ORDINANCE NO. 44

AN ORDINANCE amending Ordinances 392, 393, 400, 401, and 402 repealing and replacing Grays Harbor County Code Chapter 18.06 Critical Area Protection Ordinance

WHEREAS, Grays Harbor County finds, after consultation with affected interest groups, citizens, and state agencies, that there is a need to update certain sections of Grays Harbor County Code Title 18 relating to critical areas protection to ensure compliance with the 2018 Periodic Update to the Critical Areas Protection Ordinance mandated by the Growth Management Act; and

WHEREAS, Grays Harbor County finds that the existing Critical Areas Protection Ordinance language requires significant reorganization and language revisions for clarity, consistency, and modernization,

NOW, THEREFORE, be it ordained by the Board of Commissioners of Grays Harbor County, Washington, that the following sections of Ordinances 392, 393, 400, 401, and 402 to Grays Harbor County Code Chapter 18.06 be deleted and replaced as follows:

Section 1: Ordinance 392, 393, 400 and 401, Grays Harbor County Code Chapter 18.06 shall be deleted in its entirety as follows:

((Chapter 18.06—Critical Areas Protection Ordinance

18.06.005—Title.

This chapter shall be known and may be cited as the "Grays Harbor County Critical Areas Protection Ordinance."

(Ord. No. 393, § 1, 6-7-2010)

18.06.010—Purpose and intent.

The purpose of this chapter is to identify and protect environmentally critical areas and to supplement the development requirements contained in applicable zoning classifications established in Title 17 of this code by providing for additional controls consistent with best available science.

Geologically hazardous areas, frequently flooded areas, wetland areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas constitute environmentally critical protection areas that are of special concern to the citizens of Grays Harbor County. The standards and mechanisms established in this chapter are intended to protect these environmentally critical features in Grays Harbor County. By regulating development and alterations to critical protection areas, this chapter seeks to:

1. Protect members of the public and public resources and facilities from injury, loss of life, property damage or financial losses due to flooding, erosion, landslides, or seismic events;

2. Protect unique, fragile and valuable elements of the environment including wildlife and its habitat;
3. Avoid impacts or mitigate unavoidable impacts to environmentally-critical-protection areas by regulating alterations in and adjacent to critical-protection areas;

4. Prevent cumulative adverse environmental impacts to water availability, water quality, wetlands and streams;

5. Protect the public trust as to navigable waters and aquatic resources;

6. Meet the requirements of the National Flood Insurance Program and maintain Grays Harbor County as an eligible community for federal flood insurance benefits;

7. Alert members of the public, including, but not limited to, appraisers, owners, potential buyers or lessees, to the development limitations of critical-protection areas;

8. Provide county officials with sufficient information to preserve critical-protection areas;

9. Implement the policies of the "Washington State Environmental Policy Act" and the applicable requirements of the "Washington State Growth Management Act"; and

10. Implement the policies of the Grays Harbor County Comprehensive Land-Use Plan and all Grays Harbor County functional plans.

(Ord. No. 393, § 2, 6-7-2010)

18.06.015—Applicability.

A. The regulations and standards pertaining to building construction in Title 15, land subdivision in Title 16, and zoning in Title 17 of this code shall be subject to the general provisions, requirements, and conditions set forth in this chapter. If any other provision of this code conflicts with a requirement in this chapter, the requirement providing greater preservation of critical-protection areas shall apply unless specifically provided otherwise in this section. These regulations shall apply as an overlay and in addition to zoning, land use, building construction and other regulations.

B. Prior to fulfilling the requirements of this section, the county shall not grant any approval or permission to alter the condition of any land, water or vegetation, or to construct or alter any structure or improvement including, but not limited, to the following permit-related activities:

1. Commercial building permit or residential building permit

2. Binding site plan

3. Conditional-use permit

4. Flood-development permit

5. Grading permit

6. Planned-unit development

7. Road-access permit

8. Conditional-shoreline substantial-development permit

9. Shoreline substantial-development permit

10. Shoreline substantial-development permit exemption

11. Shoreline substantial-development permit variance

12. Short subdivision
13. Special-use permit
14. Subdivision
15. Cluster subdivision
16. Large-lot subdivision
17. Variance
18. Washington State Forest Practices conversion and moratorium rescission—activities over which the county has jurisdiction
19. Zone reclassification and text amendment

C. The county shall perform a critical protection area review for any Grays Harbor County permit or approval requested for a development proposal on a site that includes one or more critical protection areas, unless otherwise provided in this section. As part of all development applications:

1. The county shall verify the information submitted by the applicant to:
   (a) Confirm the nature and type of the critical protection area and evaluate any special critical protection area study;
   (b) Determine whether the development proposal is consistent with the provisions of this section of the county code;
   (c) Determine whether any proposed alterations to a critical protection area are necessary;
   (d) Determine if any mitigation plan, monitoring plan, and binding measures proposed by the applicant are sufficient to protect the public health, safety and welfare consistent with the goals, purposes, objectives, and requirements of this chapter.
   (e) Determine if the applicant has previously been found in violation of critical protection area regulations for any property in Grays Harbor County, or that any violations have been resolved to the satisfaction of the county.

2. The applicant shall submit a statement under oath that:
   (a) the applicant has no knowledge that a critical protection area(s) on the development proposal site have been illegally altered;
   (b) demonstrates that any development proposal submitted conforms to the purposes, standards and protection mechanisms of this chapter; and
   (c) if required, prepare a special critical area protection study in accordance with Section 18.06.020.

D. The county may approve, approve-with-conditions, or deny any development proposal in order to carry out the goals, purposes, objectives and requirements of this chapter.

E. Approval of a development proposal pursuant to the provisions of this section does not discharge the obligation of the applicant to comply with all provisions of this chapter.

F. Mitigation measures shall be completed prior to commencing development activities on the site that will alter a critical protection area or its associated buffer. In all other cases, mitigation measures shall be timed to minimize impacts to the critical protection area and shall be completed prior to the final inspection and approval for the proposal.

G. Land subject to the provisions of the Grays Harbor County Shoreline Master Program. A use or structure legally located within shorelines of the state that was established or vested on or before the effective date of this chapter, may continue as a conforming use and may be redeveloped or modified if:
1. The redevelopment of modification is consistent with the Grays Harbor County Shoreline Master Program; and

2. The County finds that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions.

The county may waive the requirement set forth above in Section 18.06.015Q.2. if the redevelopment or modification is found by the county to be consistent with the shoreline master program and the provisions of this chapter.

(Ord. No. 393, § 3, 6-7-2010)

48.06.020—Critical area protection—special studies.

A. Special Study Requirement. An applicant for a development proposal that includes a critical protection area, including any associated buffer, shall submit such special studies as required by the county to adequately evaluate the proposal and all probable adverse impacts. The study shall be prepared by a professional possessing the appropriate state or similar accreditation or license that demonstrates their understanding and skill in examining the scope of work.

B. Special Study Waiver. The planning director may waive the requirement for a special study if there is a written finding by the county that:

1. There will be no alteration of the critical protection areas or any required buffer; and

2. The development proposal is consistent with the purpose of Section 18.06.010; and

3. The minimum standards required by this chapter are met.

C. Special Study Exception. No special study is required for the following development proposals:

1. A building permit for the remodel of a structure when there is no enlargement of the existing footprint and when no alteration of the critical protection area or any associated buffer will occur as a result of the remodel activity.

2. A building permit for a lot which was subject to a previous special study of critical protection areas; provided that the previous special study contains information upon which the county can determine the impacts associated with the current development proposal.

3. The county shall make such field investigations as are necessary to determine whether criteria for a special study exception are satisfied. In situations where a previous special study is used in determination process, the county shall determine if any proposed mitigation measures contained in the study were completed; if the mitigation measures were not completed, then they shall be completed as part of the review and approval process for the new development.

D. Contents of Special Study. The written critical area special study and accompanying plan sheet shall contain the following information, at a minimum:

1. Be prepared by a qualified professional who is duly licensed, if required by law, for such work in the state of Washington. The county shall verify and approve such licensing or accreditation prior to accepting the study for review.
2. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the critical protection area special; a description of the proposal; identification of all the local, state, and/or federal permit(s) required for the project; and a vicinity map for the project;

3. A statement specifying the accuracy of the report and all assumptions made and relied upon;

4. Documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, soil sample, test wells, and baseline hydrologic data;

5. A description of the methodologies used to conduct the study, such as for delineations, functional assessments or impact analyses, including references;

6. Identification and characterization of all critical protection areas and any required or proposed buffers on the proposed project area;

7. For any wetland special study for an identified on-site wetland area, provide the following: (a) the wetland rating per State Department of Ecology document entitled "Washington State Wetlands Identification and Delineation Manual"; (b) proposed or required buffers; (c) hydrogeomorphic classification; (d) wetland acreage based on a professional survey from the field delineation, including the acreage for the on-site portion and entire wetland area including off-site portions; (e) Cowardin classification of vegetation—communities; (f) habitat elements; (g) soil conditions based on site assessment and/or soil survey information; and (h) the extent possible, hydrologic information such as location and condition of inlet/outlets, if they can be legally accessed, estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues, such as algal mats, drift lines, or flood debris. Provide acreage estimates, classifications, and ratings based on entire wetland complexes;

8. A description of the proposed or required actions, including (a) an estimation of the acreage of the critical area and, if proposed or required, buffer areas, based on the field delineation or survey, and (b) an analysis of site development impacts and alternatives, including an alternative design or location that would not impact the critical protection area;

9. An assessment of the impacts to the critical protection area and buffers, where required or proposed, resulting from the proposed development;

10. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical protection areas;

11. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve the existing critical protection area and, if appropriate for the proposed mitigation, restore any critical protection area that was degraded prior to the current proposed land-use activity;

12. For any wetland area or fish and wildlife habitat conservation area special study, a conservation strategy for habitat and native vegetation that addresses methods to protect or enhance on-site habitat and function if required or proposed as a mitigation measure;

13. For any wetland area special study, an evaluation of functions of the wetland and, when required or proposed, the adjacent buffer, using a functions assessment method recognized by the State Department of Ecology, including the reference for the method used and all data sheets.
14. A copy of the site plan sheet(s) for the project shall be included with the written report and must include, at a minimum, the following elements:

(a) Maps, to scale, and the square footage estimates depicting delineated critical protection areas and, when required or proposed, on-site buffers, including buffers for off-site critical protection areas that may extend onto the project site; the development proposal; other critical protection areas; and grading limits;

(b) A depiction to scale of the proposed surface water management facilities and outlets for the development, including estimated areas of intrusion into the buffers of any critical protection areas. The written report shall contain a discussion of the potential impacts to the critical protection areas associated with anticipated hydrologic alterations from the project.

