

Chapter 24.08

CRITICAL AREAS AND CULTURAL RESOURCES

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1 **Article I. General Provisions**

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3 **24.08.010 Authorization and Purpose**

- 4
5 (a) This Chapter of the Grant County Code is established pursuant to RCW 36.70A.060 and RCW
6 36.70A.170.
7
8 (b) The purpose of this is to define, identify and protect the following critical areas as required by the
9 Growth Management Act of 1990 (Chapter 17, Laws of 1990).
10

11 **24.08.020 Categorization of Critical Areas**

- 12
13 (a) Critical areas in Grant County are categorized as follows:
14 (1) Wetlands;
15 (2) Frequently Flooded Areas;
16 (3) Critical Aquifer Recharge Areas;
17 (4) Geologically Hazardous Areas; and
18 (5) Fish and Wildlife Habitat Conservation Areas;
19 (6) Cultural Resource Areas.
20

21 **24.08.030 Applicability and Authorization Required**

- 22
23 (a) The provisions of this Chapter shall apply to those land use or development activities that:
24 (1) Are within the geographical limits of critical areas as set forth in this Chapter; and
25 (2) Require a development permit or review under any of the following Grant County Codes:
26 (A) GCC § 22.04 – Land Division;
27 (B) GCC § 23.04 – Zoning Districts;
28 (C) GCC § 24.04 – State Environmental Policy Act;
29 (D) GCC § 24.12 – Shoreline Master Program; and
30 (E) GCC Title 14 – Buildings and Construction; and
31 (3) Is not an exempt land use or development activity delineated in GCC § 24.08.060.
32
33 (b) No land use development or use application pursuant to the Grant County Codes identified in GCC §
34 24.08.030(b)(2) shall be accepted as counter complete pursuant to GCC § 25.04.150 until the
35 applicant demonstrates to the satisfaction of the Administrative Official compliance with the
36 provisions of this Chapter. For a building permit, submission of a complete critical areas checklist
37 shall be considered counter complete.
38
39 (c) No land use development permit or land use, division or development approval pursuant to the Grant
40 County Codes identified in GCC § 24.08.030(a)(2) shall be granted for any activity regulated under
41 this Chapter until the applicant demonstrates to the satisfaction of the Administrative Official
42 compliance with the provisions of this Chapter.
43
44 (d) Critical area review, pursuant to this Chapter, shall be conducted as part of the underlying permit or
45 approval. For any activity altering or disturbing any critical areas and not subject to or requiring an
46 underlying development permit or approval, such activity shall not proceed in the absence of approval
47 of a critical areas alteration permit issued pursuant to this Chapter.
48
49
50

1 **24.08.040 Relationship to Other Regulations**
2

3 (a) Areas characterized by a particular critical area may also be subject to other federal, state and local
4 regulations. Compliance with this Code does not affect a person’s obligation to comply in all respects
5 with necessarily satisfy or eliminate other agency regulatory requirements. In the event of any conflict
6 between the requirements of this Code and any other Code or ordinance of Grant County, the
7 regulation that provides the greater protection for the particular critical area shall apply.
8

9 (b) Federal regulations include, but are not limited to:

- 10 (1) Clean Water Act, Section 404, 401
- 11 (2) Endangered Species Act
- 12 (3) Federal Water Pollution Control Act
- 13 (4) National Environmental Policy Act
- 14 (5) National Floodplain Insurance Program

15
16 (c) State regulations include, but are not limited to:

- 17 (1) RCW 43.21C State Environmental Policy Act
- 18 (2) RCW 75.20 Hydraulic Project Approval
- 19 (3) RCW 77.12 Bald Eagle Protection Rules
- 20 (4) RCW 78.44 Surface Mining Act
- 21 (5) RCW 90.03 State Water Code
- 22 (6) RCW 90.48 State Water Pollution Control Act
- 23 (7) RCW 90.58 Shoreline Management Act

24
25 (d) Regional regulations include, but are not limited to:

- 26 (1) GCC §24.16 Flood Damage Prevention
- 27 (2) GCC § 24.04 SEPA
- 28 (3) GCC § 23.12 Development Standards
- 29 (4) Grant County Shoreline Master Program
- 30 (5) Grant County Solid Waste Permits
- 31 (6) Grant County On-Site Sewage Disposal Permits

32
33 **24.08.050 Jurisdictional Substitution and Coordination**
34

35 (a) Jurisdictional Substitution: In cases where other agencies possess jurisdictional control over critical
36 areas and it is determined by the Administrative Official that the permit conditions satisfy the
37 requirements of this Chapter, those requirements may substitute for the requirements of this Chapter.
38 Such requirements shall be a condition of critical area approval and be enforceable by the County.
39 The County shall notify the applicant in writing when any such substitution is made. The County
40 shall also notify the public through a Notice of Decision as provided in GCC § 25.04 and shall
41 provide opportunity for written comment by the Washington State Department of Ecology and/or the
42 Washington Department of Fish and Wildlife as to whether the substitution provides required
43 protection of critical areas.
44

45 (b) Jurisdictional Coordination: In addition to the provisions established in this Chapter, the County shall
46 coordinate its own programs with those of other public and private organizations to enhance
47 management of Critical Areas in Grant County. A partial list of public and private programs
48 providing additional protection to critical areas includes:

- 49 (1) Local plans or programs include, but are not limited to:
50 (A) Watershed Management Plans (WRIA 41 – Lower Crab, WRIA 42 – Grand Coulee, WRIA

1 43 – Upper Crab-Wilson)

- 2 (B) GCC §24.16 Flood Damage Prevention
- 3 (C) GCC § 24.04 SEPA
- 4 (D) GCC § 23.12 Development Standards
- 5 (E) Grant County Shoreline Management Master Program
- 6 (F) Grant County Solid Waste Permits
- 7 (G) Grant County On-Site Sewage Disposal Permits
- 8 (H) Grant County Open Space Taxation Program

9 (2) State and federal programs include, but are not limited to:

- 10 (A) Washington State Hydraulic Project Permits (HPA)
- 11 (B) Washington State Pesticide Applicator License Requirements
- 12 (C) Washington State Waste Discharge Permits
- 13 (D) Washington State Water Quality Certification Requirements (401)
- 14 (E) Federal Corps 404 Permits and Section 10 Permits
- 15 (F) Tribal Environmental Policy Act (TEPA) requirements.

16
17 **24.08.060 General Exemptions**

18
19 (a) The following developments, land-use activities and associated uses shall be exempt from the
20 provisions of this Chapter provided that they are otherwise consistent with the applicable provisions
21 of other Grant County ordinances:

22 (1) Emergency Actions. An emergency action is an action required to mitigate an unanticipated and
23 imminent threat to the public health or safety or to the environment within a period of time too
24 short to allow full compliance with this Chapter. The following criteria shall exist to qualify any
25 action under an emergency provision:

- 26 (A) There must be an immediate threat to life, public or private property, or an immediate threat
27 of serious environmental degradation arising from a natural condition, or non-natural
28 accident or incident;
- 29 (B) The emergency response shall be confined to the action necessary to protect life or property
30 from damage;
- 31 (C) The scope of the emergency response must be limited to the work necessary to relieve the
32 immediate threat; and
- 33 (D) The emergency response applies only to the period of time in which the actual emergency
34 exists.

35 Once the emergency is abated or dissipated as deemed by jurisdictional authorities, compliance
36 with the requirements of this chapter is required.

37
38 Emergency actions shall use reasonable methods that minimize the impact to critical areas and
39 their buffers. Persons who take emergency action shall notify the Administrative Official within
40 one (1) working day following commencement of the emergency activity. Following such
41 notification, the Administrative Official shall determine if the action taken was within the scope
42 and definition of emergency actions as defined above. If the Administrative Official determines
43 that the action taken or any part of the action taken was beyond the scope and definition of
44 allowed emergency actions, then the enforcement provisions of GCC § 25.16 shall apply;

45 (2) Agricultural Operations. Existing and ongoing agricultural operations as defined in GCC § 25.02
46 including related development and activities that are conducted on lands designated as
47 Agricultural by the Grant County Comprehensive Plan which do not result in expansion into a
48 critical area or its buffer or do not result in an increase in impact to a critical area. Existing and
49 ongoing agricultural activities, however, shall comply with agricultural best management
50 practices contained within any conservation plan between the property owner and the

1 Department of Ecology pursuant to Chapter 89.08 RCW. Existing and ongoing agricultural
2 activities that result in significant adverse impacts to a critical area or its buffer shall not be
3 exempt from the provisions of this Chapter. New development and/or expansion of existing
4 operations shall comply with the provisions of this Chapter;

- 5 (3) Operation, Maintenance, and Repair of Columbia Basin Project-related Facilities. Activities
6 conducted by or on behalf of the U.S. Department of the Interior, Bureau of Reclamation related
7 to operation, maintenance, and repair of facilities;
- 8 (4) Activity Adjacent to Artificial Watercourses. Activity adjacent to artificial watercourses which
9 are constructed and actively maintained for irrigation and drainage; provided, that any activity
10 shall comply with RCW 75.20.100 and RCW 75.20.103 by securing written approval from the
11 Washington State Department of Fish and Wildlife; and provided further, that the activity must
12 also comply with all applicable drainage, erosion and sedimentation control requirements for
13 water quality. The operator shall notify the Administrative Official in writing regarding the
14 location and nature of anticipated activities a minimum of 21 days prior to commencing any
15 such activity. Such notification shall be a condition for allowance of this activity as an
16 exemption from the provisions of this Chapter;
- 17 (5) Maintenance, Repair and Operation. Normal and routine maintenance, repair and operation of
18 existing structures, utilities, sewage disposal systems, water systems, drainage facilities, ponds,
19 flood control facilities, electric and communications facilities, and public and private roads and
20 driveways associated with pre-existing residential or commercial use. However, any person
21 engaging in or providing any maintenance or repair activities shall use reasonable methods with
22 the least amount of potential impact to critical areas. Any impacted critical area or its buffer
23 shall be restored after the completion of maintenance/repair activities to the maximum extent
24 practicable;
- 25 (6) Modifications of Buildings. Modification of: (1) an existing single-family residence that does
26 not change the use from residential, does not expand the building footprint, or increase septic
27 effluent and (2) an existing building having other than single-family use which does not expand
28 the building footprint, alter the use, or increase septic effluent. A person granted an exemption
29 under this subsection for a particular building cannot receive another exemption under this
30 subsection for the same building unless ten (10) years have elapsed from the date of granting of
31 the previous exemption;
- 32 (7) Replacement of Manufactured Homes. Replacement of a manufactured home, as defined in
33 GCC § 25.02, that does not increase the number of bedrooms or exacerbate nonconformity with
34 critical area setbacks or buffers required under this Chapter. A person granted an exemption
35 under this subsection for a particular building cannot receive another exemption under this
36 subsection for the same building unless ten (10) years have elapsed from the date of granting of
37 the previous exemption;
- 38 (8) Site Investigations. Site investigation work necessary for land use applications such as surveys,
39 soil and mineral resource explorations, percolation tests, archaeological explorations authorized
40 and approved by all jurisdictional agencies, and other related activities. However, critical area
41 impacts shall be minimized and disturbed areas shall be immediately restored to the maximum
42 extent practicable;
- 43 (9) Landscape Maintenance. Maintenance activities such as mowing, normal pruning, and gardening
44 accessory to single family residential use, provided that such maintenance activities are limited
45 to existing landscaping improvements and do not expand into critical areas or associated buffers,
46 do not expose soils, do not alter topography, do not destroy or clear native vegetation, and do not
47 diminish water quality or quantity. This allowance shall not be construed as applying to
48 agricultural activities undertaken outside lands designated as Agricultural;
- 49 (10) Enhancement Activities. Fish, wildlife, wetland and/or riparian enhancement activities not
50 required as mitigation provided that the project is approved by the U.S. Department of Fish and

1 Wildlife, the Washington State Department of Fish and Wildlife and the Washington State
2 Department of Ecology;

3 (11) Navigation Aids and Boundary Markers. Construction or modification of navigational aids and
4 channels markers;

5 (12) Noxious Weed Control; and

6 (13) Passive Activities. Passive recreational activities and uses, sport fishing, hunting, scientific and
7 educational activities, or similar minimal impact, activities.

8
9 (b) Although exempt from the provisions of this Code, those activities delineated in GCC § 24.08.060,
10 above, may not be exempt from other federal, state and local regulations regarding critical areas.

11
12 **24.08.070 General Review Procedures**

13
14 (a) Critical areas review shall be classified and processed in the manner delineated in GCC § 25.04 for
15 the underlying development permit or approval being sought. Critical areas alteration permits issued
16 pursuant to this Chapter and not subject to an underlying permit or approval shall be classified as a
17 Type II permit, and shall be processed in the manner delineated in GCC § 25.04.

18
19 (b) A critical areas determination, using local best available science, by the Administrative Official under
20 this Chapter shall be in addition to, and not a substitute for, any other development permit or
21 authorization required by the GCC. A critical areas determination shall not be interpreted as an
22 approval of any other permit or authorization required of a development, construction or use.

