatory projects should be completed prior to use or
- 2498 occupancy of the activity or development which was conditioned upon
- 2499 such compensation. Construction of compensation projects shall be timed
- 2500 to reduce impacts to existing wildlife and flora.
- 2501
- 2502 6. Cooperative Restoration, Creation or Enhancement Projects.
- 2503 **A.** The Administrator may encourage, facilitate, and approve cooperative
- 2504 projects wherein a single applicant or other organization with
- 2505 demonstrated capability may undertake a compensation project with
- 2506 funding from other applicants under the following circumstances:
- 2507 i. restoration, creation or enhancement at a particular site may be
- 2508 scientifically difficult or impossible; or
- 2509 ii. creation of one or several larger wetlands may be preferable to many
- 2510 small wetlands.
- 2511 **B.** Persons proposing cooperative compensation projects shall:
- 2512 i. submit a joint permit application;

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

- 2513                   ii. demonstrate compliance with all standards;  
2514                   iii. demonstrate the organizational and fiscal capability to act cooperatively;  
2515                   and  
2516                   iv. demonstrate that long term management can and will be provided.  
2517  
2518

2519                   **Mitigation Plans**

2520 All wetland restoration, creation and/or enhancement projects required pursuant  
2521 to this chapter either as a permit condition or as the result of an enforcement  
2522 action shall follow a mitigation plan prepared by qualified wetland professionals  
2523 approved by the Administrator. The applicant or violator shall receive written  
2524 approval of the mitigation plan by the Approval Authority prior to commencement  
2525 of any wetland restoration, creation or enhancement activity. Mitigation Plans  
2526 shall contain the following components:  
2527

2528                   1. Baseline Information. A written assessment and accompanying maps of  
2529 the:

- 2530                   ♦ impacted wetland including, at a minimum, wetland delineation; existing  
2531 wetland acreage; vegetative, fauna and hydrologic characteristics; soil and  
2532 substrate conditions; topographic elevations and
- 2533                   ♦ compensation site, if different from the impacted wetland site, including at a  
2534 minimum: existing acreage; vegetative, faunal and hydrologic conditions;  
2535 relationship within watershed and to existing waterbodies; soil and substrate  
2536 conditions, topographic elevations; existing and proposed adjacent site  
2537 conditions; buffers; and ownership.

2538  
2539                   2. Environmental Goals and Objectives. A written report shall be provided  
2540 identifying goals and objectives and describing:

- 2541                   ♦ the purposes of the compensation measures including a description of site  
2542 selection criteria, identification of compensation goals; identification of target  
2543 evaluation species and resource functions, dates for beginning and  
2544 completion, and a complete description of the structure and functional  
2545 relationships sought in the new wetland. The goals and objectives shall be  
2546 related to the functions and values of the original wetland or if out-of-kind,  
2547 the type of wetland to be emulated; and
- 2548                   ♦ A review of the available literature and/or experience to date in restoring or  
2549 creating the type of wetland proposed shall be provided. An analysis of the  
2550 likelihood of success of the compensation project at duplicating the original  
2551 wetland shall be provided based on the experiences of comparable projects,  
2552 if any. An analysis of the likelihood of persistence of the created or restored  
2553 wetland shall be provided based on such factors as surface and ground  
2554 water supply and flow patterns, dynamics of the wetland ecosystem;  
2555 sediment or pollutant influx and/or erosion, periodic flooding and drought,  
2556 etc., presence of invasive flora or fauna, potential human or animal  
2557 disturbance, and previous comparable projects, if any.

2558  
2559                   3. Performance Standards. Specific criteria shall be provided for evaluating  
2560 whether or not the goals and objectives of the project and for beginning

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

2561 remedial action or contingency measures. Such criteria may include water  
2562 quality standards, survival rates of planted vegetation, species abundance and,  
2563 diversity targets, habitat diversity indices, or other ecological, geological or  
2564 hydrological criteria.

2565

2566 **4. Detailed Construction Plans.** Written specifications and descriptions of  
2567 compensation techniques shall be provided including the proposed  
2568 construction sequence, grading and excavation details, erosion and sediment  
2569 control features needed for wetland construction and long-term survival, a  
2570 planting plan specifying plant species, quantities, locations, size, spacing, and  
2571 density; source of plant materials, propagules, or seeds; water and nutrient  
2572 requirements for planting; where appropriate, measures to protect plants from  
2573 predation; specification of substrate stockpiling techniques and planting  
2574 instructions; descriptions of water control structures and water-level  
2575 maintenance practices needed to achieve the necessary  
2576 hydrocycle/hydroperiod characteristics; etc. These written specifications shall  
2577 be accompanied by detailed site diagrams, scaled cross-sectional drawings,  
2578 topographic maps showing slope percentage and final grade elevations, and  
2579 any other drawings appropriate to show construction techniques or anticipated  
2580 final outcome. The plan shall provide for elevations which are appropriate for  
2581 the desired habitat type(s) and which provide sufficient tidal prism and  
2582 circulation data.