15. Studies shall propose adequate mitigation, maintenance, monitoring plans, and bending measures as approved by the county.

(Ord. No. 393, § 4, 6-7-2010)

48.06.025 General exemptions;

The following are exempt from the provisions of this chapter:

A. Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this chapter; provided that:

1. The activity must be the minimum necessary to alleviate the emergency in the critical area or its buffer;

2. The person or agency undertaking emergency activities shall notify the county prior to any action taken to remedy the emergency; provided, however, that if prior notification is not feasible, the project proponent shall notify the county within one working day following commencement of the emergency activity;

3. After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and mitigation plan;

4. The person or agency undertaking the action shall apply for review, and the alteration, critical area report, and mitigation plan shall be reviewed by the county in accordance with the review procedures contained herein; and

5. The person or agency shall initiate restoration and/or mitigation activities within one year of the date of the emergency and complete said activities in a timely manner.

B. Structures in existence on the date this chapter takes effect;

C. For the following agricultural activities in existence on the date this chapter takes effect:

1. Grazing of livestock;

2. Mowing of hay, grass, or grain crops;

3. Tilling, disking, planting, seeding, harvesting and related activities for pasture food crops, grass seed or sod;

4. Normal and routine maintenance of existing irrigation and drainage ditches;

5. Normal and routine maintenance of farm ponds, fish ponds, manure lagoons, and livestock watering ponds;
6. This chapter does not require modification of or limitations to agricultural activities otherwise lawfully occurring on agricultural lands. For purposes of this section, agricultural activities shall include the following definitions:

(a) "Agricultural activities" means agricultural uses and practices including, but not limited to, (1) producing, breeding, or increasing agricultural products, (2) rotating and changing agricultural crops or products, (3) allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded, (4) allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions, (5) allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement, (6) conducting agricultural operations, (7) maintaining, repairing, and replacing agricultural equipment, (8) maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the critical protection area than the original facility, (9) maintaining agricultural lands under production or cultivation, and (10) aquaculture, including shellfish harvesting.

(b) "Agricultural products" includes, but is not limited to, (1) horticultural, vilicultural, silvicultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products, (2) feed or forage for livestock, (3) Christmas trees, (4) hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting, and (5) livestock, including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products.

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to:
   (i) Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;
   (ii) Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;
   (iii) Farm equipment, lands, and facilities; and
   (iv) Roadside stands and on-farm markets for marketing fruit or vegetables.

(d) "Agricultural land" means those specific land areas on which agriculture activities are conducted, including aquaculture activities.

To the greatest extent practical, the county will implement voluntary programs enhancing viability of agriculture. Voluntary programs implemented shall include measures to evaluate the successes of these programs.

D. For the following electric, natural gas, cable communications, and telephone utility-related activities, when undertaken pursuant the best management practices contained in the current edition of State Department of Ecology's "Stormwater Management Manual for Western Washington":

1. Normal and routine maintenance or repair of existing utility structures in a developed public right-of-way or private easement, provided that the action does not expand further into a critical protection area;

2. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty-five thousand volts or less only when required by a local governmental agency that approves the new location of the facilities;

3. Relocation of natural gas, cable communications, gas and telephone facilities, lines, pipes, mains, equipment or appurtenances only when the new location of the facilities is required and approved by the county or other governmental agency with jurisdiction;
4. Installation or construction in a public road right-of-way, and the replacement, operation or alteration, of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty-five thousand volts or less;

5. Installation or construction in a public road right-of-way or private easement, and the replacement, operation, repair or alteration of all natural gas, cable communications and telephone facilities, lines, pipes, mains, equipment or appurtenances;

E. Public agency development proposals, but only to the extent of any construction contract awarded before the effective date of this section, provided that any regulation in effect at the time of such award shall apply to such proposal.

F. State Department of Natural Resources Class I, Class II, Class III, and Class IV Special Forest Practices.

(Ord. No. 393, § 5, 6-7-2010; Ord. No. 400, § 3, 1-9-2012)

18.06.030 — Reserved.

Editor's note — Section 4 of Ord. No. 400, adopted Jan. 9, 2012, deleted § 18.06.030 which pertained to Essential public facility exception and derived from Ord. 393, adopted June 7, 2010.

18.06.035 — Reasonable use exception.

A. If application of this chapter would deny all reasonable use of the property that was permitted by the applicable zoning district before the effective date of this chapter, development may be allowed that is consistent with the general purposes of this chapter and the public interest.

B. An application for a critical area protection reasonable use exception shall be filed with the planning and building division, and shall be approved, approved with conditions, or disapproved as the case may be by the board of adjustment.

C. The board of adjustment shall review an application for an exception pursuant to the provisions of Chapter 2.12 of this code. Before approving a reasonable use exception, the board must find that:

1. Application of this chapter would deny all reasonable use of the property that was permitted by the applicable zoning district before the effective date of this chapter; and

2. There is no other reasonable use with less impact on the critical protection area; and

3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare;

4. Any alterations permitted to these critical protection areas shall be the minimum necessary to allow for reasonable use of the property;

5. The proposal and the required on-site or off-site mitigation will result in no net loss of critical area functions and values consistent with the best available science; and

6. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor.
D. Upon approval of a reasonable use exception, the county will not take measures to protect the property or any improvements upon it from damage caused or increased because of its location within or near a critical area.

E. Except when application of this chapter will deny all reasonable use of the property as referenced in Section 18.06.035A, an applicant seeking relief from the standards and requirements of this chapter shall obtain a variance as provided in Section 18.06.040.

(Ord. No. 393, § 7, 6-7-2010; Ord. No. 400, § 5, 1-9-2012)

48.06.040 Authority to grant variances.

The board of adjustment must approve all applications for variances from requirements of this chapter.

A. The board of adjustment may authorize variances from the standards of this chapter in accordance with procedures set forth in Chapters 2.12 and 17.80 of this code, but excepting Section 17.80.020. The board of adjustment shall review the variance request and make written findings that the request meets or fails to meet the variance criteria set forth herein below.

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

1. Special conditions and circumstances exist that are peculiar to the land, the lot, or something inherent in the land and that are not applicable to other lands in the same zoning district.

2. The special conditions and circumstances do not result from the actions of the applicant.

3. A literal interpretation of the provisions of this chapter would deprive the applicant of all reasonable economic uses and privileges permitted to other properties in the vicinity and zoning district of the subject property under the terms of this chapter.

4. The variance requested is the minimum necessary to provide the applicant with such rights.

5. Granting the variance requested will not confer on the applicant any special privilege denied by this chapter to other lands, structures, or buildings under similar circumstances.

6. The granting of the variance is consistent with the general purpose and intent of this chapter.

7. The granting of the variance will not further degrade the functions or values of the associated critical areas.

8. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property.

9. The decision to grant the variance includes the best available science set forth in this chapter and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat.

10. The granting of the variance is consistent with the general purpose and intent of the Comprehensive Plan and adopted development regulations.

C. Conditions May Be Required. In granting any variance, the board of adjustment may prescribe such conditions and safeguards as are necessary to secure adequate protection of critical protection areas from adverse impacts, and to ensure conformity with this chapter.
D. Time Limit. The board of adjustment shall prescribe a time limit within which the action for which the variance has been granted is required shall be begun or completed or both. Failure to begin or complete such action within the established time limit shall result in a rescission of the variance.

E. Burden of Proof. The burden of proof shall be on the applicant to produce evidence in support of the application.

(Ord. No. 393, § 8, 6-7-2010)

48.06.045 Criteria for granting variances in frequently flooded areas.

The board of adjustment shall hear and decide all applications for variances from the requirements of this chapter; provided however that all requirements and criteria set forth in this section must be satisfied before a frequently flooded area variance is granted.

The purpose of the variance procedures provided in this section is to permit the construction and substantial improvement of structures within existing neighborhoods and areas where the structures are in close proximity, where full compliance with the provisions of this chapter would cause an exceptional hardship, and where granting of a variance would not result in additional threats to the public safety. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the criteria in this section have been met. As the lot size increases, the technical justification required for issuing the variance increases. Upon consideration of the criteria contained in this section and in Section 17.80.020 of this code, the board of adjustment may grant those variances found to be consistent with the decision criteria. The board shall make written findings of fact as to the justification for the variance and may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section and Section 17.80.020 of this code.

B. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon: (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in the criteria below, or conflict with local laws or ordinances. In deciding variances and appeals from administrative decisions the following factors shall be considered: (a) the danger that materials may be swept onto other land to the injury of others; (b) the danger to life and property due to flooding or erosion damage; (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (d) the importance of the services provided by the proposed facility to the community; (e) the necessity to the facility of a waterfront location, where applicable; (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion.
damage; (g) the compatibility of the proposed use with existing and anticipated development; (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area; (i) the safety of access to the property in times of flood for ordinary and emergency vehicles; (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and (k) the costs of providing governmental service during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that a variance pertains to a physical piece of property; the variance is not personal in nature and does not pertain to the structure, its inhabitants, economic or financial circumstances. Variances primarily address small lots in densely populated residential neighborhoods. As such, variances from the elevation requirements should be quite rare.

F. Each applicant to whom a variance is granted shall be notified in writing that the permitted structure may be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with increased risk. Such notification shall be maintained with a record of all variance actions as required by Section 18.06.050.

(Ord. No. 393, § 9, 6-7-2010)

18.06.050 Frequently-flooded area variance record requirements.

The county shall comply with the following record requirements: (A) the planning director shall maintain a record of all variance actions, including the justification for their issuance and the board's written findings of fact; (B) the county shall report the variances from the requirements of this district granted in its periodic report submitted to the federal insurance administrator.

(Ord. No. 393, § 10, 6-7-2010)

18.06.055 Appeals.

A. Any decision to approve, condition, or deny a development proposal based on the requirements of this chapter or requiring a critical protection area special study pursuant to this chapter or where no other administrative appeal procedure exists may be appealed to the board of adjustment pursuant to the provisions of Chapter 17.84.

B. In considering appeals from administrative decisions, the board of adjustment shall consider all technical evaluations, all relevant factors, and the criteria set forth in Sections 18.06.040 and 18.06.045.

C. Procedural determinations made by the planning director shall be entitled to substantial weight, as provided by RCW 43.21C.075 (3) (d) and WAC 197-11-680(3) (vii).

(Ord. No. 393, § 11, 6-7-2010)

18.06.060 Critical protection area maps and inventories.
A. The distribution of many environmentally critical protection areas in Grays Harbor County is displayed on county maps, which are hereby adopted by reference. The actual presence or absence of the features defined in Title 17.56 of this code as critical protection areas as determined by the county shall govern.

These maps are to be used as a guide, and do not provide a definitive determination as to the presence of a critical protection area. It shall be the responsibility of the developer to verify the presence of any on-site critical area.

All areas within Grays Harbor County meeting the definition of critical protection area, regardless of whether these areas have been identified or mapped, shall be subject to the provisions of this chapter.

B. All revisions, updates, or reprints of critical protection area maps and inventories shall be conformed to this chapter.

(Ord. No. 393, § 12, 6-7-2010)

18.06.065 Notice on title.

A. The county shall prepare and record a notice in the office of the auditor for any site within the critical protection area identified in this chapter and on which a development proposal is submitted. Said notice shall indicate in the public record the presence of the critical protection area, the application of the requirements of this chapter to the site, and that limitations on development activities may exist. Only one such notice is required to be recorded on any individual property or lot.

The notice shall be as set forth below:

"Notice: This site lies within a critical protection area as identified in Grays Harbor County Code Chapter 18.06. The site was the subject of a development proposal for [application number] filed on [date]. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application provides information on the location of the critical protection area and the restrictions on the site. A copy of the application site map showing the critical protection area is attached hereto."

B. For all proposed subdivision proposals within critical protection areas identified in this chapter, the applicant shall include a note on the face of the plat.

The note shall be as set forth below:

"Notice: This site lies within a critical protection area as identified in Grays Harbor County Code Chapter 18.06. The site was the subject of a development proposal for [application number], filed on [date]. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation."

The note shall be recorded as part of final plat approval for any subdivision.

(Ord. No. 393, § 13, 6-7-2010)

18.06.070 Critical protection area tracts or easements and setback areas.

A. Critical protection area tracts or easements shall be used to protect all geologically hazardous areas except erosion hazard areas, fish and wildlife habitat conservation areas, critical aquifer recharge areas, or wetland areas for any proposal governed by the provisions
of Title 16 or 17 of this code to which they apply, and shall be recorded on all documents of title of record for all affected property.

Any required critical protection area tract or easement shall be held in an undivided interest by each owner within the development, with this ownership interest carried forward with the ownership of the lot, to assure both the ownership and the protection of the tract or easement. A tract or easement may be included entirely within a lot in the development.

B. Any building setback area or buffer, as determined necessary by the County to preserve the resource, and the critical protection area shall be identified on a site plan that is filed as an attachment for any development permit application to the county.

(Ord. No. 393, § 14, 6-7-2010)

18.06.075—Temporary marking and permanent signage.

The following requirements shall be utilized by all development subject to the provisions of this chapter:

A. Temporary Marking. Prior to commencing construction activities on a development site, the applicant shall identify and mark critical protection areas in a highly visible manner, such as through the use of yellow caution tape or signs, and these areas must remain so marked until all development activities in the vicinity of the critical protection area have been completed.

B. Signs. For development requiring a critical protection area special study provided in Section 18.06.020, the boundary between a critical protection area tract or easement and the adjacent developed land shall be identified using permanent signage. The critical area special study prepared for the proposal shall include information concerning the installation of the required signage, including the material to be used, signage installation location detailed on a site map of the property drawn to scale, and a signage maintenance program.

The sign shall be worded as follows, or with alternative language approved by the county:

- Protected Wetland Area
  Do Not Disturb
- Protected Fish and Wildlife Habitat Conservation Area
  Do Not Disturb
- Protected Geologically Hazardous Area
  Do Not Disturb
- Protected Critical Aquifer Recharge Area
  Do Not Disturb
- Protected Frequently Flooded Area
  Do Not Disturb

Temporary marking and permanent signage requirements may be modified by the planning director as necessary to ensure the protection of the resource. The modification shall be in writing and shall be based upon information contained in a critical protection area special study prepared in accordance with Section 18.06.020.

(Ord. No. 393, § 15, 6-7-2010)
48.06.080—Mitigation.

1. Mitigation means the use of the following actions that are listed in descending order of preference:
   (a) Avoiding the impact at all together by not taking a certain action or parts of an action;
   (b) Minimizing impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impact;
   (c) Rectifying the impact by repairing, rehabilitating or restoring the affected critical protection areas;
   (d) Reducing or eliminating the impact over time by prevention and maintenance operations during the life of the actions;
   (e) Compensating for the impact by replacing, enhancing, or providing substitute critical protection areas and environments;
   (f) Monitoring the impact and taking appropriate corrective measures.

2. The protection and mitigation measures in this chapter shall achieve no overall net loss in the existing value and function of geologically hazardous areas, frequently flooded areas, wetland areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas.

3. Mitigation measures shall be in place for the critical protection areas and any associated buffer to protect the resource from adverse impacts occurring on all or portions of the site that are being developed.

4. A mitigation plan shall be required for the design, implementation, maintenance, and monitoring of the mitigation measure(s), and it shall be prepared by an individual or company that can demonstrate professional expertise in the field applicable to the critical protection area.

(Ord. No. 393, § 16, 6-7-2010)

48.06.085—Monitoring and maintenance.

The county may require monitoring when mitigation is required for the alteration of a critical protection area. A monitoring plan shall be prepared by the applicant that includes the conditions of development approval specifically designed to address critical area protection, the date of mitigation action, and a schedule for assessing the value and function of the critical area subject to the mitigation measure. Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action(s), referred to as adaptive management, which, when approved, shall be subject to monitoring. Access to the monitored area, for purposes of inspection, shall be provided by the applicant to ensure conformance with the provisions of the monitoring program, with notice of the inspection provided by the agency to the property owner seven calendar days prior to the inspection.

1. Permanent Maintenance of Mitigation Measures. Arrangements shall be required for the permanent maintenance of all mitigation measures that are not dedicated to and accepted by a public agency. The planning director may require that the maintenance arrangements be recorded with the property as covenants or notifications. The county
has no duty to maintain any mitigation measures that have not been dedicated to and accepted by the county. The county has no duty to enforce actual performance of any maintenance arrangements required by this section.

2. Inspection. Required mitigation measures must be inspected to the satisfaction of the county. Such inspections shall be requested by the applicant at such stages as may be indicated by the county. All costs of inspections, plan checking, testing, sampling, and other work incidental to approval of the required improvements shall be charged to the developer and paid before final approval of the development or release of a performance bond.

3. Performance Bonds. As an alternative to complete installation of required mitigation measures prior to final development permit approval, the developer may elect to post a performance bond guaranteeing completion of the work within a stated period not to exceed one year. The bond may be for part or all of the mitigation measure.

Any such performance bond shall be in an amount acceptable to the county and in a form acceptable to the county prosecuting attorney, and in an amount not less than one hundred (100) percent of the county's estimate of cost for completing the required mitigation measures, required inspections, and repairs to be bonded, including related engineering and incidental expenses, inspections, costs of administering construction of mitigation measures, costs of calling on the surety, any final survey monumentation, and any certified original reproducible "as built" mitigation measure plans. Separate bonds may be required for each required mitigation measure to be bonded.

Performance bonds are intended to protect the public and purchasers of the property being developed by providing guarantees that the required mitigation measures will be installed. Such performance bonds shall not be used for, or in any manner be tied to payments to contractors or sub-contractors.