23
24 (c) Pre-Application Review. Applications for certain project permits shall not be accepted by the
25 Administrative Official unless the applicant has scheduled and attended a pre-application conference,
26 as specified in GCC § 25.04.130. Pre-application review is not intended to provide an exhaustive
27 review of all the potential issues that a given application could raise. Pre-application review does not
28 prevent the County from applying all relevant laws to the applicant. In addition to the purposes listed
29 in GCC § 25.04.130(b), the review is intended to establish:

30 (1) The critical areas involved or potentially impacted;

31 (2) The degree to which a proposed development may impact a designated critical area; and

32 (3) If there is a need for a preliminary site assessment or technical assistance conference to better
33 define the critical area issues.

34
35 (d) Technical Assistance Conference. If requested by the applicant or required by the Administrative
36 Official, the Administrative Official will arrange and conduct a meeting of representatives of Grant
37 County Departments and Resource Agency Personnel having technical expertise, interest, or
38 jurisdiction in the proposed development. The technical assistance conference may also involve a
39 preliminary site assessment, if it is determined that identification of or resolution of issues related to
40 the proposed development may be achieved through an on-site review. The purpose of the technical
41 assistance conference will be to:

42 (1) Confirm and define the requirements of any other applicable local, state or federal regulations;

43 (2) Clarify any identified procedural or regulatory conflicts and define alternative courses of action
44 available to the applicant in addressing project requirements;

45 (3) Provide the applicant with guidance, available data and information that will assist in complying
46 with the provisions of this title, other chapters of the GCC and other applicable regulations;

47 (4) Provide the applicant with guidance concerning project modifications or site enhancements that
48 would minimize impacts to the critical area;

49 (5) Provide the applicant with alternatives for securing data, information, or assistance necessary to
50 the project; and

1 (6) Determine whether a special assessment or study is necessary.
2

3 (e) The procedure for critical areas review shall be as follows:

4 (1) Determination of Applicability: Based on the documents submitted by the applicant, the
5 Administrative Official shall first determine if the proposed activity conforms to any of the
6 exemptions to this Chapter as delineated in GCC § 24.08.060. If the Administrative Official
7 determines that the proposed activity meets any of the listed exemptions, no further critical areas
8 review is required pursuant to this Chapter, except as necessary for the Administrative Official
9 to ensure that the proposed activity is undertaken as described in the application and as shown
10 on the site plan. The Administrative Official shall note this determination in the application file.

11 (2) Critical Areas Checklist: If the Administrative Official determines that the proposed activity
12 does not meet any of the listed exemptions, or any best management practices and/or restoration
13 requirements associated therewith, the applicant shall complete a critical areas checklist on
14 forms provided by the Department of community Development.

15 (3) Preliminary Assessment: The Department will review the critical areas checklist together with
16 resource information and maps identified in the relevant sections of this Chapter, and may
17 conduct a site reconnaissance to determine whether critical areas or their required buffers are
18 affected by the proposed activity. The applicant shall be responsible for providing the
19 Department with sufficient and accurate information regarding the proposed activity and site
20 conditions and shall allow and facilitate on-site observation by the Department in connection
21 with this review. Restriction of access shall be grounds for denial of critical areas alteration
22 permit and/or underlying permit or approval.

23 (4) Preliminary Determination: Based on the preliminary assessment, the Administrative Official
24 shall make one of the following determinations:

25 (A) Determination that Critical Areas are Not Associated: If the Administrative Official
26 determines that critical area indicators are not present within 300 feet of the proposed
27 development activity that is the subject of a proposed development application, no further
28 critical areas review is required pursuant to this Chapter, except as necessary for the
29 Administrative Official to ensure that the proposed activity is undertaken as described in
30 the application and as shown on the site plan. The Administrative Official shall note this
31 determination in the application file. This determination shall not constitute approval of any
32 use or activity, nor its compliance with the requirements of this Chapter, outside the scope
33 of that stated in the application. Any proposed change in use or scope of activity from that
34 contained in the application shall be subject to further review under this Chapter. The
35 applicant shall acknowledge in writing that this determination by the Administrative
36 Official regarding the apparent absence of critical area indicators and the likelihood that
37 critical areas will not be affected is not intended as an expert certification regarding the
38 presence or absence of critical areas and that the critical areas review process is subject to
39 possible reopening if new information is received as described in GCC § 24.08.080(5),
40 below. If the applicant wants greater assurance of the accuracy of any such critical area
41 indicators determination, the applicant may hire a qualified critical areas expert to provide
42 such assurances; or

43 (B) Determination that Critical Areas Are Associated: If the Administrative Official determines
44 that critical area indicators are present within 300 feet of the proposed development activity
45 that is the subject of a proposed development application, then the Administrative Official
46 shall note this determination in the application file. The Administrative Official shall notify
47 the applicant of such determination, and the applicant shall complete a critical areas
48 assessment pursuant to the requirements of this Chapter.

49 (5) Reopening of Review Process: If at any time following the Administrative Official's
50 determination that critical areas are not associated with the proposed activity and prior to

1 completion of project review under GCC § 25.04, including any appeals, the Administrative
2 Official receives new evidence that critical areas may be associated with the proposed activity,
3 the Administrative Official shall reopen the critical areas review process and shall require
4 completion of a critical areas assessment and mitigation pursuant to this Chapter. Once project
5 review is complete pursuant to GCC § 25.04, including any appeals, then the Administrative
6 Official's determination that critical areas are not associated with the proposed activity shall be
7 final, unless appealed pursuant to GCC 25.04 Article X. However, the Administrative Official
8 shall not be prevented from reopening the critical areas review process if the Department relied
9 on misinformation, provided by the applicant in the permit application or critical areas checklist.

- 10 (6) Critical Areas Assessment: The requirements of a critical areas assessment are dependent upon
11 the particular critical area of interest. The applicant shall conduct, or cause to have conducted, a
12 technical assessment and prepare a Critical Areas Assessment Report pursuant to GCC §
13 24.08.090 and as delineated in the relevant sections of this Chapter.
- 14 (7) Waiver of Wetland Site Assessment Requirements: In circumstances where the Administrative
15 Official has identified the presence of wetland indicators within 300 feet of the proposed
16 development activity that is the subject of a proposed development application, the
17 Administrative Official may consider waiving the site assessment requirements of GCC §
18 24.08.230 upon receiving a written request from the applicant. Such a waiver shall only be
19 granted under the following conditions:
- 20 (A) The wetland in question has been preliminarily identified by County technical staff as a
21 Class IV wetland;
- 22 (B) The proposed development application is for a single-family residence, subdivision or short
23 subdivision on an existing lot of record if field investigation by County staff indicates the
24 following:
- 25 (i) Sufficient information exists for staff to estimate the boundaries of a wetland without
26 a delineation; and
- 27 (ii) The Administrative Official determines that the single-family residence and all
28 accessory structures and uses, or building envelopes and building setback lines in the
29 case of subdivisions and short subdivisions, as proposed will not impact the critical
30 area and will not impact a buffer twice the standard width required pursuant to this
31 GCC § 24.08.250 from the estimated wetland boundary;
- 32 (C) The Administrative Official determines that the project or activity as proposed will not
33 impact the wetland and will not impact a buffer twice the standard width required pursuant
34 to this Chapter;
- 35 (D) The Administrative Official determines that such a waiver will not reduce the long-term
36 protection of the identified critical area;
- 37 (E) Prior to any such waiver, the Administrative Official shall either convene a site visit by a
38 Technical Interdisciplinary Team or provide opportunity for review and comment by
39 members of a Technical Interdisciplinary Team; and
- 40 (F) The Administrative Official may consider all comments received from the Technical
41 Interdisciplinary Team prior to waiving the site assessment requirements of this Chapter
42 and shall include these comments in the record along with the basis and rationale for any
43 such decision.
- 44 (G) For any project or activity for which the site assessment requirement has been waived, no
45 further critical area review shall be required, except as necessary for the Administrative
46 Official to ensure that the proposed activity is undertaken as described in the application
47 and as shown on the site plan. The Administrative Official shall note this waiver in the
48 application file.
- 49 (8) Critical Areas Determination: Based on the findings of the Critical Area Assessment Report and
50 other available relevant information, the Administrative Official shall make a determination

1 regarding critical areas on the proposed activity. A determination to approve a proposed activity
2 may include stipulation of binding conditions and required mitigation, monitoring, maintenance
3 or other conditions of approval pursuant to this Chapter. If the Administrative Official
4 determines that there are no conditions under which the proposed activity could be approved,
5 then the Administrative Official shall deny the proposal.

6 (9) Request for Variance: If, as a result of the critical areas determination, the applicant believes that
7 he or she is eligible for a variance from one or more of the requirements of this Chapter, or one
8 or more of the stipulations or conditions of the critical areas determination, then the applicant
9 may request a variance as described in GCC §24.08.100.

10 (10) Application for Reasonable Use Exception: If, as a result of the critical areas determination, the
11 applicant believes that the requirements of this Chapter, including any request for a variance
12 from the requirements of this Chapter, still leave the applicant with no reasonable economically
13 viable use of his or her property, then the applicant may apply for a reasonable use exception
14 pursuant to GCC §24.08.100.

15
16 (f) Any decision of the Administrative Official or other Decision Maker in the administration of this
17 Chapter may be appealed according to the provisions of GCC § 25.04 Article X.

18
19 (g) For proposed development subject to environmental review pursuant to GCC § 24.04 and Chapter
20 197-11 WAC (SEPA Rules), information demonstrating compliance with the standards of this
21 Chapter shall be submitted in connection with environmental documents. Any environmental
22 determination shall include a review of this material to determine whether the requirements of this
23 Chapter have been met.

24
25 (h) For proposed development exempt from or not subject to environmental review pursuant to GCC §
26 24.04 and Chapter 197-11 WAC (SEPA Rules), information demonstrating compliance with the
27 standards of this Chapter shall be submitted in connection with permit or approval application
28 documents.

29
30 (i) Activities in and around critical areas often require review and permitting by state and federal
31 agencies. The requirements of this Chapter are additional to any and all state and federal review,
32 approval, and/or permit responsibilities.

33 34 **24.08.080 Resource Information and Maps**

35
36 (a) Critical areas are designated on a series of data maps maintained by the Department. These maps
37 contain graphic representation of critical areas based on the best available science data obtained by
38 the Department from a variety of sources considered reliable. Specific sources of data are identified in
39 the relevant sections of this Chapter. The maps may be supplemented with inventories, raw data, and
40 interpretations made by professionals having expertise in the delineation, classification, function and
41 value of one or more critical area.

42
43 (b) The maps are for information and illustrative purposes, and are intended to alert a person to the
44 potential presence of critical areas that may affect the ability to obtain regulatory approval to develop
45 and/or use the subject parcel. The maps are intended as a general guide to the location and extent of
46 critical areas. They do not definitively indicate that critical areas do or do not exist on or near a
47 subject parcel; rather, they denote the presence of indicators that suggest a critical area may be
48 present on or near the subject parcel. They are intended to advise Grant County, applicants and other
49 participants in the development permit process that a critical area may exist and that further study,
50 review and consideration may be necessary. In all cases, actual presence or absence of the critical

1 area shall be determined using best available science and shall prevail.
2

- 3 (c) The maps and supplemental resource information shall be used by the Department in conducting a
4 Preliminary Assessment pursuant to GCC § 24.08.070(b)(3). The maps will be used in conjunction
5 with the Grant County Assessor's land based parcel mapping by the Administrative Official in
6 making a Preliminary Determination pursuant to GCC § 24.08.070(b)(4) of whether a critical area
7 designation is present on or near the subject parcel. The determination by the Administrative Official
8 that (1) a parcel of land or part of a parcel of land that is the subject of a proposed development
9 application is within the boundaries of one or more critical areas as delineated on the critical area
10 maps, or (2) that one or more critical areas as delineated on the critical area maps is within any buffer
11 or setback distance specified in this Chapter from a parcel of land or part of a parcel of land that is the
12 subject of a proposed development application, shall be sufficient evidence to require the
13 Administrative Official to direct an applicant to conduct a Critical Areas Assessment pursuant to
14 GCC § 24.08.070(b)(6). Such determination by the Administrative Official may be appealed
15 according to the provisions of GCC § 25.04 Article X.
16
- 17 (d) In addition to those maps and references identified in the relevant sections of this Chapter, the
18 following maps and documents may be used:
19 (1) Critical area maps included in Comprehensive Plans of cities and towns of Grant County;
20 (2) U.S.G.S. Topographic Quadrangle Maps;
21 (3) Aerial photos; and
22 (4) Soil Survey of Grant County, Washington by the United States Department of Agriculture, Soil
23 Conservation Service.
24
- 25 (e) Recognizing the necessity for accurate geographic information, the Department shall annually update
26 the maps based on inventories conducted by Qualified Critical Areas Professionals, regulatory
27 agencies and other reliable sources of data.
28

29 **24.08.090 Critical Areas Assessments – General Requirements**
30

- 31 (a) The determination by the Administrative Official that one or more critical areas as delineated on the
32 critical area maps are present within 300 feet of the proposed development activity that is the subject
33 of a proposed development application shall be sufficient evidence to require the Administrative
34 Official to direct an applicant to conduct a Critical Areas Assessment pursuant to GCC §
35 24.08.070(b)(6).
36
- 37 (b) The Administrative Official shall notify the applicant of such determination, and the applicant shall
38 complete a Critical Areas Assessment pursuant to the requirements of this Chapter. The notice shall
39 identify the type of critical area identified and shall cite the requirements for Critical Areas
40 Assessment(s) pursuant to this Chapter. The Critical Areas Assessment shall be limited to those types
41 of critical areas determined by the Administrative Official to be present as indicated on the critical
42 areas maps. For example, if a Preliminary Determination indicates only the presence of wetlands on
43 or near the proposed development, then the Critical Areas Assessment need only address wetlands.
44 However, nothing in this subsection shall waive an applicant's responsibility to protect any and all
45 critical areas that may be present in accordance with this Chapter. In the event of multiple
46 designations, each critical area shall be addressed independently and collectively for the purpose of
47 determining development and use limitations and/or appropriate mitigating measures.
48
- 49 (c) While the data maps shall be used as a guide to the location and extent of critical areas, the exact
50 location, extent, functions and values shall be determined by the applicant based on field

1 investigations and evaluations performed by a Qualified Critical Areas Professional as defined in
2 GCC § 25.02 pursuant to the requirements of this Chapter.