2583

2584 **5. Monitoring Program.** A program outlining the approach for monitoring  
2585 construction of the compensation project and for assessing a completed  
2586 project shall be provided. Monitoring may include, but is not limited to:  
2587 ♦ Establishing vegetation plots to track changes in plant species composition  
2588 and density over time;  
2589 ♦ using photo stations to evaluate vegetation community response;  
2590 ♦ sampling surface and subsurface waters to determine pollutant loading, and  
2591 changes from the natural variability of background conditions (pH,  
2592 nutrients, heavy metals);  
2593 ♦ measuring base flow rates and storm water runoff to model and evaluate  
2594 water quality predictions, if appropriate;  
2595 ♦ measuring sedimentation rates, if applicable; and  
2596 ♦ sampling fish and wildlife populations to determine habitat utilization,  
2597 species abundance and diversity.

2598 A protocol shall be included outlining how the monitoring data will be evaluated  
2599 by agencies that are tracking the progress of the compensation project. A  
2600 monitoring report shall be submitted annually, at a minimum, documenting  
2601 milestones, successes, problems, and contingency actions of the  
2602 compensation project. The compensation project shall be monitored for a  
2603 period necessary to establish that performance standards have been met, but  
2604 not for a period less than five years.

2605

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

- 2606 6. Contingency Plan. Identification of potential courses of action, and any  
2607 corrective measures to be taken when monitoring or evaluation indicates  
2608 project performance standards are not being met.  
2609
- 2610 7. Permit Conditions. Any compensation project prepared pursuant to this  
2611 section and approved by the Administrator shall become part of the application  
2612 for the permit.  
2613
- 2614 8. Performance Bonds and Demonstration of Competence.  
2615 Demonstration of financial resources, administrative, supervisory, and technical  
2616 competence and scientific expertise of sufficient standing to successfully  
2617 execute the compensation project shall be provided. A compensation project  
2618 manager shall be named and the qualifications of each team member involved  
2619 in preparing the mitigation plan and implementing and supervising the project  
2620 shall be provided, including educational background and areas of expertise,  
2621 training and experience with comparable projects. In addition, bonds ensuring  
2622 fulfillment of the compensation project, monitoring program, and any  
2623 contingency measure shall be posted in the amount of one hundred twenty  
2624 (120) percent of the expected cost of compensation.  
2625
- 2626 9. Compensatory mitigation is not required for regulated activities, for which a  
2627 permit has been obtained, that occur only in the buffer or expanded buffer and  
2628 which have no adverse impacts to regulated wetlands.

Deleted: GMA Critical Areas  
Ordinance¶  
Adopted 02-02-94¶  
GMAFINAL

(a) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use:

(i) Streams segments having a defined channel of 5 feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet.

(ii) Ponds or impoundments having a surface area of less than 1 acre a seasonal low water and having an outlet to an anadromous fish stream.

(b) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:

(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.

(ii) Ponds or impoundments having a surface area greater than 0.5 acres a seasonal low water.

(c) Are highly significant for the protection of down stream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

Level I Species	Level II Species	Level III Species
<i>THREATENED OR ENDANGERED SPECIES</i>	<i>SPECIES AND HABITAT OF LOCAL CONCERN</i>	<i>OTHER IMPORTANT SPECIES AND HABITAT</i>
White Pelican	Anadromous/Resident Fish	Chukar
Bald Eagle	Western Bluebird	Blue Grouse (nest/winter range)
Spotted Owl	Common Loon	Long Billed Curlew
Western Gray Squirrel	Sharp-Tailed Grouse (wintering and lek)	Priority Mule Deer Winter Range
	Golden Eagle (nest)	White Tail Deer
	Harlequin Duck	
	Mountain Goat	
	Big Horn Sheep	
	Great Blue Heron (Nest sites)	
	Mule Deer:	
	*Critical Winter Range	
	*Migration Corridors	
	*Spring Range	
	Habitat Types:	Habitat Types:
	*Caves	*Talus Slopes

	*Riparian (Type 1, 2, & 3 Waters)	*Riparian (Type 4 Waters, subject to setback regulation only)
	*Cliffs	
	*Shrub Steppe	

(2) Riparian setback requirements in riparian areas are intended in part to mitigate the impacts of construction near riparian areas and to protect riparian areas so that fish and wildlife may flourish. Water bodies classified by the Water Typing System (WAC 222-16-030) have the following required building setbacks where riparian areas occur:

<b>Water Type</b>	<b>Setback</b> <i>(Measured on the horizontal, from the ordinary high water mark)</i>
Type 1 & 2 Waters	200 feet
Type 3 Waters	150 feet
Type 4 Waters	50 feet
Type 5 Waters	Not regulated

**Note:** When the placement of a structure does not remove riparian vegetation, Shoreline Master Program setbacks apply.