4. Maintenance Bonds. A maintenance bond securing to the county the successful operation for one year of any mitigation measure required by this title may be required by the county as a condition of final inspection and approval. Any such maintenance bond shall be in an amount acceptable to the county and in a form acceptable to the prosecuting attorney.

The bonds shall be used to make any repairs or changes necessary to correct any defects, poor workmanship, or operational problems discovered one year from the date the mitigation measure was inspected and approved, if the correction is not to be undertaken by the developer.

5. Bond Administration. The county shall monitor the construction of bonded mitigation measures and the performance of mitigation measures secured by maintenance bonds. If the developer fails to carry out or violates the bond agreement, the planning and building division, after consultation with the prosecuting attorney, shall request the board of county commissioners to declare the developer in default and to instruct the county staff to obtain the funds available from the surety to construct the bonded mitigation measures and to reimburse the county for any expenses it has incurred. A developer shall be in default if he or she has (a) violated the bonding agreement and/or failed to complete the required mitigation measures in compliance with the time periods set out in the bonding agreement, or (b) if the developer has failed to correct defects in mitigation measures during the year after they were inspected and approved. The planning director or other affected county department or division may petition the board of county commissioners to declare the developer in default if he or she has failed to carry out the agreement during the specified time period.
If the amount of the surety does not exceed the cost and expense incurred by construction of the mitigation measures by the county, the remainder shall be released. If the amount of the bond or cash deposit is greater than the cost and expense incurred, the developer shall be liable to the county for the difference.

The cost of monitoring, and all county costs associated with the review of said monitoring, shall be funded by the applicant.

(Ord. No. 393, § 17, 6-7-2010)

18.06.095—Geologically hazardous areas development standards.

A. Classification and Designation of Geologically Hazardous Areas.

1. Geologically hazardous areas within the county include those areas susceptible to one or more of the following hazards:
   a. Erosion hazard;
   b. Landslide hazard;
   c. Seismic hazard;
   d. Tsunami hazard; and
   e. Other geologic events, including, but not limited to, mass wasting, debris flows, rock falls, and differential settlement.

2. The following plans and maps designate the approximate distribution, location, and extent of geologically hazardous areas within the county:
   a. The most recently adopted Grays Harbor County Hazard Mitigation Plan;
   b. State department of natural resources geologic information portal interactive maps:
      (i) Washington interactive geologic map;
      (ii) Landslides of Washington State;
      (iii) Tsunami evacuation map; and
      (iv) Subsurface geology information system;
   c. Grays Harbor County Tsunami Inundation Potential Map; and

B. The administrator may require a critical area special study as provided by 18.06.020 for any use, structure, or activity not exempt by 18.06.025 that is proposed in a geologically hazardous area. The study shall:

1. Assess the type and extent of the geologic hazard area within two hundred (200) feet of the use, structure, or activity;

2. Provide an analysis of the use, structure, or activity that describes its potential impact upon the hazard area, the potential impact of the hazard area to the proposed project permit, the potential impact of the geologic hazard to other critical areas within two hundred (200) feet of the use, structure, or activity and the potential impact to adjacent properties; and

3. Provide recommendations for short- and long-term mitigation actions to reduce the risk of a potential geologic hazard(s);

C. Alteration of geologically hazardous areas may occur if:

1. There will be no increase in risk from the geologic hazard to the proposed use, structure, or activity, adjacent properties or critical areas; and
2. A Washington State-licensed engineer or geologist certifies the development-design eliminates or mitigates the hazard risk to a level equal to or less than predevelopment conditions.

D. To make certain that development within geologically hazardous areas shall not increase hazard risks beyond predevelopment conditions to on-site development, adjacent properties, and other critical areas, the development standards in this section shall apply to project permits:

1. Uses, standards, or activities in erosion hazard areas shall meet the following performance standards:


   b. Minimize modification of the natural contour of slopes by conforming to the existing topography of the site.

   c. Incorporate stabilization best management practices, such as temporary and permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, and preservation of mature vegetation.

   d. Ensure the stabilization of all exposed and disturbed soils by appropriate and timely application of best management practices.

   e. Minimize the removal of existing vegetation and undergrowth.

   f. Design cut and fill slopes to minimize erosion.

   g. Stabilize conveyance outlets and stream banks to prevent erosion.

   h. Reduce clearing, grading, and impervious surfaces to the minimum amount necessary to accommodate the project permit.

2. Uses, structures, or activities in landslide hazard areas shall meet the following performance standards:

   a. Establish and maintain a forty-foot buffer from the top and toe of a slope identified as a landslide hazard area. The administrator may allow the following modifications to the buffer:

      (i) Reduce the buffer if a critical area special study prepared by a qualified professional certifies that the reduction will adequately protect the proposed development, adjacent developments, and critical areas.

      (ii) Locate on-site sewage disposal systems, including drainfields, within a buffer when a qualified professional certifies that there will be no impact to existing or proposed development.

   b. On-site stormwater and drainage development shall meet the requirements of the current edition of the Stormwater Management Manual for Western Washington.

   c. Locate structures and improvements to avoid landslide areas and other critical areas.

   d. Minimize modification of the natural contour of slopes by conforming to the existing topography of the site.

   e. Minimize the removal of existing vegetation and undergrowth.

   f. Reduce clearing, grading, and impervious surfaces to the minimum amount necessary to accommodate the project permit.

   g. Avoid the location of utility improvements in landslide hazard areas except when no other practical alternative exists.

3. Project permits in seismic hazard areas shall meet the requirements of chapter 15.04 of the Grays Harbor County Code.

E. Clearing activities that disturb soils in erosion and landslide hazard areas are allowed during the dry season from May 1 to October 1; provided, however, that the county may extend or
shorten the dry season on a case-by-case basis or upon recommendation of a qualified professional. The seasonal clearing restrictions associated with timber harvest shall be pursuant to an approved forest practices permit.

F. Public facilities and essential public facilities shall not be constructed or located in geologically hazardous areas if there is a feasible alternative location outside geologically hazardous areas that would serve the intended service population. If allowed, the design and operation of the critical facility shall minimize the risk and danger to public health and safety to the maximum extent feasible.

(Ord. No. 393, § 18, 6-7-2010; Ord. No. 401, § 7, 6-11-2012)

18.06.100 Critical protection area development standards for frequently flooded areas.

A. Frequently Flooded Areas. Development proposals on sites containing frequently flooded areas shall meet the following requirements:

B. Floodplain District. The floodplain classification is designed to carry out the mandate contained in the National Flood Insurance Program (NFIP) and the protection of frequently flooded areas. The Federal Insurance Administration will determine the zone classification for those areas that are not included in the Flood Insurance Rate Map (FIRM) prior to the issuance of any development permit for the property.

C. Lands to which this chapter applies. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Grays Harbor County, and Incorporated Areas" dated February 3, 2017, and any revisions thereto, with an accompanying Flood Insurance Rate Maps (FIRM) dated February 3, 2017, and any revisions thereto, are hereby adopted by reference and declared to be part of this code. The Flood Insurance Study and FIRM shall be maintained on file in the planning and building division office, 100 West Broadway, 3rd Floor, Montesano, Washington. The best available information for flood hazard area identification shall be the basis for the regulations contained herein until such time that new FIRM is issued incorporating updated hazard identification.

No land, wetlands, or waterways shall be altered; no building or structure shall be erected, reconstructed, located, extended, expanded, converted, altered or intensified; and no land, building, or structures shall be used for any purpose except as herein after allowed in the same zone in which such building, structure, and land is located.

(Ord. No. 393, § 19, 6-7-2010; Ord. No. 434, § 2, 1-30-2017)

18.06.105 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. The provisions in this chapter do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. Nothing in this chapter shall create liability on the part of Grays Harbor County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made hereunder.
(Ord. No. 393, § 20, 6-7-2010)

18.06.110—Permits required for development within frequently-flooded areas.

A permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 18.06.100C. Such permit is required for all structures, including manufactured homes and for all development including fill and other activities, as set forth in Chapter 17.08. In addition to information required for all permits, applications for permits for development within any area of special flood hazard except flood elevation certificates required pursuant to Title 15 of this code shall include:

A. The elevation in relation to mean sea level, of the lowest floor (including basement) of all structures and whether or not the structure contains a basement; refers to Section 18.06.120B.

B. The elevation in relation to mean sea level to which any structure has been flood proofed;

C. Certification by a Washington State licensed professional engineer or architect that the flood-proofing methods for any non-residential structure meets the flood-proofing criteria in Section 18.06.120F and a certification upon completion that the structure was built in accordance with the criteria. These certifications shall be provided before a certificate of occupancy is issued;

D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

E. A listing of the necessary permits and clearances from those governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334, and the Washington State Shorelines Management Act;

F. Evidence the permits listed in Section 18.06.110E have been received;

G. Any other information which may be reasonably required by the planning director in order to administer this chapter.

The applicant shall be responsible for the costs of providing the required information, including the costs associated with determining and setting elevations at the development site where required by this chapter.

(Ord. No. 393, § 21, 6-7-2010)

18.06.115—Administration of frequently flooded area standards.

The planning director or his or her designee shall implement and administer the provisions of Section 18.06.100 by granting or denying development permit applications in accordance therewith. The director’s duties include, but are not limited to:

A. Permit Review.

1. Review all permits requested for areas within the flood-plain district to determine that the permit requirements and development standards of this chapter have been satisfied. The planning director or his or her designee may require that development proposals be reviewed by the county engineer to assure the accuracy of data and that the provisions of this chapter will be met;
2. Review all permits requested for areas within the flood plain district to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Washington State Shoreline Management Act.