- 3
4 (d) Submission of a complete Critical Area Assessment Report(s) required under this Chapter shall be a
5 prerequisite to determination that a development application is counter complete pursuant to GCC §
6 25.04.150.

7
8 **24.08.100 Variances**

- 9
10 (a) Variance requests shall be classified and processed as a Type III procedure as delineated in GCC §
11 25.04.070. The burden of proof shall be on the person requesting the variance to bring forth evidence
12 in support of the variance.
13
14 (b) The Decision Maker, as defined in GCC § 25.04.080, may grant a critical areas variance as provided
15 in GCC § 25.08.060.
16
17 (c) In reviewing the variance application, the Decision Maker shall consider testimony provided at any
18 public hearing and recommendations provided by interested and affected agencies and jurisdictions,
19 including the Washington Departments of Ecology, Fish and Wildlife, and Natural Resources, and
20 affected Indian tribes, and any Technical Interdisciplinary Team participating in critical areas review
21 for the proposed development.
22
23 (d) Variances to the dimensional setbacks, including buffers, of this Chapter may be granted by the
24 Decision Maker following the preparation of a Critical Areas Assessment Report by a Qualified
25 Critical Areas Professional where a conclusion of the report supports a modification of the
26 dimensional requirements. Such a conclusion must also include all necessary mitigation. In granting a
27 dimensional variance, the Decision Maker must find that granting of a zoning variance by itself will
28 not provide sufficient relief to avoid the need for a variance to the dimensional setbacks under this
29 Chapter, and that a Critical Areas Assessment Report and mitigation plan demonstrate that the
30 proposed development provides for the least impact on critical areas while providing reasonable use
31 of the property, and full mitigation of project impacts.
32
33 (e) In granting any variance, the Decision Maker shall find that the variance is the minimum variance that
34 will make possible the reasonable use of land, building or structure and allows the minimum impact
35 to critical areas necessary to allow such reasonable use.
36
37 (f) In granting any variance, the Decision Maker shall prescribe such conditions and safeguards as are
38 necessary to secure protection of critical areas from adverse impacts and to ensure that impacts to
39 critical areas and their buffers are mitigated.
40

41 **24.08.110 Reasonable Use Exception**

- 42
43 (a) If the application of this Chapter would result in denial of reasonable and economically viable use of
44 a property, and if such reasonable and economically viable use of the property cannot be obtained by
45 consideration of a variance pursuant to GCC § 24.08.100 to one or more individual requirements of
46 this Chapter, then a landowner may seek a reasonable use exception from the standards of this
47 Chapter. Reasonable use exceptions shall only apply to legal lots of record established prior to the
48 effective date of this Chapter. Reasonable use exceptions are intended as a "last resort" when no plan
49 for mitigation and/or variance can meet the requirements of this Chapter and allow the applicant a
50 reasonable economically viable use of his or her property. Requests for reasonable use exception shall

1 be classified and processed as delineated in GCC § 25.04.080 and .090, and shall only be granted
2 under the following conditions:

- 3 (1) The application of this Chapter would deny all reasonable and economically viable or beneficial
4 uses of the property so that there is no reasonable and economically viable or beneficial use with
5 a lesser impact on the critical area than that proposed; and
- 6 (2) The proposed development does not pose a reasonable threat to the public health, ~~and~~ safety, and
7 welfare on or off the site for which the reasonable use exception is sought; and
- 8 (3) Any proposed modification to a critical area will be the minimum necessary to allow reasonable
9 and economically viable and beneficial use of the property; and
- 10 (4) The applicant has requested and been denied a variance under the provisions of GCC §
11 24.08.100; and
- 12 (5) The Decision Maker may issue, as part of the findings in any decision made under this
13 Subsection, conditions of approval, including modifications to the size and placement of
14 structures and facilities to minimize impacts to critical areas and associated buffers. As part of
15 the findings, the Decision Maker may also specify mitigation requirements that ensure that all
16 impacts are mitigated to the maximum extent feasible.

17
18 (b) In reviewing a request for reasonable use exception, the Decision Maker shall consider testimony
19 provided at any public hearing and recommendations provided by interested and affected agencies
20 and jurisdictions, including the Washington Departments of Ecology, Fish and Wildlife, and Natural
21 Resources, and affected Indian tribes, and any Technical Interdisciplinary Team participating in
22 critical areas review for the proposed development.

23
24 (c) Decisions issued on requests for reasonable use exceptions may be appealed according to the
25 provisions of GCC § 25.04 Article X.

26
27 **24.08.130 Penalties and Enforcement**

28
29 (a) A person who violates the provisions of this Chapter or who fails to comply with any of its
30 requirements shall be subject to the procedures and sanctions set forth in GCC § 25.16.

31
32 **Article II. General Mitigation Requirements**

33
34 **24.08.150 General Mitigation Standards**

35
36 (a) All proposed alterations to critical areas or associated buffers shall require mitigation sufficient to
37 provide for and maintain the functions and values of the critical area or to prevent risk from a critical
38 area hazard and shall give adequate consideration to the reasonable economically viable use of the
39 property. Mitigation of one critical area impact should not result in unmitigated impacts to another
40 critical area. Mitigation may include, but is not limited to: buffers, setbacks, limits on clearing and
41 grading, best management practices for erosion control and maintenance of water quality, or other
42 conditions appropriate to avoid or mitigate identified adverse impacts. Subject to the reasonable use
43 exception provisions of GCC § 24.08.110, any proposed critical area alteration that cannot adequately
44 mitigate its impacts to a critical area shall be denied.

45
46 **24.08.160 Mitigation**

47
48 (a) Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated critical
49 areas or their buffers. The preferred sequence of mitigation is defined below:

- 50 (1) Avoid the impact altogether by not taking a certain action or parts of an action;

- 1 (2) Minimize the impacts by limiting the degree or magnitude of the action and its implementation
- 2 by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- 3 (3) Rectify the impact by repairing, rehabilitating or restoring the affected environment to the
- 4 conditions existing at the time of the initiation of the project or activity;
- 5 (4) Reduce or eliminate the impact over time by preservation and maintenance operations during the
- 6 life of the action; and
- 7 (5) Compensate for the impact by replacing, enhancing, or providing substitute resources or
- 8 environments.
- 9

10 (b) All proposed mitigation shall be included in the Critical Area Assessment. Proposed mitigation shall

11 include:

- 12 (1) A description of specific proposed mitigation, including a delineation of critical areas lost and
- 13 critical areas gained;
- 14 (2) An analysis of avoidance, minimization, reduction, and compensation of impacts;
- 15 (3) An analysis of how the proposed mitigation will maintain the critical area function and values;
- 16 (4) A statement of any ongoing monitoring and/or inspection measures and schedule that may be
- 17 required, including specification of method and frequency of submittal of reports on results to
- 18 County;
- 19 (5) A statement of any required critical area expertise necessary to install, monitor, or inspect the
- 20 proposed mitigation; and
- 21 (6) A listing of any other security required to ensure performance and/or maintenance of the
- 22 proposed mitigation.
- 23

24 (c) The Administrative Official shall make the final determination regarding required mitigation.

25 Required mitigation shall be included in an approved mitigation plan.

26

27 **24.08.170 Buffers**

28

29 (a) As described in more detail in each relevant section, buffers have in some cases been determined to

30 be necessary and appropriate to protect critical areas and their functions or to prevent risk from a

31 critical area hazard. In those sections of this Chapter where specific buffers are identified, those

32 buffers are deemed "required" or "standard" buffers. If a project or activity does not propose any

33 alteration of those buffers or of the associated critical area, then no additional mitigation will be

34 required to protect the critical area.

35

36 (b) If, however, based on unique features of the particular critical area or its buffer or of the proposed

37 development, the Administrative Official determines that additional buffers and/or mitigation

38 measures beyond these standard buffers are necessary to adequately protect the function of the critical

39 area or to prevent risk of a hazard from the critical area, the Administrative Official may impose such

40 additional mitigation requirements, provided the Administrative Official can demonstrate, based on

41 best available science, why that additional mitigation or buffering is required to adequately protect the

42 critical area function or to prevent hazard from a critical area.

43

44 (c) If portions of a parcel that contain a proposed development activity have not had their critical areas

45 and associated buffers delineated because they were outside the project or area affected by the

46 project, pursuant to GCC § 24.08.070, then further critical area assessments may be required in the

47 future prior to any change in use or development activity for that portion of the site.

48

49 (d) Further, if the applicant seeks a variance to reduce these buffers or to alter the critical area or its

50 required buffer, then the applicant shall demonstrate, based on best available science, why such buffer

1 and/or critical area modification, together with such alternative mitigation proposed in the critical
2 areas assessment, is sufficient to provide equal or better protection of the critical area function. If
3 necessary, variances shall provide for long-term buffer protection. Variances requests shall be
4 reviewed pursuant to GCC § 24.08.100.
5

- 6 (e) The critical areas assessments and the conditions of approval shall provide for long-term buffer
7 protection. Regarding land division, critical areas and their associated buffers may be placed in
8 separate tracts to be owned by all lot owners in common, by a homeowners' association, or some
9 other separate legal entity such as a land trust. However, critical areas and/or buffers identified and
10 defined in this Chapter do not require any provisions for public access, and appropriate restrictions
11 may be included in the easement or title documents. Critical areas and/or buffers identified are,
12 however subject to periodic inspection by the Administrative Official, upon prior notification to the
13 landowner, to ensure long-term protection.
14

15 **24.08.180 Mitigation Security**
16

- 17 (a) The Administrative Official shall have the discretion to withhold issuance of a development permit or
18 approval until required mitigation has been completed. Alternatively, the Administrative Official may
19 require a refundable cash payment that will ensure compliance with the approved mitigation plan if
20 there will be activity (e.g. monitoring or maintenance) or construction to take place after the issuance
21 of the County's permit or other approval. The amount of the cash payment shall not exceed 150
22 percent of the estimated cost of the uncompleted actions or construction as determined by the
23 Administrative Official. When the Administrative Official determines that the mitigation plan has
24 been successfully completed, the cash payment shall be refunded to the applicant. If the mitigation
25 plan is not successfully completed, the County shall be entitled to keep all or part of the cash payment
26 to the extent necessary to rectify the deficiencies regarding the completion of the mitigation plan.
27

28 **24.08.190 Protection of Designated Critical Areas**
29

- 30 (a) Identification and Recording of Critical Areas: Approval of development projects and other land use
31 activities that require a Critical Areas Assessment pursuant to GCC § 24.08.090, shall be subject to
32 the identification and designation of all critical areas and their buffers identified in the assessment
33 process. Each critical area shall be clearly defined and labeled to show calculated area, and type
34 and/or class of critical area within each lot. The Administrative Official shall require of the applicant
35 that such designated critical areas be recorded on the final plat map or site plan clearly showing the
36 locations of critical areas, existing vegetation, and buffers.
37
- 38 (b) Construction Marking: During construction, clearly visible, temporary marking such as flagging and
39 staking, shall be installed and maintained along the outer limits of the proposed site disturbance
40 outside of the critical area. Such field markings may be field-approved by the Administrative Official
41 prior to the commencement of permitted activities. Markings shall be maintained throughout the
42 duration of any construction activities.
43
- 44 (c) Mitigation Signing and Fencing: The Administrative Official may require permanent signing and/or
45 fencing where it is determined a necessary component of a mitigation plan. The intent of this
46 subsection is to provide clear and sufficient notice, identification, and protection of critical areas on-
47 site where damage to a critical area or buffer by humans or livestock is probable due to the proximity
48 of the adjacent activity.
49
- 50 (d) Sign, Marker and Fence Maintenance: It shall be the responsibility of the landowner to maintain,

1 including replacement of, the markers, signs, and fences required under this Chapter in working order
2 throughout the duration of the development project or land use activity. Removal of required markers,
3 signs, and fences without written approval of the Administrative Official shall be considered a
4 violation of this Chapter.