3. For areas where a regulatory floodway has been designated, review all permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that Section 18.06.125A encroachment provisions are met.

4. For areas where a regulatory floodway has not been designated but may be designated in the future, review all permits in the area of special flood hazard except in the coastal high-hazard area to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development where combined with all other existing and anticipated development will not increase the water-surface elevation of the base flood more than one foot at any point.

B. Obtaining Base Flood Data. When base flood elevation data has not been provided (in A or V Zones) in accordance with the "Basics for Establishing the Areas of Special Flood Hazard" in Section 18.06.100C, the planning director or his or her designee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer Section 18.06.120 governing "Provisions for Flood Hazard Reduction" and Section 18.06.125 governing "Provisions for Flood Hazard Reduction in Floodways."

C. Obtaining and maintaining the following information:

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 18.06.115B, obtain and record the actual as-built elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 18.06.115B: (a) obtain and record the actual elevation, in relation to mean sea level, to which the structure was flood-proofed; and (b) maintain the flood-proofing certifications required in Section 18.06.110C;

3. For all new construction and substantially improved structures within coastal high hazard areas, certification shall be obtained from a Washington State licensed professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters;

4. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses:

1. Notify adjacent communities and the State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries: make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field-conditions).

The applicant contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be adjudicated consistent with the standards of
Section 60.6 of the Rules and Regulations of the National Flood Insurance Program 44 Code of Federal Regulations (CFR) 59-76 or as amended.

(Ord. No. 393, § 22, 6-7-2010; Ord. No. 434, § 3, 1-30-2017)

18.06.120—Provisions for flood hazard reduction.

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

A.—General Development Standards.

1.—All development proposals shall be consistent with the need to minimize flood damage.
2.—All public utilities and facilities, such as sewer, gas, electrical, and water systems proposed for construction within all development proposals shall be located and constructed to minimize or eliminate flood damage.
3.—All development proposals shall provide adequate drainage to reduce exposure to flood damage.
4.—All subdivision proposals shall comply with the following:
   (a)—All subdivision proposals shall be consistent with the need to minimize flood damage.
   (b)—All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and installed to minimize or eliminate flood damage.
   (c)—All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
   (d)—Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).
5.—All recreational vehicle use in frequently flooded areas shall comply with Chapter 8.20 requirements.
6.—All development proposals in shallow flooding areas shall comply with the standards contained in this subsection.

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

(a)—New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade to the structure, one foot or more above the BFE depth number specified in feet on the community's FIRM or at least two feet above the highest adjacent grade to the structure if no depth number is specified.

(b)—New construction and substantial improvements of non-residential structures within AO zones shall either:

(i)—Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM or at least two feet if no depth number is specified. This improvement shall be noted on a current elevation certificate Form FF81-31, with Section E completed, and the form recorded; or
Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

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

(d) Recreational vehicles placed on sites within AO Zones on the community's FIRM must comply with all provisions of Chapter 8.20 of this code.

(e) Recreational vehicles placed on sites within AO Zones must be fully licensed and ready for highway use, on its wheels or jacking-system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

B. Permit Review Where Elevation Data is not Available. Where elevation data is not available either through a Flood Insurance Study, FIRM, or from another authoritative source such as provided in Section 18.06.115B, applications for permits shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

C. Anchoring Standards.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured homes to be placed or substantially improved on a site located within a floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, with the installation using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. For more detailed information, refer to guidebook FEMA-85 entitled "Manufactured Home Installation in Flood-Hazard Areas."

D. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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

E. Elevation Standards for Residential Structures.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.

2. All manufactured homes to be placed or substantially improved within Zones A, Al through A30, AH, and AE shall be elevated on a permanent foundation so that the
lowest floor is one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system, in compliance with Section 18.06.120C.2., to resist flotation, collapse and lateral movement.

3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited; or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a Washington State licensed professional engineer or architect or must meet or exceed the following minimum criteria: (a) a minimum of two opennings having a total net area of not less than one square inch for each one square foot of enclosed area subject to flooding shall be provided; (b) the bottom of all opennings shall be no higher than one foot above grade; (c) the opennings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

F. Elevation and Flood-Proofing Standards for Non-Residential Structures. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either:

1. Have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or

2. Have the structure together with attendant utility and sanitary facilities flood-proofed in compliance with the following requirements:
   (a) Be flood-proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water,
   (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy,
   (c) Be certified by a Washington State licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the planning director or his or her designee in accordance with Section 18.06.110C.

(3) Non-residential structures that are elevated, but not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 18.06.120E.3.

G. Utility System Standards.

1. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Water wells shall be located on high ground that is not in the floodway.

H. AE and A1-30 Zones with base flood elevations but no floodways. In areas with base flood elevations but where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development including fill shall be permitted within Zones A1-30 and AE on the county's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county.
18.06.125—Provisions for flood-hazard reduction in floodways.

Located within areas of special flood-hazard established in Section 18.06.100C are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

A.—Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification by a Washington State licensed professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either (1) before the repair or construction is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded from the fifty (50) percent portion.

C. If requirements in Section 18.06.125A are satisfied, all new construction and substantial improvements shall comply with all applicable flood-hazard reduction provisions of Section 18.06.120.

(Ord. No. 393, § 24, 6-7-2010)

18.06.130—Provisions for flood-hazard reduction in coastal high hazard areas.

In addition to standards prescribed in Section 18.06.120, the following standards shall be met for developments sited within coastal high hazard areas (V zones) to lessen the special hazards associated with high velocity waters from tidal surges. The planning director or his or her designee shall review each development proposal within a coastal high hazard area prior to issuing a permit to assure that the following standards are met:

A. All new construction, including buildings or structures, shall be located landward of the reach of mean high tide.

B. Located within areas of special flood hazard are Coastal High Hazard Areas, designated as Zone V1 through and including V-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

1. All new construction and substantial improvements in Zone V1 through and including V-30, Zone VE, and Zone V if base flood elevation data is available on the county’s FIRM, shall be elevated on pilings and columns so that:
   (i) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated one foot or more above the base flood level; and
   (ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads
acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year at a one-hundred-year mean recurrence interval.

A registered professional engineer or architect shall develop and/or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of Sections 18.06.030B.1.(i) and 18.06.030B.1.(ii).

2. Obtain the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved structures in Zone V1 through and including V-30, Zone VE, and Zone V on the county’s FIRM, and determine whether or not such structures contain a basement. The planning director or his or her designee shall maintain a record of all such information.

3. All new construction within Zone V1 through and including Zone V30, Zone VE, and Zone V on the county’s FIRM shall be located landward of the reach of the mean high tide.

4. Provide that all new construction and substantial improvements within Zone V1 through and including Zone V30, Zone VE, and Zone V on the county’s FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For purposes of this subsection, a breakaway wall shall have a design safe loading resistance of net less than ten pounds per square foot and no more than twenty pounds per square foot. The use of breakaway walls that exceed a design safe loading resistance of twenty pounds per square foot, either by design or when so required by county or state codes, may be permitted only if a registered professional engineer or architect certifies that the proposed design meets the following criteria:

(i) Breakaway wall collapse shall result from water load less than that would occur during the base flood; and

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all structural and non-structural building components. Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year at a one-hundred-year mean recurrence interval.

If breakaway walls are utilized, such enclosed space shall be usable solely for the parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

5. Prohibit the use of fill for structural support of buildings within Zone V1 through and including V30, Zone VE, and Zone V on the county’s FIRM.

6. Prohibit manmade alteration of sand dunes within Zones V1 through and including V30, Zone VE, and Zone V on the county’s FIRM which would increase potential flood damage.

7. All manufactured homes to be placed or substantially improved within Zones V1-30, Zone V, and Zone VE on the community’s FIRM and on sites that are (a) located outside of a manufactured home park or subdivision, or (b) located in a new manufactured home park or subdivision, or (c) located in an expansion to an existing manufactured home park or subdivision, or (d) located in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, shall meet the standards in Sections 18.06.130B.1. through 18.06.130B.6., inclusive, and manufactured homes placed or substantially improved on other sites in an
existing manufactured home park or subdivision within Zones V1-30, Zone V, and VE on
the county’s FIRM shall meet requirements of Sections 18.06.130B.2. through
18.06.130B.3., inclusive.
8. Recreational vehicles placed on sites within Zone V1 through and including Zone V30,
Zone V, and Zone VE on the county’s FIRM shall comply with all provisions of Chapter
8.20 of this code.
9. Recreational vehicles placed on sites within Zone V1 through and including Zone V30,
Zone V, and Zone VE must:
   Be fully licensed and ready for highway use, on its wheels or jacking system, be attached
to the site only by quick disconnect-type utilities and security devices, and have no
permanently attached additions.

(Ord. No. 393, § 25, 6-7-2010; Ord. No. 434, § 5, 1-30-2017)

18.06.135 Development standards for wetland areas:

A. The county shall utilize the United States Department of the Interior Fish and Wildlife
Service’s National Wetlands Inventory Map and the current edition of the State Department
of Ecology document entitled “Washington State Wetlands Identification and Delineation
Manual” in determining the location of wetland areas, and utilize the current edition of State
Department of Ecology’s “Washington State Wetlands Identification Manual” for the
delineation of wetland areas, the current edition of the “Washington State-Wetland Rating
System for Western Washington” for categorizing wetland areas, and the current editions of
Mitigation in Washington State Part 2: Developing Mitigation Plans”, “Wetlands in
Volume 2: Managing and Protecting Wetlands” for the mitigation of wetland area impacts
except as superseded by those protection measures contained in Section 18.06.135B.6.

B. Wetland Areas: Development proposals on sites containing wetland areas shall meet the
following requirements:

1. Wetland areas and any proposed or required buffers shall not be altered except as
expressly authorized by this chapter.

2. All approved alterations shall have an appropriate mitigation plan where the county
determines, upon review of a critical protection area special study completed by a
qualified professional, that either:
   (a) The wetland area does not serve any of the existing value and functions of wetland
areas identified in Section 18.06.136B.5., including, but not limited to, existing wildlife
habitat and natural drainage functions; or
   (b) The proposed development would protect wildlife habitat, natural drainage, and/or
other existing valuable functions of wetlands and would be consistent with the purposes
of this chapter. The required studies may include habitat value, hydrology, erosion and
deposition, and/or water-quality studies. Such studies shall include specific
recommendations for mitigating measures that should be required as a condition of any
approval for the development. The recommendations may include, but are not limited to,
construction techniques or design, drainage, or density specifications.

3. If a wetland area is in a frequently flooded area, the county shall notify the State
Department of Ecology, Quinault Indian Nation and the Confederated Tribes of the
Chehalis Indian Reservation of alteration plans prior to the initiation of any alteration and
submit evidence of such notification to the Federal Insurance Administration. Any alterations must be consistent with the provisions of Section 18.06.135B.6.(g).

4. No plant or wildlife not indigenous to the Pacific Northwest may be introduced into any wetland area unless authorized by a state or federal license or permit.

5. Wetland Classifications.

(a) Category 1-Wetland means a wetland area that represents a unique or rare wetland type, or is more sensitive to disturbance than most wetlands, or that is relatively undisturbed and contains ecological attributes that are impossible to replace within a human lifetime, or provide a high level of functions. Refer to Section 18.06.135A.1 for specific classification document.

(b) Category 2-Wetland means a wetland area that is difficult though not impossible to replace and provides high levels of some functions. Refer to Section 18.06.135A.1 for specific classification document.

(c) Category 3 Wetland means a wetland area of a moderate level of function or an interdunal wetland area between 0.1 acre and one acre in size. Refer to Section 18.06.135A.1 for specific classification document.

(d) Category 4 Wetland means a wetland area that has the lowest levels of function and is often heavily disturbed. Refer to Section 18.06.135A.1 for specific classification document.

6. Wetland Area Protection Standards.

(a) Buffers.

(i) All buffers are measured from the wetland edge as marked in the field. The wetland edge shall be delineated by use of the method described in the State Department of Ecology's "Washington State Wetlands Identification and Delineation Manual."

(ii) The following buffers are minimum requirements for development.

1. Category 1 Wetlands shall be protected with a buffer width as set forth in Table A. Wetland Buffers, provided that all the following impact mitigation measures are implemented:

   (1) Outdoor lighting from the development shall be designed and installed to prevent direct casting into adjacent wetland areas. Final design shall be reviewed and approved by the planning and building division prior to permit issuance.

   (2) The county adopts Chapter 173-60 WAC and classifies wetlands as Class A EDNA receiving properties for managing intruding noise levels.

   (3) Any treated surface water proposed for discharge into any on-site delineated wetland area shall be conveyed in a manner consistent with those practices set forth in "Guide Sheet 2: Wetland Protection Guidelines" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

   (4) The applicant shall prepare a restrictive covenant, to be placed upon the deed for the property that prohibits the use of pesticides within one hundred fifty feet of the delineated on-site wetland area. The covenant shall be recorded by the county prior to permit issuance.

   (5) The applicant shall utilize integrated pest management practices as set forth in the county's current "Best Management Practices Plan."

   (6) Existing on-site drainage system facilities shall be reviewed by a Washington-State-licensed engineer to determine such facilities' ability to accommodate the increased volume of surface water created by the new development. The facilities shall be modified as necessary with facility design
consistent with the direction provided in "Volume III" of the 2006 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

(7) Surface water from areas adjacent to on-site delineated wetland areas shall be channelized and treated prior to discharge into wetland buffer areas. Surface water treatment shall be consistent with "BMP-T514" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.


(9) Surface water from impervious surfaces and lawns located adjacent to on-site delineated wetland areas shall be channelized and treated prior to discharge into wetland buffer areas. Surface water treatment shall be consistent with all practices prescribed in "Volume V" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

(10) The county may require construction of temporary or permanent fencing on the boundary of a wetland buffer to protect its functions and values. Fencing design shall not interfere with fish and wildlife migration and shall minimize impacts to the wetland and its associated habitat.

(11) The applicant shall utilize dust control best management practices (BMP) during development activities. Such practices shall be consistent with "BMP C140" of the 2005 State Department of Ecology document entitled "Stormwater Management."

(12) The delineated on-site wetland area shall be placed in a tract or easement as prescribed in Section 18.06.070.

(13) Absent the mitigation measures noted in Section 18.06.135B.6.(a)(ii)(I) through and including Section 18.06.135B.6.(a)(ii)(I)(11), Category 1 wetlands shall be protected with a three-hundred-foot-wide buffer.

(II) Category 2 Wetlands shall be protected with a buffer width set forth in Table A Wetland Buffers, provided that the following impact mitigation measures are also implemented:

(1) Outdoor lighting from the development shall be designed and installed to prevent direct casting into adjacent wetland areas. Final design shall be reviewed and approved by the planning and building division prior to permit issuance.

(2) The county adopts Chapter 173-60 WAC and classifies wetlands as Class A EDNA receiving properties for managing intruding noise levels.

(3) All treated surface water proposed for discharge into any on-site delineated wetland area shall be conveyed in a manner consistent with these practices set forth in "Guide Sheet 2: Wetland Protection Guidelines" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual"
for Western Washington." Final design shall be reviewed and approved by the public-works division prior to permit issuance.

(4) The applicant shall prepare a restrictive covenant to be placed upon the deed for the property prohibiting use of pesticides within one hundred fifty feet of the delineated on-site wetland area. The covenant shall be recorded by the county prior to permit issuance.

(5) The applicant shall utilize integrated pest-management practices as set forth in the county's current "Best Management Practices Plan."

(6) Existing on-site drainage system facilities shall be reviewed by a Washington State-licensed engineer to determine their ability to accommodate the increased volume of surface water created by the new development. The facilities shall be modified as necessary, with facility design consistent with the direction provided in "Volume III" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public-works division prior to permit issuance.

(7) Surface water from areas adjacent to on-site delineated wetland areas shall be channelized and treated prior to discharge into wetland buffer areas. Surface water treatment shall be consistent with "BMP T511" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public-works division prior to permit issuance.


(9) Surface water from impervious surfaces and lawns located adjacent to on-site delineated wetland areas shall be channelized and treated prior to discharge into wetland buffer areas. Surface water treatment shall be consistent with those practices contained in "Volume V" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public-works division prior to permit issuance.

(10) The county may require construction of temporary or permanent fencing on the boundary of a wetland buffer to protect its functions and values. Fencing design shall not interfere with fish and wildlife migration and shall minimize impacts to the wetland and its associated habitat.

(11) The applicant shall utilize dust control best management practices (BMP) during development activities. All such practices shall be consistent with "BMP C140" of the 2005 State Department of Ecology document entitled "Stormwater Management."

(12) The delineated on-site wetland area shall be placed in a tract or easement as prescribed in Section 18.06.070.

(13) Absent the mitigation measures noted in Section 18.06.135B.6.(a)(ii)(I)(1) through and including Section 18.06.135B.6.(a)(ii)(I)(11), Category 2 wetlands shall be protected with a three-hundred-foot-wide buffer.
(III) Category 3 Wetlands shall be protected with a buffer width set forth in Table A Wetland Buffers, provided that the following impact mitigation measures are also implemented:

1. Outdoor lighting from the development shall be designed and installed to prevent direct casting into adjacent wetland areas. Final design shall be reviewed and approved by the planning and building division prior to permit issuance.

2. The county adopts Chapter 173-60 WAC and classifies wetlands as Class A EDNA receiving properties for managing intruding noise levels.

3. All treated surface water proposed for discharge into any on-site delineated wetland area shall be conveyed in a manner consistent with those practices set forth in "Guide Sheet 2: Wetland Protection Guidelines" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

4. The applicant shall prepare a restrictive covenant to be placed upon the deed for the property prohibiting the use of pesticides within one hundred fifty feet of the delineated on-site wetland area. The covenant shall be recorded by the county prior to permit issuance.

5. The applicant shall utilize integrated pest management practices as set forth in the county's current "Best Management Practices Plan."

6. Existing on-site drainage system facilities shall be reviewed by a Washington State licensed engineer to determine their ability to accommodate the increased volume of surface water created by the new development. The facilities shall be modified as necessary, with facility design consistent with the direction provided in "Volume III" of the 2006 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

7. Surface water from areas adjacent to on-site delineated wetland areas shall be channelized and treated prior to discharge into wetland buffer areas. Surface water treatment shall be consistent with "BMP-T514." of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.


9. Surface water from impervious surfaces and lawns located adjacent to on-site delineated wetland areas shall be channelized and treated prior to discharge into wetland buffer areas. Surface water treatment shall be consistent with those practices contained in "Volume V" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.
(10) The county may require construction of temporary or permanent fencing on the boundary of a wetland buffer to protect its functions and values. Fencing design shall not interfere with fish and wildlife migration and shall minimize impacts to the wetland and its associated habitat.