6 **Article III. Wetlands**

8 **24.08.200 Identification and Designation**

- 9
10 (a) Wetlands shall be identified and designated based on the definitions, methods and standards set forth
11 in the Washington State Wetland Identification and Delineation Manual, Department of Ecology
12 publication # 96-94.

14 **24.08.210 Maps and References**

- 15
16 (a) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance
17 conducted by the Department, the Administrative Official shall use the following maps and references
18 to assist in making a Preliminary Determination pursuant to GCC § 24.08.070:
19 (1) Wetlands mapped under the National Wetland Inventory by the U.S. Department of Interior;
20 Fish and Wildlife Service;
21 (2) Washington State Department of Fish and Wildlife Priority Habitat and Species (PHS) maps;
22 (3) Federal Wetlands Delineation Manual, 1987;
23 (4) Washington State Wetlands Identification and Delineation Manual, Washington State
24 Department of Ecology, March 1997;
25 (5) Washington State Wetlands Rating System for Eastern Washington, Publication No. 91-58,
26 Washington State Department of Ecology; and
27 (6) Wetlands previously identified through the methodology specified under GCC § 24.08.200 for
28 another development permit or approval application.

30 **24.08.220 Classification**

- 31
32 (a) Wetland Rating Classes shall be as follows:
33 (1) Category I Wetlands: Those wetlands scoring a “Category I” rating under the Washington State
34 Department of Ecology (Ecology) Washington State Wetlands Rating System for Eastern
35 Washington, Publication #91-58, October 1991, as may be amended in the future (hereinafter
36 referred to as the Ecology Wetlands Rating System);
37 (2) Category II Wetlands: Those wetlands scoring a “Category II” rating under the Ecology
38 Wetlands Rating System;
39 (3) Category III Wetlands: Those wetlands scoring a “Category III” rating under the Ecology
40 Wetlands Rating System; and
41 (4) Category IV Wetlands: Those wetlands scoring a “Category IV” rating under the Ecology
42 Wetlands Rating System.

44 **24.08.230 Site Assessment Requirements**

- 45
46 (a) The Administrative Official shall conduct a Preliminary Assessment pursuant to GCC § 24.08.070
47 using maps and references identified in GCC § 24.08.210.
48
49 (b) If the Administrative Official has reason to believe that a wetland may exist within 100 feet of a
50 proposed development activity, a written determination regarding the existence or nonexistence of

1 wetlands within 100 feet of said proposed development activity must be submitted to the Department
2 by the applicant. Only written determinations prepared by the U.S. Army Corps of Engineers, the
3 Washington State Department of Ecology, the Natural Resources Conservation Service, or a
4 Qualified Wetlands Professional shall be accepted.
5

6 (c) If it is determined that a wetland exists, a site assessment report must be submitted to the Department
7 by the applicant when an activity regulated under this Chapter is proposed within one hundred (100)
8 feet of the boundary of a wetland. Only a site assessment report prepared by the U.S. Army Corps of
9 Engineers, Washington Department of Ecology, Natural Resources Conservation Service, or a
10 Qualified Wetlands Professional who has been approved by the Department of Community
11 Development shall be accepted.
12

13 (d) The site assessment report at a minimum shall cover the subject parcel and all area within 100 feet of
14 a proposed development activity. If the applicant cannot obtain permission for access to properties
15 within 100 feet of the proposed development activity then an approximation of the extent of off-site
16 wetlands within 100 feet of the proposed development activity may be completed based on aerial
17 interpretation and/or visual observation from nearby vantage points.
18

19 (e) The site assessment report shall include the following information:

20 (1) A wetland boundary survey to identify and delineate all wetlands within 100 feet of the project
21 or activity area. The wetland boundary shall be field staked by the Qualified Wetlands
22 Professional and surveyed by a land surveyor for disclosure on all final plats, maps and site
23 plans;

24 (2) A site plan, at a scale no smaller than one inch equals 200 feet, indicating the results of the
25 wetland boundary survey;

26 (3) Description of the methods used to identify and delineate the wetland;

27 (4) Site plan indicating the location of all proposed improvements and wetland boundaries and the
28 locations of all data points, as surveyed by a professional surveyor;

29 (5) Description of the hydrology, soils, and vegetative characteristics of the wetland,;

30 (6) Wetland community description including the wetland rating category pursuant to GCC §
31 24.08.220, including copies of all field data sheets;

32 (7) Values and functions assessment, including a discussion of water quality, fish and wildlife
33 habitat, flood and stream flow attenuation, recreation and aesthetics. The values and functions
34 assessment shall be conducted in accordance with the Ecology Wetlands Rating System and
35 shall be used to determine the category of wetland pursuant to GCC § 24.08.220;

36 (8) A detailed narrative describing the project, its relationship to the wetland and its potential impact
37 to the wetland; and

38 (9) A proposed mitigation plan pursuant to GCC § 24.08.260.
39

40 **24.08.240 Alteration of Wetlands**

41

42 (a) A regulated wetland or its required buffer can only be altered if the wetlands site assessment pursuant
43 to GCC § 24.08.230 shows that the proposed alteration does not degrade the quantitative and
44 qualitative functioning of the wetland, or any degradation can be adequately mitigated to protect the
45 wetland function. Any alteration approved pursuant to this Section shall include mitigation necessary
46 to mitigate the impacts of the proposed alteration on the wetland as described in GCC § 24.08.260
47 below.
48

49 (b) Regulatory authority including mitigation requirements under this Chapter shall be based on the
50 dimensional thresholds listed in Table 1 and the relative function and value and uniqueness of the

wetland established in accordance with the Ecology Wetlands Rating System. Wetlands having an aggregate area less than the dimensional thresholds listed in Table 1 shall be exempt from the mitigation requirements of GCC § 24.08.260; provided that:

- (1) For Category II and III wetlands, the Critical Areas Assessment prepared pursuant to GCC § 24.08.230 concludes that such wetlands do not contain irreplaceable functions or functions that may not be replicated, such as alkaline wetlands.

However, wetlands that exceed the dimensional thresholds of Table 1 may be regulated under the federal Clean Water Act. The dimensional threshold is for the total wetland size, which also applies to the wetland mosaics as described in the Wetland Rating System.

Table 1
Wetland Mitigation Dimensional Threshold

Wetland Rating	Dimensional Threshold ¹
Category I	No Exemptions
Category II	Exempt If Less Than 2,500 sq. ft.
Category III	Exempt If Less Than 2,500 sq. ft.
Category IV	Exempt If Less Than 5,000 sq. ft.

¹ Wetland area and category shall be determined in accordance with GCC §24.08.230(e)(1).

- (c) Storm water discharge: Storm water discharges to wetlands shall be controlled and treated to provide all known and reasonable methods of prevention, control, and treatment as mandated in the State Water Quality Standards, Chapter 173-201A WAC, as required by state law. Changes in hydrology that negatively impact functions of a wetland shall not be permitted. Potential changes may include, but not be limited to, flooding of plant communities resulting in changes in composition, flooding of nests, or associated drawdowns that dehydrate nests, particularly amphibian eggs.
- (d) Exceptions to Mitigation Requirements: Requirements for mitigation do not apply under the following circumstances:
 - (1) When a wetland alteration is intended exclusively for the enhancement or restoration of an existing regulated wetland and the proposal will not result in a loss of wetland function and value, subject to the following conditions:
 - (A) The enhancement or restoration project shall not be associated with a development activity; and
 - (B) An enhancement or restoration plan shall be submitted for site plan review. The restoration or enhancement plan must include the information required under GCC § 24.08.230; and
 - (2) When a wetland is a part of a development activity that is permitted by the Corp of Engineers NWP 14 permitting crossing of wetlands as part of road construction.

24.08.250 Protection Standards

- (a) Standard Buffer Widths: Buffers are necessary to protect wetlands from impacts generated by nearby land uses. The standard buffers shown in Table 2 shall be required for regulated wetlands. Except as otherwise allowed herein, buffers shall be retained in their natural condition. Pursuant to GCC § 24.08.170(b), the width of the buffer may be increased by the Administrative Official on a case-by-case basis when a larger buffer is necessary to protect the wetland functions and values. The determination shall be based on best available science and on site-specific and project-related conditions which include, without limitation:
 - (1) The designated wetland is used for feeding, nesting and/or resting by species proposed or listed by the federal or state government as endangered, threatened, sensitive, candidate, monitor or

- critical; or the designated wetland is outstanding potential habitat for those species or has unusual nesting or resting sites;
- (2) The adjacent land is susceptible to severe erosion and erosion control methods will not effectively prevent adverse wetland impacts;
 - (3) The proposed development adjacent to the designated wetland is of a high intensity land use;
 - (4) The wetland is extremely sensitive or exhibits important or irreplaceable functions or functions that may not be replicated,

In making such determination, the Administrative Official may solicit and may consider comments and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife, and any Technical Interdisciplinary Team participating in review for the proposed development.

Table 2
Standard Buffer Widths

Wetland Rating	Width (Feet)
Category I	100
Category II	75
Category III	50
Category IV	25

- (b) Buffer Width Averaging: The width of a buffer for Category I, Category II, or Category III wetlands may be averaged, thereby reducing the width of a portion of the buffer and increasing the width of another portion, if all of the following requirements are met:
 - (1) Buffer averaging is necessary to avoid hardship to the person seeking this option which is caused by circumstances peculiar to the property, is necessary to accomplish the purposes of the proposed development or land use activity, and no reasonable alternative is available;
 - (2) The wetland contains variation in sensitivity due to existing physical characteristics, as confirmed in a Critical Areas Assessment, and the reduction from standard buffer widths will occur only contiguous to the area of the wetland determined to be least sensitive;
 - (3) Buffer width averaging will not adversely impact wetland functions and values;
 - (4) The total area contained within the wetland buffer after averaging is not less than the total area of the buffer which would have been required if buffer averaging was not allowed; and
 - (5) No part of the buffer is reduced by more than fifty (50) percent of the standard buffer width or 25 feet, whichever is greater.
- (c) Buffer Width Measurement: Wetland buffers shall be measured horizontally in a landward direction from the wetland edge, as delineated in the field, pursuant to the requirements of GCC § 24.08.230. Where a wetland is located within 25 feet of the toe of slopes of 25 percent or greater, the buffer shall be increased to include such sloping areas and the tops of slopes determined to be Erosion Hazard Areas as defined in GCC § 24.08.500.
- (d) Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland.
- (e) Temporary Buffer Alterations: Buffers shall not be disturbed. However, where temporary buffer disturbance has or will occur in conjunction with approved permitted activities, restoration, including replanting with adapted species as recommended by the Washington State Department of Ecology and/or Fish and Wildlife, shall be required.

1 (f) If an applicant proposes to decrease or alter a required buffer or alter a wetland, the applicant shall
2 demonstrate why such buffer and/or wetland modification, together with such alternative mitigation
3 proposed in the wetland area assessment is sufficient to adequately protect the wetland functions and
4 values.
5

6 (g) Roads, bridges and utilities: Road, bridge and utility maintenance, repair and construction may be
7 permitted across wetland buffers under the following conditions:

8 (1) It is demonstrated to the Administrative Official that there are no alternative routes that can be
9 reasonably used to achieve the proposed development;

10 (2) The activity will have minimum adverse impact to the wetland area;

11 (3) The activity will not significantly degrade surface or groundwater; and

12 (4) Road maintenance, repair and construction shall be the minimum necessary to provide safe
13 traveling surfaces;

14 In making such determination, the Administrative Official may solicit and may consider comments
15 and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife,
16 and any Technical Interdisciplinary Team participating in review for the proposed development.
17

18 (h) Allowed uses in buffers: Low impact uses and activities which are consistent with the purpose and
19 function of the habitat buffer and do not detract from its integrity may be permitted within the buffer
20 depending on the sensitivity of the habitat involved, provided that such activity shall not result in a
21 decrease in wetland functions and values and shall not prevent or inhibit the buffer's recovery to at
22 least pre-altered condition or function. Examples of uses and activities which may be permitted in
23 appropriate cases, as long as the activity does not retard the overall recovery of the buffer, include
24 removal of noxious vegetation, pedestrian trails, and viewing platforms.
25

26 (i) Establishment of Limits of Clearing: The location of the outer extent of the wetland buffer shall be
27 permanently marked as specified in GCC §24.08.190. The limits of the areas to be disturbed shall also
28 be marked in the field as specified in GCC §24.08.190.
29

30 **24.08.260 Mitigation**

31
32 (a) Mitigation Plan. Where mitigation is required pursuant to GCC § 24.08.240, the applicant shall
33 prepare a Mitigation Plan. The Mitigation Plan shall follow the general requirements described herein
34 below and Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals,
35 Department of Ecology, March 1994. The following items at a minimum are required as part of a
36 mitigation plan:

37 (1) Description of project or activity, including a detailed narrative describing the project or activity,
38 its relationship to the wetland and its potential impact to the wetland; and

39 (2) Any proposed mitigation, including a discussion of how the project has been designed to avoid
40 and minimize adverse impacts to wetlands, as well as the necessary monitoring and contingency
41 actions for the continued maintenance of the wetland and its associated buffer.