(11) The applicant shall utilize dust control best management practices (BMP) during all development activities. The practices shall be consistent with "BMP C140" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington."

(12) The delineated on-site wetland area shall be placed in a tract or easement as prescribed in Section 18.06.070.

(13) Absent the mitigation measures noted in Section 18.06.135B.6.(a)(ii)(III)(1) through and including Section 18.06.135B.6.(a)(ii)(III)(11), Category 3 wetlands shall be protected with a one hundred fifty-foot wide buffer.

(14) Category 4 wetlands shall be protected with a buffer width set forth in Table A Wetland Buffers, provided that the following impact mitigation measures are also implemented:

1. Outdoor lighting from the development shall be designed and installed to prevent direct casting into adjacent wetland areas. Final design shall be reviewed and approved by the planning and building division prior to permit issuance.

2. The county adopts Chapter 173-60 WAC and classifies wetlands as Class A EDNA receiving properties for managing intruding noise levels.

3. All treated surface water proposed for discharge into any on-site delineated wetland area shall be conveyed in a manner consistent with those practices set forth in "Guide Sheet 2: Wetland Protection Guidelines" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

4. The applicant shall prepare a restrictive covenant, to be placed upon the deed for the property that prohibits use of pesticides within one hundred fifty feet of the delineated on-site wetland area. The covenant shall be recorded by the county prior to permit issuance.

5. The applicant shall utilize integrated pest management practices as set forth in the county's current "Best Management Practices Plan."

6. Existing on-site drainage system facilities shall be reviewed by a Washington State-licensed engineer to determine their ability to accommodate the increased volume of surface water created by the new development. The facilities shall be modified as necessary with facility design consistent with the direction provided in "Volume III" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

7. Surface water from areas adjacent to on-site delineated wetland areas shall be channelized and treated prior to discharge into wetland buffer areas. Surface water treatment shall be consistent with "BMP T511" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

Washington" and the 2005 Puget Sound Action Team and Washington-State University Pierce County Extension document entitled "Low Impact Development: Technical Guidance Manual for Puget Sound." Final design shall be reviewed and approved by the public works division prior to permit issuance.

(9) Surface water from impervious surfaces and lawns located adjacent to on-site delineated wetland areas shall be channelized and treated prior to discharge into wetland buffer areas. Surface water treatment shall be consistent with those practices contained in "Volume V" of the 2005 State Department of Ecology document entitled "Stormwater Management Manual for Western Washington." Final design shall be reviewed and approved by the public works division prior to permit issuance.

(10) The county may require construction of temporary or permanent fencing on the boundary of a wetland buffer to protect its functions and values. Fencing design shall not interfere with fish and wildlife migration and shall minimize impacts to the wetland and its associated habitat.


(12) The delineated on-site wetland area shall be placed in a tract or easement as prescribed in Section 18.06.070.

(13) Absent the mitigation measures noted in Section 18.06.135B.6.(a)(ii)(IV)(1) through and including Section 18.06.135B.6.(a)(ii)(IV)(11), Category 4 wetlands shall be protected with a fifty-foot wide buffer.

Table A: Wetland-Buffers

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Standard Buffer-Width</th>
<th>Additional buffer width if wetland scores 20—28 habitat-points</th>
<th>Additional buffer width if wetland scores 29—36 habitat-points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>75 feet</td>
<td>Add-75 feet</td>
<td>Add-150 feet</td>
</tr>
<tr>
<td>Bogs</td>
<td>190 feet</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Estuarine</td>
<td>150 feet</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Coastal Lagoons</td>
<td>150 feet</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Natural Heritage Wetlands</td>
<td>190 feet</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Category II</td>
<td>75 feet</td>
<td>Add-75 feet</td>
<td>Add-150 feet</td>
</tr>
</tbody>
</table>
Table notes:

1. Standard buffer widths assume the buffer is vegetated with native plant communities that are appropriate for the ecoregion or with a plant community that provides similar functions.


(V) — Any wetland restored, relocated, replaced or enhanced because of wetland alterations should have at least the minimum buffer required for the class of the wetland involved.

(VI) — Any wetland area located within seventeen feet of the bottom of a slope greater than forty percent shall have the following minimum buffers:

1. Where the horizontal length of the slope, including small benches and terraces, extends into a buffer for that wetland class, the required wetland buffer width for that wetland class shall be extended onto the sloped area and increased an additional distance of seventeen feet onto the sloped area.

2. The county may permit buffer averaging in instances where such averaging provides additional resource protection, provided that the total area on-site contained in buffer remains the same.

(b) — Additional Buffers Requirements for Wetlands. The county may require increased buffer widths as necessary to protect wetland areas. The additional buffer width and other issues shall be determined by an examination of the wetland area’s relationship to critical drainage areas, the location of hazardous materials, critical fish and wildlife habitat, the presence of landslide hazard areas or erosion hazard areas adjacent to wetlands, groundwater recharge and discharge areas, and the location of a trail or utility corridor.

(c) — Critical-protection area tracts or easements and setback areas for wetland areas. Wetland areas and their buffers shall be placed in a separate critical area tract or easement as provided in Section 18.06.070.

(d) — Building Setback Lines. Unless otherwise specified in this chapter, a building setback line (BSBL) shall be established at the outside edge of the wetland area buffer. Prohibitions on the use of hazardous or toxic substances and pesticides or certain fertilizers in this setback area may be imposed.

(e) — Temporary marking and permanent signs shall be installed as detailed for wetland areas and buffers in Section 18.05.075.

(f) — Alterations to Wetland Areas and Buffers.
(1) The county may grant exemptions or exceptions from the wetland area requirements of this chapter in accordance with Sections 18.06.025 through 18.06.035, inclusive.

(2) Utilities in a Wetland Area Buffer:

(i) The construction of utilities shall be permitted in the outer twenty-five percent of a Category III or Category IV wetland area buffer only when no practical alternative location is available, the location of such facilities will not degrade the functions or values of the wetland, and the utility corridor meets the criteria set forth in Section 18.06.135B.6.(g)(ii) for installation, replacement of vegetation, and maintenance.

(ii) Sewer Utility. The joint use of the sewer utility corridor by other utilities may be allowed. The construction of sewer lines may only be permitted in a wetland area buffer when the applicant demonstrates it is necessary for gravity flow, and proposal meets the following requirements:

(A) Utility corridors shall not be allowed when the wetland area or the buffer is used by a species listed as endangered or threatened by federal or state law, or where critical or outstanding actual habitat is present for these species;

(B) Utility corridor alignment, including any allowed maintenance roads, shall follow a path beyond a distance from wetland area edge equal to seventy-five percent of the buffer width.

(C) Utility corridor construction and maintenance shall protect the wetland area and buffer environment, shall be aligned to avoid cutting trees greater than twelve inches in diameter at breast height when possible and shall not use pesticides, herbicides or other hazardous or toxic substances;

(D) Utility corridors shall require an additional, adjacent, undisturbed buffer width equal to the proposed corridor width, including any allowed maintenance roads;

(E) Utility corridors shall be re-vegetated with appropriate native vegetation at pre-construction densities or greater immediately upon completion of construction or as soon thereafter as possible and the sewer utility shall ensure that such vegetation survives;

(F) Any additional corridor access for maintenance shall be provided as much as possible at specific points rather than by parallel roads. If parallel roads are necessary, they shall be of a minimum width but no greater than seventeen feet; shall be maintained without the use of herbicides, pesticides or other hazardous or toxic substances; and shall be contiguous to the location of the utility corridor on the side away from the wetland.

(3) Wetland Area Buffer Averaging. Buffer averaging shall be a mechanism for balancing protection with specific site needs for development, or for tailoring a buffer to maximize protection of natural features in the wetland or surrounding upland area, or for providing a connection with an adjacent habitat, or for addressing those situations where pre-existing development has reduced a buffer area to a width less than the required standard.

The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for reasonable use of a lot. There is no scientific information available to determine if averaging the widths of buffers actually protects functions of wetlands. Averaging may not be used in conjunction with any of the other provisions for the reduction in buffer width. Averaging shall be allowed in the following situations:

(i) Averaging to improve wetland protection may be permitted when all of the following conditions are met:
(1) The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area.

(2) The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion.

(3) The total area of the buffer after averaging, is equal to the area required without averaging.

(4) The buffer at its narrowest point is never less than seventy-five percent of the required width.

(ii) Averaging to allow reasonable use of a lot may be permitted when all of the following are met:

(1) There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

(2) The averaged buffer will not result in degradation of the wetland's functions and values, as demonstrated by a report from a qualified wetland professional.

(3) The total buffer area after averaging is equal to the area required without averaging.

(4) The buffer at its narrowest point is never less than seventy-five percent of the required width.

A county determination that the proposed wetland area buffer averaging complies with this chapter shall be based upon scientific documentation provided by the applicant that demonstrates the buffer averaging complies with the provision of this subsection.

(g) Surface Water Management. Stormwater dispersion outfalls and biofiltration swales may be allowed only in the outer twenty-five percent of a Category III or Category IV wetland area buffer subject to the following requirements:

(1) New surface water discharges to wetland areas may be allowed provided that the discharge does not increase the rate of flow nor decrease the water quality of the wetland;

(2) The surface water management facility is designed consistent with the State Department of Ecology's "Stormwater Management Manual for Western Washington";

(3) The use of the outer twenty-five percent of a Category III or Category IV wetland area buffer shall be allowed only if the applicant demonstrates:
   (i) No other practicable alternative or alternative location exists;
   (ii) The existing value and function of the buffer will not be degraded.