42 (3) A report which includes, but is not limited to:

43 (A) Location maps;

44 (B) A site map prepared at a scale no smaller than one inch = 200 feet indicating the boundaries
45 of the identified wetlands; the width and length of all existing and proposed structures,
46 utilities, roads, easements; wastewater and stormwater management facilities; adjacent land
47 uses, zoning districts, and comprehensive plan designations;

48 (C) A description of the vegetation in the wetland, on the overall project site, and adjacent to
49 the site;

50 (D) A discussion of any federal, state, or local management recommendations which have been

- 1 developed for the area;
- 2 (E) A discussion of the following mitigation alternatives as they relate to the proposal:
- 3 (i) Avoiding the impact altogether by not taking a certain action or parts of an action;
- 4 (ii) Minimizing impacts by limiting the degree or magnitude of the action and its
- 5 implementation, by using appropriate technology, or by taking affirmative steps to
- 6 avoid or reduce impacts;
- 7 (iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected
- 8 environment;
- 9 (iv) Compensating for the impact by replacing, enhancing, or providing substitute
- 10 resources or environments;
- 11 (F) A detailed discussion of ongoing management and monitoring practices which will protect
- 12 the wetland after the project site has been fully developed, including proposed monitoring,
- 13 contingency, maintenance and surety programs; and
- 14 (G) Proposed mitigation ratios, including a discussion of functions and values of and the variety
- 15 of habitats provided by the proposed replacement wetland. Proposed mitigation ratios less
- 16 than the standard ratios shall include full justification thereof.
- 17
- 18 (b) General Provisions. As a condition of any permit or other approval allowing alteration which results
- 19 in the loss or degradation of a regulated wetland, or as an enforcement action pursuant to GCC §
- 20 25.16, mitigation shall be required to offset impacts resulting from the actions of the applicant or any
- 21 violator of the GCC. The following shall apply to all mitigation:
- 22 (1) Mitigation shall follow an approved Mitigation Plan pursuant to GCC § 24.08.260(a) and reflect
- 23 the ratios specified in GCC § 24.08.260(c) below;
- 24 (2) Mitigation shall be “on-site” and “in-kind”, except that “off-site” mitigation may be provided
- 25 pursuant to GCC § 24.08.260(d) and “out-of-kind” mitigation may be provided pursuant to GCC
- 26 § 24.08.260(f);
- 27 (3) Enhancement of existing wetlands, other than Category I and Category II wetlands, may be
- 28 considered for compensation by doubling the ratios in GCC § 24.08.260(c) below;
- 29 (4) Compensation shall be completed prior to, or concurrently with, wetland alteration, or, in the
- 30 case of an enforcement action, prior to further development of the site;
- 31 (5) Mitigation must be conducted on property that will be protected and managed to avoid further
- 32 development or degradation. The applicant shall provide for long-term preservation of the
- 33 mitigation area; and
- 34 (6) The applicant shall demonstrate sufficient scientific expertise, supervisory capability, and
- 35 financial resources, including bonding in accordance with GCC § 24.08.180, to carry out the
- 36 project. The applicant shall demonstrate sufficient capability for monitoring the site and making
- 37 corrections if the project fails to meet projected goals.
- 38
- 39 (c) On-Site Mitigation: Any alteration of wetlands pursuant to GCC § 24.08.240 shall be mitigated by
- 40 creating or restoring new wetlands at the standard mitigation ratios shown in Table 3. The ratios apply
- 41 to creation or restoration which is in-kind (i.e., the same type of wetland), on-site, and is
- 42 accomplished prior to or concurrently with loss. The first number specifies the acreage of new
- 43 wetlands to be restored or created and the second specifies the acreage of wetlands altered.
- 44
- 45 (d) The standard mitigation ratios may be increased or decreased by the Administrative Official on a
- 46 case-by-case, site-specific basis. The determination shall be based on best available science and on
- 47 site-specific and project-related conditions as described in the approved Mitigation Plan. In making
- 48 such determination, the Administrative Official shall consider the functions and values of and the
- 49 variety of habitats provided by the proposed replacement wetland, and may solicit and may consider
- 50 comments and recommendations provided by the Washington Departments of Ecology, and Fish and

1 Wildlife, and any Technical Interdisciplinary Team participating in review for the proposed
2 development.

3
4 *Table 3*

5 *Wetland Standard Mitigation Ratios*

6 Wetland Rating	7 Mitigation Ratio ^{1,2,3}
8 Category I	4:1
9 Category II	2:1
10 Category III	1.5:1
11 Category IV	1¼:1

12 ¹ Wetland Created : Wetland Altered

13 ² Ratios apply only to creation or restoration that is in-kind, on-site,
14 and is accomplished prior to or concurrently with alteration.

15 ³ The standard mitigation ratios may be increased or
16 decreased by the Administrative Official on a case-by-case,
17 site-specific basis as specified in GC § 24.08.260(d).

18 (e) Off-Site Mitigation: Off-site mitigation allows replacement of wetlands away from the site on which
19 the wetland has been impacted by a regulated activity. Off-site mitigation shall be conducted by
20 creating or restoring new wetlands at the ratios shown in Table 3 for on-site mitigation pursuant to
21 GCC § 24.08.260(c) and by selecting mitigation sites pursuant to GCC § 24.08.260(e). Off-site
22 compensation shall occur within the same drainage basin of the same watershed where the wetland
23 loss occurs. Off-site compensation will be allowed only when the applicant demonstrates to the
24 satisfaction of the Administrative Official that one or more of the following circumstances applies:

- 25 (1) On-site mitigation is not feasible due to hydrology, soils, or other factors;
- 26 (2) On-site mitigation is not practical due to probable adverse impacts from surrounding land uses
27 or would conflict with a federal, state or local public safety directive;
- 28 (3) Potential functions and values at the site of the proposed restoration are greater than the lost
29 wetland functions and values; or
- 30 (4) When the wetland to be altered is of low function and value mitigation shall be of the wetland
31 community types needed most in the location of mitigation and those most likely to succeed with
32 the highest function and value possible.

33 In making such determination, the Administrative Official may solicit and may consider comments
34 and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife,
35 and any Technical Interdisciplinary Team participating in review for the proposed development.

36
37 (f) Selecting Off-Site Mitigation Sites: Applicants shall pursue locations for off-site mitigation in the
38 following order of preference:

- 39 (1) Filled, drained, or cleared sites that were formerly wetlands and where appropriate hydrology
40 exists; and
- 41 (2) Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a
42 mature community of native species, and where the appropriate natural hydrology exists.

43
44 (g) Out-of-kind Mitigation: Out-of-kind Mitigation will be allowed only when the applicant demonstrates
45 to the satisfaction of the Administrative Official that out-of-kind replacement will best meet the
46 provisions of GCC § 24.08.260(f) and the mitigation sequence outlined in GCC § 24.08.160, and
47 would be of equal or greater value to the environment. Where out-of-kind replacement is accepted by
48 the Administrative Official, the Administrative Official may require greater mitigation ratios than
49 those for on-site or off-site mitigation to compensate for lost functions and values.
50

1 (h) Timing: Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and
2 plants. Construction shall be timed to assure that grading and soil movement occurs during those
3 periods determined by the Administrative Official to be most advantageous to the needs of the species
4 present.
5

6 (i) Alternative Mitigation Projects: The Administrative Official may encourage, facilitate and approve
7 innovative wetland mitigation projects. Advance compensation or mitigation banking are examples of
8 alternative mitigation projects allowed under the provisions of this Chapter wherein one or more
9 applicant(s), or an organization with demonstrated capability, may undertake a mitigation project
10 together if it is demonstrated to the satisfaction of the Administrative Official that all of the following
11 circumstances exist:

- 12 (1) Creation of one or several larger wetlands may be preferable to many small wetlands;
- 13 (2) The group demonstrates the organizational and fiscal capability to act cooperatively;
- 14 (3) The group demonstrates that long term maintenance and management of the mitigation area will
15 be provided;
- 16 (4) There is a clear potential for success of the proposed mitigation at the identified mitigation site;
- 17 (5) Conducting mitigation as part of a cooperative process does not reduce or eliminate the required
18 replacement ratios outlined in GCC § 24.08.260(c);
- 19 (6) Permits and approvals are obtained from all other agencies having regulatory jurisdiction; and
- 20 (7) Wetland mitigation banking programs are consistent with the provisions of Chapter 90.84 RCW
21 and any Department of Ecology guidelines implementing provisions of Chapter 90.84 RCW
22 regarding wetland mitigation banking.

23 In making such determination, the Administrative Official may solicit and may consider comments
24 and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife,
25 and any Technical Interdisciplinary Team participating in review for the proposed development.
26

27 **Article IV. Fish and Wildlife Habitat Conservation Areas**

28 **24.08.300 Identification and Designation**

29 (a) Fish and Wildlife Habitat Conservation Areas (HCA) shall include:

- 30 (1) Areas within which State and Federal endangered and threatened species exist, or State sensitive,
31 candidate and monitor species have a primary association;
- 32 (2) Priority Habitat and Species Areas identified by the Washington State Department of Fish and
33 Wildlife;
- 34 (3) Habitats and species of local importance that have been designated by the County at the time of
35 application.
- 36 (4) Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that
37 provide fish or wildlife habitat. These do not include ponds deliberately designed and created
38 from dry sites such as canals, detention facilities, wastewater treatment facilities, farm ponds,
39 temporary construction ponds of less than three (3) years' duration and landscape amenities.
40 Naturally occurring ponds may include those artificial ponds intentionally created from dry areas
41 in order to mitigate conversion of ponds, if permitted by a regulatory authority;
- 42 (5) Waters of the state as defined by WAC 222-16;
- 43 (6) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- 44 (7) Areas with which anadromous fish species have a primary association; and
45

46 (b) In addition to the HCAs identified in Subsection (a), additional species and habitats of local
47 importance may be designated by the Administrative Official based on declining populations,
48 sensitivity to habitat manipulation or special value. These include a seasonal range or habitat element
49
50

1 with which a given species has a primary association and which, if altered, may reduce the likelihood
2 that the species will maintain and reproduce over the long term. These might include:

- 3 (1) Areas of high relative density or species richness, breeding and rearing habitat, winter range and
4 movement and/or migration corridors; and
- 5 (2) Habitats that are of limited availability or high vulnerability to alteration such as cliffs, caves,
6 talus, shrub steppe, in-stream gravel deposits (salmon spawning beds), and wetlands riparian
7 areas;

8
9 (c) In order to nominate an area or a species to the category of Habitats and Species of Local Importance,
10 an individual or organization must:

- 11 (1) Demonstrate a need for special consideration based on:
 - 12 (A) Declining population,
 - 13 (B) Sensitivity to habitat manipulation, or
 - 14 (C) Commercial or game value or other special value, such as public appeal;
- 15 (2) Propose relevant management strategies considered effective and within the scope of this
16 Chapter;
- 17 (3) Provide species habitat location(s) on a map. Submitted proposals will be reviewed by the
18 Administrative Official and forwarded to the Departments of Fish and Wildlife, Natural
19 Resources, and/or other local and state agencies or experts for comments and recommendations
20 regarding accuracy of data and effectiveness of proposed management strategies.
- 21 (4) Grant County will hold a public hearing before the Board of County Commissioners for
22 proposals found to be complete, accurate, potentially effective, and within the scope of this
23 Chapter. If a proposal is approved by the Board of County Commissioners, the habitat/species
24 will become designated "Habitats/Species of Local Importance" and will be subject to the
25 provisions of this Chapter.

26
27 (d) The following important habitat areas which are not based on use by a specific species include those
28 areas protected by their conservation ownership or management status and are not subject to the
29 protection standards within this Chapter:

- 30 (1) National Wildlife Refuges, National Parks, Natural Area Preserves, or any preserve or reserve
31 designated under WAC 332-30-151;
- 32 (2) State Natural Area Preserves or Natural Resource Conservation Areas identified by state law and
33 managed by the Department of Natural Resources; and
- 34 (3) Areas with recognized wildlife habitat value owned by the Bureau of Land Management or the
35 Nature Conservancy.

36 37 **24.08.310 Maps and References**

38
39 (a) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance
40 conducted by the Department, the Administrative Official shall use the following maps and references
41 to assist in making a Preliminary Determination pursuant to GCC § 24.08.070:

- 42
43 (1) Washington State Department of Fish and Wildlife Priority Habitat and Species (PHS) maps;
- 44 (2) Wetlands mapped under the National Wetland Inventory by the U.S. Department of Interior;
45 Fish and Wildlife Service;
- 46 (3) Washington State Department of Fish and Wildlife/Department of Natural Resources,
47 Washington Rivers Inventory System (WARIS) maps;
- 48 (4) U.S. Department of the Interior, Spokane District Resource Management Plan; and

1 **24.08.320 Site Assessment Requirements**
2

- 3 (a) The Administrative Official shall conduct a Preliminary Assessment pursuant to GCC § 24.08.070
4 using maps and references identified in GCC § 24.08.310. If necessary, the Administrative Official
5 may consult with the Washington State Departments of Ecology, Fish and Wildlife and Natural
6 Resources and Federally recognized Indian Tribes located in Grant County.
7
- 8 (b) If the Administrative Official has reason to believe that a HCA may exist within 300 feet of a
9 proposed development activity, a written determination regarding the existence or nonexistence of a
10 HCA within 300 feet of said proposed development activity submitted to the Department by the
11 applicant. Only written determinations prepared by the Washington State Department of Fish and
12 Wildlife, U.S. Fish and Wildlife Service, or a Qualified Biological Professional shall be accepted.
13
- 14 (c) If it is determined that a HCA exists, a site assessment report must be submitted to the Department by
15 the applicant when an activity regulated under this Chapter is proposed within three hundred (300)
16 feet of the boundary of a HCA. Only a site assessment report prepared by the Washington State
17 Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or a Qualified Biological
18 Professional who has been approved by the Department of Community Development shall be
19 accepted.
20
- 21 (d) The site assessment report at a minimum shall cover the subject parcel and all area within 300 feet of
22 a proposed development activity. If the applicant cannot obtain permission for access to properties
23 within 300 feet of the proposed development activity then an approximation of the extent of off-site
24 wetlands within 300 feet of the proposed development activity may be completed based on aerial
25 interpretation and/or visual observation from nearby vantage points.
26
- 27 (e) The site assessment report shall include the following information:
28 (1) A detailed narrative describing the project, including, but not limited to, associated grading and
29 filling, structures, utilities, adjacent land uses, description of vegetation both within and adjacent
30 to the habitat conservation area, and when deemed necessary by the Administrative Officer,
31 surface and subsurface hydrologic analysis;
32 (2) Site plan indicating the location of all proposed improvements and all Fish and Wildlife Habitat
33 Conservation Areas;
34 (3) Impact analysis identifying and documenting the presence of all habitat conservation areas and
35 discussing the project's affects on the Fish and Wildlife Habitat Conservation Areas;
36 (4) Regulatory analysis including a discussion of any federal, state, tribal, and/or local requirements
37 or special management recommendations which have been developed for species and/or habitats
38 located on the site;
39 (5) A description of proposed management and maintenance practices that will assure protection of
40 Fish and Wildlife Habitat Conservation Areas after the project has been completed, including a
41 discussion of proposed monitoring criteria, methods and schedule; and
42 (6) A proposed mitigation plan pursuant to GCC § 24.08.350.
43

44 **24.08.340 Protection Standards**
45

- 46 (a) No development permit or approval pursuant to this Chapter shall be granted unless adverse effects to
47 Fish and Wildlife Habitat Conservation Areas resulting from proposed development activities located
48 inside of or within 300 feet of a designated HCA are mitigated pursuant to GCC § 24.08.360.
49
- 50 (b) HCAs shall be protected in accordance with the Administrative Official's determination of

1 appropriate conditions and site-specific information supplied by the applicant. In making such
2 determination, the Administrative Official may solicit and may consider comments and
3 recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife, and
4 any Technical Interdisciplinary Team participating in review for the proposed development. Possible
5 conditions may include, but are not limited to, the following:

- 6 (1) Establishment of buffer zones;
- 7 (2) Preservation of critically important vegetation;
- 8 (3) Limitation of access to the HCA; and
- 9 (4) Seasonal restriction of construction activities.

10
11 (c) Proposed developments or land use activities located within 300 feet of a designated HCA shall be
12 reviewed for potential habitat impacts, considering the recommendations provided by the Washington
13 Departments of Ecology, and Fish and Wildlife, and any Technical Interdisciplinary Team
14 participating in review for the proposed development.

15
16 (d) Allowed Uses in Fish and Wildlife Habitat Conservation Areas and Stream Setbacks.

17 (1) Roads, bridges and utilities: Road, bridge and utility maintenance, repair and construction may
18 be permitted across a Fish and Wildlife Habitat Conservation Area and/or buffers under the
19 following conditions:

- 20 (A) It is demonstrated to the Administrative Official that there are no alternative routes that can
21 be reasonably used to achieve the proposed development;
- 22 (B) The activity will have minimum adverse impact to the Fish and Wildlife Habitat
23 Conservation Area;
- 24 (C) The activity will not significantly degrade surface or groundwater; and
- 25 (D) The intrusion into the Fish and Wildlife Habitat Conservation Area and its buffers is fully
26 mitigated.

27 (2) Docks. Docks and similar facilities designed to facilitate low-impact uses, such as education
28 and/or private, non-commercial recreation may be permitted within Fish and Wildlife Habitat
29 Conservation Areas under the following conditions:

- 30 (A) The activity will have minimum adverse impact to the Fish and Wildlife Habitat
31 Conservation Area;
- 32 (B) The activity will not significantly degrade surface or groundwater;
- 33 (C) The intrusion into the Fish and Wildlife Habitat Conservation Area and its buffers is fully
34 mitigated;
- 35 (D) The Administrative Official may provide opportunity for review and comment by a
36 Technical Interdisciplinary Team in which participation has been solicited from federal,
37 state and tribal natural resource agencies.

38 (3) Limited park or recreational access to a fish and wildlife habitat area and/or stream setbacks,
39 provided that all of the following are satisfied:

- 40 (A) The access is part of a public park or a recreational resort development that is dependent on
41 the access for its location and recreational function;
- 42 (B) The access is limited to the minimum necessary to accomplish the recreational function;
43 and
- 44 (C) The access and the balance of the development are consistent with the Grant County
45 Shoreline Management Master Program.

46 (4) Low impact uses and activities that are consistent with the purpose and function of the stream
47 setback and do not detract from its integrity. Examples of low impact uses and activities include
48 removal of noxious vegetation, pedestrian trails, viewing platforms, and stormwater
49 management facilities such as grass-lined swales.

50

- 1 (e) Temporary and permanent erosion and sedimentation controls shall be provided to prevent the
2 introduction of sediments or pollutants to water bodies or watercourses within the HCA.
3
- 4 (f) Clearing and grading shall be limited to that necessary for establishment of the use or development
5 and shall be conducted so as to avoid significant adverse impacts and to minimize the alteration of the
6 volume, rate or temperature of freshwater flows to or within the HCA and any buffer required by this
7 Chapter.
8
- 9 (g) The proposed development shall not discharge hazardous substances to the HCA that would have
10 significant adverse impacts on that area.
11
- 12 (h) Stream flows shall be protected from changes to the normal flow, temperature, turbidity, and
13 discharge to the maximum extent practicable.
14
- 15 (i) Septic drainfields and any required replacement drainfield area shall be at least 100 feet from the edge
16 of any HCA.
17
- 18 (j) Exceptions to the above protection standards may be allowed by the Administrative Official based on
19 a special report prepared by a Qualified Biological Professional that demonstrates that such exception
20 would not adversely impact the habitat system, functions, and values of the HCA.
21

22 **24.08.350 Mitigation**

- 23
- 24 (a) Mitigation shall be required for loss of area or function and value of fish and wildlife habitat
25 regulated under this subsection. The applicant shall mitigate to the maximum extent feasible any
26 significant adverse impacts to habitat functions and values and to habitat buffers. Mitigation actions
27 by an applicant or property owner shall occur in the preferred sequence specified in GCC §
28 24.08.160. If it is determined by the Administrative Official that a proposed development will likely
29 have a significant adverse impact on a HCA, the applicant shall prepare and implement a Habitat
30 Management Plan in accordance with GCC § 24.08.360.
31
- 32 (b) Where impacts cannot be avoided, the applicant shall seek to implement other appropriate mitigation
33 actions in compliance with the intent, standards, and criteria of this Chapter. In an individual case,
34 these actions may include consideration of alternative site plans and layouts and reductions in the
35 density or scope of the proposed development.
36

37 **24.08.360 Habitat Management Plan**

- 38
- 39 (a) Any Habitat Management Plan required under this Chapter shall be prepared by a Qualified
40 Biological Professional and shall identify how the impacts of the proposed development, land use or
41 activity will be mitigated.
42
- 43 (b) The following items at a minimum are required as part of a Habitat Management Plan:
- 44 (1) Description of project or activity, including a detailed narrative describing the project or activity,
45 its relationship to the wetland and its potential impact to the wetland; and
 - 46 (2) Any proposed mitigation, including a discussion of how the project has been designed to avoid
47 and minimize adverse impacts to wetlands, as well as the necessary monitoring and contingency
48 actions for the continued maintenance of the wetland and its associated buffer.
 - 49 (3) A site map prepared at a scale no smaller than one inch = 200 feet showing:
50 (A) Project location;

- 1 (B) The relationship of the site to surrounding topographic and cultural features;
2 (C) The width and length of all existing and proposed structures, utilities, roads, easements, and
3 landscape features;
4 (D) Wastewater and stormwater management facilities;
5 (E) The name and location of all watercourses, ponds, and other bodies of water.
6 (4) A report which includes, but is not limited to:
7 (A) A description of the nature, density and intensity of the proposed development or land use
8 change in sufficient detail to allow analysis of the impact of such land use change on the
9 habitat;
10 (B) An analysis of the effect of the proposed development, activity, or land use change on the
11 designated HCA;
12 (C) A discussion of any federal, state, or local management recommendations which have been
13 developed for the area;
14 (D) A plan for the mitigation of any adverse impacts to designated HCAs, including a
15 discussion of the following mitigation alternatives as they relate to the proposal:
16 (i) Avoiding the impact altogether by not taking a certain action or parts of an action;
17 (ii) Minimizing impacts by limiting the degree or magnitude of the action and its
18 implementation, by using appropriate technology, or by taking affirmative steps to
19 avoid or reduce impacts;
20 (iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected
21 environment;
22 (iv) Compensating for the impact by replacing, enhancing, or providing substitute
23 resources or environments;
24 (E) A detailed discussion of ongoing management and monitoring practices which will protect
25 the HCA after the project site has been fully developed, including proposed monitoring,
26 contingency, maintenance and surety programs; and
27 (F) An evaluation by the Washington State Department of Fish and Wildlife or a Qualified
28 Biological Professional regarding the effectiveness of any proposed mitigating measures or
29 programs, including recommendations as appropriate.
30
31 (c) In making such determination, the Administrative Official may solicit and may consider comments
32 and recommendations provided by the Washington Departments of Ecology, and Fish and Wildlife,
33 and any Technical Interdisciplinary Team participating in review for the proposed development.
34 Possible mitigation measures may include, but are not limited to, the following:
35 (1) Establishment of buffer zones;
36 (2) Preservation of critically important vegetation;
37 (3) Limitation of access to the HCA;
38 (4) Seasonal restriction of construction activities; and
39 (5) Establishment of a timetable for periodic review of the Habitat Management Plan and
40 performance or maintenance security pursuant to GCC § 24.08.180.
41

42 **Article V. Critical Aquifer Recharge Areas**

43 **24.08.400 Identification and Designation**

- 44 (a) Critical aquifer recharge areas are defined as those areas having a critical recharging effect on aquifer
45 use for potable water in community systems. Critical aquifer recharge areas are classified and
46 designated as follows:
47 (1) Those areas designated as “Wellhead Protection Areas” pursuant to WAC 246-290-135(4) and
48 the groundwater contribution area in WAC 246-291-100 (2)(e). Wellhead protection areas shall,
49
50

1 for the purpose of this regulation, include the identified recharge areas associated with either
2 Group A public water supply wells and those Group B wells with a wellhead protection plan
3 filed with the Grant County Health District; and

- 4 (2) Any land identified in the Soil Survey of Grant County as having high potential for aquifer
5 recharge, as determined by the Administrative Official.
6

7 **24.08.410 Maps and References**

8
9 (a) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance
10 conducted by the Department, the Administrative Official shall use the following maps and references
11 to assist in making a Preliminary Determination pursuant to GCC § 24.08.070:

- 12 (1) Wellhead Protection Plans on file with the Grant County Health District; and
13 (2) Soil Survey of Grant County, Washington by the United States Department of Agriculture, Soil
14 Conservation Service.
15

16 **24.08.420 Site Assessment Requirements**

17
18 (a) The Administrative Official shall conduct a Preliminary Assessment pursuant to GCC § 24.08.070
19 using maps and references identified in GCC § 24.08.410. If necessary, the Administrative Official
20 may consult with the Washington State Department of Ecology and the Grant County Health District.
21

22 (b) If the Administrative Official has reason to believe that an aquifer recharge area may exist within 100
23 feet of a proposed development activity, the proposed development shall be subject to the protection
24 standards and mitigation requirements pursuant to this Chapter.
25

26 (c) If it is determined that an aquifer recharge area exists, a site assessment report shall be submitted to
27 the Department by the applicant when a non-residential development proposal activity pursuant to
28 GCC § 24.08.430(d) is proposed on a parcel within an aquifer recharge area. Only a site assessment
29 report prepared by the Washington State Department of Ecology, the Grant County Health District or
30 a Qualified Hydrogeological Professional who has been approved by the Department of Community
31 Development shall be accepted. For those areas designated as Wellhead Protection Areas, the
32 applicant may substitute excerpts from the Wellhead Protection Plan filed with the Grant County
33 Health District for the site assessment report, if approved by the Administrative Official.
34

35 (d) The site assessment report shall include the following information:

- 36 (1) A detailed narrative describing the project, including, but not limited to, associated grading and
37 filling, structures, utilities, and those activities, practices, materials, or chemicals that have a
38 potential to adversely affect the quantity or quality of underlying aquifer;
39 (2) Site plan indicating the location of all proposed improvements and aquifer recharge areas;
40 (3) A hydrogeological evaluation that includes at a minimum, a description and/or evaluation of the
41 following:
42 (A) Site location, topography, drainage and surface water bodies;
43 (B) Soils and geologic units underlying the site;
44 (C) Groundwater characteristics of the area, including flow direction, gradient, and existing
45 groundwater quality;
46 (D) Location and characteristics of wells and springs within 300 feet of the perimeter of the
47 property;
48 (E) Evaluation of existing on-site groundwater recharge; and
49
50

- (F) Evaluation of the potential impact of the proposed development on groundwater quality, both short and long term, based on an assessment of the cumulative impacts of the proposal in combination with existing and potential future land use activities; and
- (G) A proposed mitigation plan pursuant to GCC § 24.08.440.

(e) Qualifications of Qualified Hydrogeological Professional: Site assessment reports prepared pursuant to GCC § 24.08.420 shall be prepared by a Professional Engineer registered in the State of Washington or Registered Geologist, trained and qualified to analyze geologic, hydrologic, and groundwater flow systems, or a geologist or hydrogeologist who has received a degree from an accredited four-year college or university and who has relevant training and experience in analyzing geologic, hydrologic, and groundwater flow systems. Such qualifications shall be demonstrated to the satisfaction of the Administrative Official.

24.08.430 Protection Standards

- (a) Prohibited activities: The following activities are prohibited in aquifer recharge areas due to the probability and/or potential magnitude of their adverse effects on groundwater unless any significant adverse impacts can be mitigated by conditions of approval. Such conditions shall be based on a hydrogeological evaluation that demonstrates that the proposed development or land use will not degrade groundwater, and that hydrogeological conditions do not facilitate degradation :
- (1) Solid waste landfill activities as defined in Chapter 173-304 WAC and Chapter 173-351 WAC;
 - (2) Land application of sewage sludge from sewage treatment works;
 - (3) Underground storage of fuel in excess of 1,100 gallons for consumptive use on the parcel where stored;
 - (4) Underground storage of hazardous materials;
 - (5) Commercial and industrial facilities that store, use, handle, or produce hazardous substances or waste products;
 - (6) Petroleum pipelines for other than single family use;
 - (7) All uses where repetitive pesticide and fertilizer applications are required or where any toxic substance is disseminated;
 - (8) Creosote manufacturing or treatment;
 - (9) Chemical manufacture or reprocessing of any extremely hazardous waste as defined by RCW 70.105.010(6) and listed in Chapter 173-303 WAC; and
 - (10) Class V injection wells, including:
 - (A) Agricultural drainage wells;
 - (B) Untreated sewage waste disposal wells;
 - (C) Cesspools;
 - (D) Industrial process water and disposal wells; and
 - (E) Radioactive waste disposal.
- (b) All development within Grant County must be in compliance with all of the following requirements:
- (1) The Grant County Potable Water Ordinance, Number 92-44-CC, passed by the Grant County Board of Commissioners April 13, 1992;
 - (2) An and all applicable ground water management areas (G.W.M.A.'s) regulations, as designated by the State of Washington (including Chapter 173-100 WAC, Chapter 173-124 WAC, and Chapter 173-128A WAC, Chapter 173-130A WAC, Chapter 173-134A WAC, as well as other sources, such as the provisions for other GWMA's such as the Moses Lake G.W.M.A.);
 - (3) State requirements regarding protection of upper aquifer zones and ground water quality (Chapter 173-154 WAC and Chapter 173-200 WAC, respectively);

- 1 (4) Any and all applicable regulations set forth by any Irrigation Districts regulated by the United
2 States Department of Interior, Bureau of Reclamation; and
3 (5) Any and all regulations set forth by the Washington State Department of Health, the Grant
4 County Health District and the Washington State Department of Ecology.
5

6 (c) Residential Development Standards: All residential development applications (except for single-
7 family residential building permits) on parcels of land within designated aquifer recharge areas are
8 subject to the following provisions:

- 9 (1) Lots in new land divisions outside of urban growth areas shall require a minimum net land area
10 of one acre, but not less than the minimum area required to meet local Health District
11 requirements for on-site septic systems, when on-site septic systems are proposed;
12 (2) Lots in new land divisions in urban growth areas shall be required to connect to municipal or
13 sewer district sewage collection and treatment systems, if available within two hundred (200)
14 feet of the proposed development;
15 (3) Lots in new land divisions shall require a stormwater collection, treatment and disposal system
16 designed by a Professional Engineer and approved by the County Engineer, except for short
17 subdivisions where each lot is at least one (1) acre in size.
18

19 (d) Non-Residential Development Standards: An applicant seeking the following types of new
20 construction activities on parcels of land within designated aquifer recharge areas shall prepare and
21 submit to the Administrative Official a site assessment report pursuant to GCC § 24.08.420:

- 22 (1) Industrial and commercial agricultural facilities applying fertilizers or pesticides in excess of
23 agronomic rates;
24 (2) Golf courses or other recreational or institutional facility that involve extensive turf cultivation
25 or maintenance;
26 (3) Aboveground storage tanks, except for water tanks;
27 (4) Industrial or commercial facilities that, when completed, will use, store, or handle dangerous
28 wastes in quantities in excess of five (5) gallons or twenty-five (25) pounds or more of any one
29 substance, or in aggregate quantities of twenty (20) gallons or 100 pounds or more of all
30 dangerous waste;
31 (5) Fossil fuel exploration or development; and
32 (6) Commercial underground storage tanks in excess of 1,100 gallons.
33

34 (e) Agricultural uses shall employ best management practices in the application, storage, and disposal of
35 pesticides, herbicides, sterilants, fumigants, and fertilizers, including livestock wastes.
36

37 **24.08.440 Mitigation**
38

39 (a) The Department, Health District and the jurisdictional agency for any affected Wellhead Protection
40 Area shall review development proposals to assess aquifer(s) vulnerability and establish needed
41 mitigation. Where determined to be necessary through the site assessment process, development
42 approvals shall include conditions designed to prevent significant degradation of water quality or
43 reduction in water quantity in aquifer recharge areas. Where a wellhead protection plan that addresses
44 the project area exists, the Administrative Official shall use the recommendations contained in the
45 wellhead protection plan as a basis for formulating mitigation. In the absence of such a mitigation
46 plan, the Planning Department and/or Health Department shall contact the Public Water System
47 Water Purveyor and jointly develop mitigation, a summary of which shall be signed by the applicant
48 and recorded with the applicant's property title.
49
50

1 **Article VI. Geologically Hazardous Areas**

2
3 **24.08.500 Identification and Designation**

- 4
5 (a) Geologically Hazardous Areas shall be designated consistent with the definitions provided in WAC
6 365-190-080(4). Geologically Hazardous Areas as defined in GCC § 25.02 and shall include:
7 (1) Erosion Hazards;
8 (2) Landslide Hazards;
9 (3) Mine Hazards; and
10 (4) Seismic Hazards.
11
- 12 (b) Erosion Hazard Areas: Those areas identified as having high or very high water erosion hazard by the
13 U.S. Department of Agriculture Natural Resources Conservation Service as designated by the Natural
14 Resources Conservation Service local office.
15
- 16 (c) Landslide Hazard Areas: those areas potentially subject to landslides based upon the following
17 combination of geologic, topographic and hydrologic factors:
18 (1) Areas of historic failure including:
19 (A) areas having: (1) a 30 percent slope or steeper; (2) a vertical relief of 30 feet or more; and
20 (3) delineated in Table 10 of the Soil Survey of Grant County Washington, Soil
21 Conservation Service, USDA, as having “severe: slope” limitations for building site
22 development; and
23 (B) areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps
24 or technical reports published by the United States Geological Survey such as topographic
25 or geologic maps, or the Geology and Earth Resources Division of the Washington
26 Department of Natural Resources, or other documents authorized by government agencies.
27 (2) Areas with all of the following characteristics:
28 (A) A gradient of 15% or greater;
29 (B) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a
30 relatively impermeable sediment or bedrock; and
31 (C) Springs or groundwater seepage;
32 (3) Areas that have shown movement during the Holocene Epoch or which are underlain or covered
33 by mass wastage debris of the epoch;
34 (4) Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint
35 systems, and fault planes) in subsurface materials;
36 (5) Slopes having gradients greater than eighty percent (80%) subject to rockfall during seismic
37 shaking;
38 (6) Areas potentially unstable as a result of rapid stream incision and streambank erosion;
39 (7) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to
40 inundation by debris flows or catastrophic flooding; and
41 (8) Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or
42 more feet except areas composed of solid rock. A slope is delineated by establishing its toe and
43 top and measured by averaging the inclination over at least ten (10) feet of vertical relief.
44
- 45 (d) Mine Hazard Areas: Those areas that fall within or 100 horizontal feet of a mine opening at the
46 surface or an area designated as a mine hazard area by the Washington State Department of Natural
47 Resources;
48
- 49 (e) Seismic Hazard Areas: Those areas subject to severe risk of damage as a result of earthquake-induced
50 ground shaking, slope failure, settlement, soil liquefaction or surface faulting, including

- 1 (1) Areas described in GCC § 24.08.500(b) and (c) or having a potential for soil liquefaction and
2 soil strength loss during groundshaking; and
- 3 (2) Areas located on a Holocene fault line identified by USGS investigative maps and studies.

4
5 **24.08.510 Applicability**
6

- 7 (a) The provisions of GCC § 24.08500 shall apply only to land use and development permits or
8 approvals. Permits and approvals required under GCC § 14.04 shall be exempt from this section.
9 However, the Building Official may require evaluation using the provisions set forth in Chapter 18 of
10 the 1994 Uniform Building Code (or the corresponding Chapter in any later adopted edition of the
11 UBC). The expansion of pre-existing structures shall also be exempt so long as the intrusion into an
12 erosion or landslide hazard area does not increase.

13
14 **24.08.520 Maps and References**
15

- 16 (a) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance
17 conducted by the Department, the Administrative Official shall use the following maps and references
18 to assist in making a Preliminary Determination pursuant to GCC § 24.08.070:
 - 19 (1) United States Department of Agriculture, Soil Conservation Service Grant County Soil Survey
20 Maps and Tables;
 - 21 (2) All of Grant County lies within a Seismic Risk Zone 2(b), as shown on the Uniform Building
22 Code Seismic Risk Zone Map of the United States; and
 - 23 (3) United States Geological Survey topographic and geologic maps.

24
25 **24.08.530 Site Assessment Requirements**
26

- 27 (a) The Administrative Official shall conduct a Preliminary Assessment pursuant to GCC § 24.08.070
28 using maps and references identified in GCC § 24.08.520. If necessary, the Administrative Official
29 may consult with the Washington State Department of Natural Resources, the USDA Natural
30 Resources Conservation Service, and the Grant County Building Official. The Administrative Official
31 shall:
 - 32 (1) determine if a geological hazard area may be present within 100 feet of the proposed activity;
33 and
 - 34 (2) whether the proposed activity may result in or contribute to an increase in hazard, or may pose a
35 risk to life and property on or off the project site.
- 36
37 (b) If the Administrative Official has reason to believe that a geological hazard area may be present
38 within 100 feet of the proposed activity, the proposed development shall be subject to the protection
39 standards and mitigation requirements pursuant to this Chapter.
40
- 41 (c) If the Administrative Official has reason to believe that a geological hazard area may be present
42 within 100 feet of the proposed activity and the proposed activity may result in or contribute to an
43 increase in hazard, or may pose a risk to life and property on or off the project site, a site assessment
44 report shall be submitted to the Department by the applicant. Only a site assessment report prepared
45 by a Qualified Geotechnical Professional who has been approved by the Department of Community
46 Development shall be accepted.
47
- 48 (d) The site assessment report shall include the following information:
 - 49 (1) A detailed narrative describing the project, including, but not limited to, associated grading and
50 filling, structures, and utilities;

- 1 (2) Classification of the type of hazard that exists;
- 2 (3) Site plan that depicts: the location of all proposed improvements, the height of slope, slope
- 3 gradient and cross section of the site; the location of springs, seeps, or other surface expressions
- 4 of groundwater; and any evidence of surface or stormwater runoff;
- 5 (4) A geotechnical evaluation that includes at a minimum, a description and/or evaluation of the
- 6 following:
- 7 (A) Site location, topography, drainage and surface water bodies;
- 8 (B) Soils and geologic units underlying the site;
- 9 (C) An assessment of the geologic characteristics and engineering properties of the soils,
- 10 sediments, and/or rock of the subject property and potentially affected adjacent properties.
- 11 Soils analysis shall be accomplished in accordance with the Unified Soil Classification
- 12 System;
- 13 (D) Determination of height of slope and slope gradient, including slope cross sections;
- 14 (E) A description of load intensity including surface and groundwater conditions, public and
- 15 private sewage disposal systems, fills and excavations and all structural development;
- 16 (F) An estimate of slope stability and the effect construction and placement of structures will
- 17 have on the slope over the estimated life of the structure;
- 18 (G) An estimate of the bluff retreat rate which recognizes and reflects potential catastrophic
- 19 events such as seismic activity or one-hundred-year storm event;
- 20 (H) An assessment describing the extent and type of vegetative; and
- 21 (I) A detailed description of the project, its relationship to geologic hazard(s), and its potential
- 22 impact upon the hazard area, the subject property and affected adjacent properties.
- 23 (J) A proposed mitigation plan pursuant to GCC § 24.08.550.
- 24

25 (e) Qualifications of Qualified Geotechnical Professional: Site assessment reports prepared pursuant to
26 GCC § 24.08.530 shall be prepared by a Professional Engineer registered in the State of Washington,
27 trained and qualified to analyze geologic, geotechnical, hydrologic, and groundwater flow systems, or
28 a geologist or geotechnical engineer who has received a degree from an accredited four-year college
29 or university and who has relevant training and experience in analyzing geologic, geotechnical,
30 hydrologic, and groundwater flow systems. Such qualifications shall be demonstrated to the
31 satisfaction of the Administrative Official.

32
33 (f) The Administrative Official shall evaluate documentation submitted pursuant to GCC § 24.08.530
34 and condition permit approvals to minimize risk on both the subject property and proposed
35 improvements as well as affected adjacent properties. All conditions on approvals shall be based on
36 known, available, and reasonable methods of prevention, control and treatment. Evaluation of
37 geotechnical reports may also constitute grounds for denial of the proposal. Any County permits or
38 approvals issued shall contain a statement on the face of the permit notifying the permit recipient that
39 the permit involves work within or adjacent to a geologic hazard and/or its buffer and that the permit
40 recipient assumes the risk and associated liability for such activity

41 **24.08.540 Protection Standards**

42
43
44 (a) Erosion and Landslide Hazard Areas:

- 45 (1) Grading:
- 46 (A) Clearing, grading, and other construction activities shall not aggravate or result in slope
- 47 instability or surface sloughing;
- 48 (B) Undergrowth shall be preserved to the extent practicable;
- 49 (C) No dead vegetation, fill or other foreign material shall be placed within a landslide hazard
- 50 area, other than that approved for bulkheads or other methods of stabilization unless a

- 1 geotechnical report shows that the activity will not exacerbate landslide hazards; and
2 (D) Ground disturbance shall be minimized to the extent practicable.
- 3 (2) Ground Surface Erosion Control Management:
4 (A) There shall be minimum disturbance of vegetation in order to minimize erosion and
5 maintain existing stability of hazard areas;
6 (B) Vegetation removal on the slopes of banks between the ordinary high water mark and the
7 top of the banks shall be minimized;
8 (C) Vegetation and organic soil material shall be removed from a fill site prior to the placement
9 of clean earthen material;
10 (D) Vegetative cover shall be re-established on any disturbed surface to the extent practicable;
11 and
12 (E) To the extent practicable, soil stabilization materials such as filter fabrics, rip-rap, and
13 similarly designed materials, shall be placed on any disturbed surface when future erosion
14 is likely.
- 15 (3) Drainage:
16 (A) Surface drainage, including downspouts, shall not be directed across the face of a hazard
17 area; if drainage must be discharged from the top of a hazard area to its toe, it shall be
18 collected above the top and directed to the toe by tight line drain, and provided with an
19 energy dissipative device at the toe for discharge to a swale or other acceptable natural
20 drainage areas;
21 (B) Stormwater retention and detention systems, including infiltration systems utilizing buried
22 pipe, may be used if a geotechnical assessment indicates such a system shall not affect
23 slope stability and the system is designed by a licensed civil engineer; the licensed civil
24 engineer shall also certify that the system is installed as designed.
- 25 (4) Buffers:
26 (A) An undisturbed thirty (30) foot buffer, as measured on the top surface, is required from the
27 top, toe, and along all sides of any existing landslide or erosion hazard areas;
28 (B) Based on the results of a geotechnical assessment, the Administrative Official may increase
29 or decrease the buffer; and
30 (C) The buffer shall be clearly staked before any construction or clearing (grading) takes place.
31 (D) Normal non-destructive pruning and trimming of vegetation for maintenance purposes, or
32 thinning of limbs of individual trees to provide a view corridor shall not be subject to these
33 buffer requirements.
- 34 (5) Design Guidelines:
35 (A) Foundations shall conform to the natural contours of the slope and foundations should be
36 stepped or tiered where possible to conform to existing topography;
37 (B) Roads, walkways, and parking areas shall be designed with low gradients or be parallel to
38 the natural contours of the site; and
39 (C) To the extent practicable, access shall be in the least sensitive area of the site.
- 40 (6) Additional Standards for Erosion and Landslide Hazard Areas:
41 (A) No critical facilities shall be constructed or located within an erosion or landslide hazard
42 area;
43 (B) No new structures shall be located on a permanent foundation within an erosion or
44 landslide hazard area, unless the foundation is located at a distance landward of the
45 ordinary high water mark that is greater than or equal to the amount of land that is expected
46 to erode within the next thirty (30) years as determined by the Administrator;
47 (C) New septic system drainfields in an erosion hazard area shall be located landward of any
48 new structure; and
49
- 50 (b) Mine Hazard Areas: Development within a mine hazard area is prohibited.

- 1 (c) Seismic Hazard Areas: Development within areas that meet the classification criteria for seismic
2 hazard areas shall comply with the Uniform Building Code requirements for Seismic Risk Zone 2a as
3 adopted by Grant County. No other permits are required by this ordinance for seismic hazards.
4

5 **24.08.550 Mitigation**
6

- 7 (a) When mitigation is required by this section, a mitigation plan shall be prepared by a Qualified
8 Geotechnical Professional and shall:
9 (1) Include a discussion on how the project has been designed to avoid and minimize the impacts to
10 geologically hazardous areas;
11 (2) Make a recommendation for the minimum building setback from any bluff edge and/or other
12 geologic hazard and shall be based upon the geotechnical analysis under GCC § 24.08.530(d)(4);
13 (3) Include the location and methods of drainage, locations and methods of erosion control, a
14 vegetation management and/or restoration plan and/or other means for maintaining long term
15 stability of slopes;
16 (4) Address the potential impact of mitigation on the hazard area, the subject property and proposed
17 improvements and affected adjacent properties;
18 (5) Include a temporary erosion and sedimentation control plan prepared in accordance with the
19 requirements of GCC § 23.12;
20 (6) Include a drainage plan for the collection, transport, treatment, and discharge of surface water in
21 accordance with the requirements of GCC § 23.12; and
22 (7) Demonstrate compliance with GCC § 24.08.540.
23

24 **Article VII. Frequently Flooded Areas**
25

26 **24.08.600 Identification and Designation**
27

- 28 (a) Frequently flooded areas shall be those floodways and associated floodplains designated by the
29 Federal Emergency Management Agency (FEMA) flood hazard classifications as delineated on the
30 most current available Flood Insurance Rate Maps for Grant County, or as subsequently revised by
31 FEMA, as being within the 100-year flood plain, or those floodways and associated floodplains
32 delineated by a comprehensive flood hazard management plan adopted by Grant County Board of
33 Commissioners, as being within the 100-year floodplain or having experienced historic flooding. For
34 the purpose of this ordinance, in case of conflict between FEMA flood hazard maps and the
35 comprehensive flood hazard management plan designations, the more restrictive designation shall
36 apply.
37

38 **24.08.610 Maps and References**
39

- 40 (a) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance
41 conducted by the Department, the Administrative Official shall use the following maps and references
42 to assist in making a Preliminary Determination pursuant to GCC § 24.08.070:
43 (1) F.E.M.A. Flood Insurance Rate Maps (FIRM), most current available.
44

45 **24.08.620 Site Assessment Requirements**
46

- 47 (a) The Administrative Official shall conduct a Preliminary Assessment pursuant to GCC § 24.08.070
48 using maps and references identified in GCC § 24.08.610. If necessary, the Administrative Official
49 may consult with the Federal Emergency Management Agency and the Grant County Engineer. The
50 Administrative Official shall determine if a frequently flooded area may be present within 100 feet of

1 the proposed activity.

- 2
- 3 (b) If an area of interest is not included in a comprehensive flood hazard management plan adopted by
- 4 the Board of County Commissioners, and the County Engineer believes that the FEMA FIRM maps
- 5 do not correctly delineate the 100-year floodplain, the County Engineer may delineate the 100-year
- 6 flood plain based on documented historic flooding of the area. If such documentation is not adequate
- 7 to allow the County Engineer to make such delineation, the applicant shall provide a flood hazard
- 8 study prepared by a Professional Engineer assessing the extent of the 100-year floodplain, which shall
- 9 be subject to approval by the County Engineer.
- 10
- 11 (c) If the Administrative Official has reason to believe that a frequently flooded area may be present
- 12 within 100 feet of the proposed activity, the proposed development shall be subject to the protection
- 13 standards and mitigation requirements pursuant to this Chapter.
- 14
- 15 (d) The site assessment report shall include the following information:
- 16 (1) A detailed narrative describing the project, including, but not limited to, associated grading and
- 17 filling, structures, and utilities;
- 18 (2) Site plan that depicts the location of all proposed improvements and existing topography,
- 19 drainage and surface water bodies;
- 20 (3) If the FEMA FIRM maps do not specify a base flood elevation, the applicant shall prepare and
- 21 submit a flood elevation certificate on form provided by the Department; and
- 22

23 **24.08.630 Protection Standards**

24

- 25 (a) All development within frequently flooded areas shall comply with the Grant County Flood Damage
- 26 and Prevention Ordinance, the Grant County Shoreline Management Master Plan, the Uniform
- 27 Building Code regarding structural safeguards to reduce risk to human life, health and property from
- 28 flooding, and other pertinent ordinances and codes.
- 29
- 30 (b) Any use or development shall not alter the normal movement of surface water in a manner that would
- 31 cause the unnatural diversion of floodwater to otherwise flood-free areas.
- 32

33 **Article VIII. Cultural Resources**

34

35 **24.08.700 Identification and Designation**

36

- 37 (a) Cultural resources are those areas that have been identified as having lands, sites, and structures that
- 38 have historical or archaeological significance.
- 39

40 **24.08.710 Maps and References**

41

- 42 (a) Archaeological sites are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53
- 43 (Archaeological Sites and Records) and must comply with WAC 25-48 (Archaeological Excavation
- 44 and Removal Permit). Archaeological excavations are allowed subject to applicable state laws.
- 45
- 46 (b) In addition to the Critical Areas Checklist prepared by the applicant and any site reconnaissance
- 47 conducted by the Department, the Administrative Official shall use the following maps and references
- 48 to assist in making a Preliminary Determination pursuant to GCC § 24.08.070:
- 49 (1) Washington Department of Community Development, Office of Archaeology and Historical
- 50 Preservation, National Register of Historic Places, State Register of Historic Places, and the

24.08.720 Site Assessment Requirements

- (a) When an application for a permit is received for an area known to contain archaeological artifacts and data, the County shall not take action on the application and shall inform the applicant thereof, and the applicant shall not initiate any excavation or development activity until the site has been inspected and a written evaluation is provided by a Qualified Archaeologist. Significant archaeological data or artifacts must be recovered before work begins or resumes on a project. No application will be unreasonably delayed for such an inspection. If the application is approved by the County, conditions shall be attached reflecting the recommendations of the archaeologist regarding preservation or protection of the site.
- (b) All permits shall contain a special provision advising the permit holder that if during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity of the find must be halted immediately and the Administrator must be notified at once. The project proponent shall contact the appropriate Native American tribal organization(s) or other appropriate group, County and OAHP. This contact shall initiate a consultation process for determining subsequent actions. Activities authorized by the permit will not be delayed more than five (5) working days for a finding of significance by the Administrative Official, following the Administrative Official's receipt of notification, unless the permit holder agrees to an extension of that time period.
- (c) All development proposed for location adjacent to sites which are listed, or are determined by the appropriate State or Federal authority to be eligible for listing in the state or national registers or historic places, must be located so as to complement the historic site. Development, which degrades or destroys the historical character of such sites, is not permitted.
- (d) Identified historical or archaeological resources must be considered in site planning for public parks, public open space, and public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource.
- (e) The site assessment report shall include the following information:
 - (1) A detailed narrative describing the project, its relationship to the cultural resource area and its potential impact to the cultural resource;
 - (2) Site plan indicating the location of proposed development in reference to the location of the cultural resource/archaeological site;
 - (3) A description outlining the local topography, geology, water sources, vegetation, wildlife, and any notable environmental conditions;
 - (4) A detailed summary of what was actually observed;
 - (5) A brief summary of the prehistory, history and ethnography of the study area citing major studies and their results.

24.08.730 Protection Standards

- (a) All development within cultural resources areas shall comply with the conditions included in the site assessment report as approved by the Administrative Official.
- (b) During any construction authorized under the development approval, should human remains, cultural or archaeological resources be encountered, all construction activities shall immediately halt. The

1 project proponent, or his contractor or agent shall immediately contact OAHP, the Administrative
2 Official, and the appropriate Native American tribal organization(s) or other appropriate group or
3 agency. This contact shall initiate a consultation process for determining subsequent actions.
4 Activities authorized by the permit will not be delayed more than five (5) working days for a finding
5 of significance by the Administrative Official, following the Administrative Official's receipt of
6 notification, unless the permit holder agrees to an extension of that time period.
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