(h) Trails. The construction of public and private trails may be allowed in wetland area buffers only upon adoption of development permit conditions that implement the following guidelines:

(1) Trail surface shall not be of impervious materials, except that impervious public multi-purpose trails may be allowed if they meet all other requirements including water quality; and

(2) Where trails are provided, buffers shall be expanded equal to the width of the trail corridor, including any disturbed areas.

(i) Docks. The construction of a dock, pier, moorage, float or launch facility may be permitted, subject to provisions of the Grays Harbor County Shoreline Master Program, provided that wetland impact mitigation measures consistent with this chapter are included as conditions of development permit issuance.
(j) Isolated Wetland Areas. Isolated wetlands are those wetlands that are isolated and less than one thousand square feet in area. These areas may be altered where (1) it has been documented by the applicant that they are not associated with a riparian corridor, and where (2) it has been documented by the applicant that they are not part of a wetland mosaic, and where (3) it has been documented by the applicant that the wetland does not contain habitat identified as essential for local populations of priority species by the State Department of Fish and Wildlife.

Impacts allowed under this provision to these wetlands shall be mitigated as required in Section 18.06.135B.7.

7. Wetland Area Mitigation Standards.

(a) Mitigation shall be conducted in accordance with Section 18.06.080.

(b) Standards for Restoration, Enhancement or Replacement.

(i) Restoration. Restoration is required when a wetland area or its buffer has been substantially degraded in violation of this chapter. The following minimum performance standards shall be met for the restoration of a wetland, provided that if it can be demonstrated by the applicant that pre-existing functional and habitat values can be obtained, these standards may be modified:

(1) The original wetland configuration shall be replicated including depth, width, length, and gradients at the original location;

(2) The original soil types and configuration shall be replicated;

(3) The edge and buffer configuration shall be restored to the original condition;

(4) The wetland, edge, and buffer areas shall be replanted with native vegetation that replicates the original in species, sizes, and densities; and

(5) The pre-violation functional values shall be restored, including water quality and wildlife habitat functions.

(ii) Replacement and Enhancement.

(1) Replacement is required when an approved development proposal substantially degrades a buffer or uses a wetland area for regional surface water retention or detention facility or other approved use. The minimum standards required for restoration of a wetland area shall be followed:

(2) Enhancement may be allowed when a development proposal will substantially degrade a wetland area but will improve the existing habitat and/or hydrologic functions. Surface water management or flood control alterations may be considered enhancement if other existing functions and values are simultaneously increased. The minimum performance standards for enhancement shall be included in the critical protection area special study prepared for the proposed enhancement.

(3) The replacement or enhancement for approved wetland area alterations shall comply with the following requirements:

Protecting Wetlands" except as superseded by those protection measures contained in Section 18.06.1358.6.

Any replacement shall conform to the mitigation ratios set forth in Table 1a on page 73 of the current edition of the Washington State Department of Ecology document entitled "Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance," and shall provide equal or greater biological values, including habitat value, and equivalent hydrological values, including storage capacity.

(B) Off-site Replacement and In-kind Replacement. The county may consider and approve off-site replacement or enhancement where the applicant can demonstrate that the off-site location is in the same drainage basin and equal or greater biological and hydrological values will be achieved. The direction for the replacement and/or enhancement formulas required in subsection (A) above shall apply for off-site replacement.

(iii) Wetponds. Wetponds established and maintained for control of surface water shall not constitute replacement or enhancement for wetland alterations.

(iv) Monitoring. Monitoring shall be required in accordance with the provisions of Section 18.06.085.

(Ord. No. 393, § 26, 6-7-2010; Ord. No. 400, § 6, 1-9-2012)

18.06.140 Development standards for fish and wildlife habitat conservation areas.

A. Fish and Wildlife Habitat Conservation Areas. Development proposals on sites containing fish and wildlife habitat conservation areas shall meet the requirements of this subsection.

1. The county shall utilize the State Department of Natural Resources "Forest Practices Application Review System (FPARS)" and the "Priority Habitats and Species (PHS)" in determining the need for protection measures for fish, habitat, and wildlife habitat conservation areas.

2. The county shall utilize the State Department of Fish and Wildlife's "Priority Habitat and Species Database and Wildlife Heritage Database," United States Department of Fish and Wildlife "Critical Habitat for Threatened and Endangered Species" database and other applicable databases in determining the location of wildlife habitat conservation areas, and shall use the State Department of Fish and Wildlife's "Priority Habitat and Species Management Recommendations" for determining protection measures for wildlife conservation areas, except as superseded by those protection measures contained in section 18.06.140(A)(3). These maps are intended as a guide and do not provide a definitive determination as to the presence of a critical protection area.

3. The county adopts the State Department of Fish and Wildlife publication, Priority Habitats and Species List, August 2008, and as may hereafter be revised.

4. Fish and wildlife habitat conservation areas and associated buffers shall not be substantially degraded. The applicant is responsible for ensuring that the requirements of all other agencies with jurisdiction have been met. Any development discharge into a fish and wildlife habitat conservation area shall not contribute to a violation of the State Water Quality Standards.

5. If a fish and wildlife habitat conservation area is in a frequently flooded area, the county shall notify the State Department of Ecology, the State Department of Fish and Wildlife, the Quinault Indian Nation, and the Confederated Tribes of the Chehalis Indian Reservation of any alteration plans prior to initiating any alteration.
6. There shall be no deliberate or intentional introduction of any vegetation or wildlife that is not indigenous to the Pacific Northwest into any fish and wildlife habitat conservation areas, unless authorized by a state or federal license or permit.

7. A project located within a fish and wildlife habitat conservation area shall be required to prepare a critical protection area special study as provided in Section 18.06.020. The study shall be prepared by a professional habitat biologist and contain information on the location of the habitat area in relation to the proposal, direct measures to avoid impacts to the habitat conservation area or through the application of mitigation measures, and an analysis of the completed project effect to the habitat conservation area and its function.

8. Fish and Wildlife Habitat Conservation Areas Protection Standards.

(a) Standard buffer widths required for Type S, F, Np, and Ns-Waters:
   (1) Buffers are necessary to protect the integrity, function, and value of riparian areas along Type S, F, Np and Ns waters from the potential impacts created by a project permit.
   (2) The standard width of buffers for Type S, F, Np, and Ns waters shall extend landward perpendicularly from the ordinary high water mark in accordance with the following provisions:
      (I) Type S waters: One hundred fifty (150) feet;
      (II) Type F waters: One hundred fifty (150) feet;
      (III) Type Np waters: Sixty (60) feet;
      (IV) Type Ns waters: Fifty (50) feet; and
      (V) Undifferentiated Type N waters: All undifferentiated Type N waters designated on FPAR maps shall be considered as Type Np waters unless verified otherwise by a qualified professional.

(b) The following uses and structures may be located within a standard buffer width required by 18.06.140A(8)(a), provided, however, that the location within the buffer shall be the minimum necessary to accommodate the use:
   (1) Permitted water dependent and water enjoyment structures and uses in accordance with the Grays Harbor Shoreline Master Program;
   (2) Permitted water dependent and water enjoyment structure and uses in accordance with the Grays Harbor Estuary Management Plan;
   (3) Boating facilities accessory to a single-family residence, such as boat houses, docks, rails, piers and floats;
   (4) Road and railroad construction and maintenance when location outside of the buffer area is not feasible;
   (5) Utilities construction and maintenance when location outside of the buffer is not feasible; and
   (6) Watershed restoration, fish and wildlife habitat, and fish passage projects.

(c) When the ordinary high water mark (OHWM) of any Type S, F, Np or Ns waters is located within seventeen (17) feet of the bottom of a slope that is greater than forty (40) percent the following minimum buffers shall be provided:
   (1) Where the horizontal length of the slope, including small benches and terraces, extends into the buffer, the required buffer width shall extend an additional seventeen (17) feet onto the sloped area.
   (2) The county may permit buffer averaging in instances where it will provide additional resource protection, provided that the total area on-site contained in buffer remains the same.
(d) Whenever Type S, F, NP or NS waters abut or intersect a critical area that also has a
required buffer, the buffer width will be whichever of the two is greater.
(e) Any restored, relocated, replaced, or enhanced Type S, F, NP or NS waters shall
include a buffer in accordance with the provisions of this title.
(f) Buffer averaging for Type S, F, NP or NS waters.
   (1) A project permit application may request the modification of the standard buffer
       boundary after completing a critical area special study as provided under 18.06.020.
       The critical area special study shall evaluate if the modified boundary will:
       (i) Reduce the function or value of the adjacent water body;
       (ii) Improve the protection of the water body by increasing the buffer width at areas
            of higher value or function;
       (iii) Show that the total area contained in the buffer area after averaging is not less
             than the amount contained within a standard buffer; and
       (iv) Provide a modified buffer boundary that is not reduced more than twenty-five
            (25) percent of the standard buffer width at any location.
   (2) After reviewing the critical area special study, the administrator may approve,
       approve with conditions, or deny buffer averaging for the project permit application.
(g) Division of buffers by roads and highways.
   (1) A project permit application may request a buffer reduction in width when an
       existing private road serving four or more houses, a county road, or a state highway
       divides a standard buffer required by 18.06.140A(8)(a) after completing a critical
       area special study as provided under 18.06.020.
   (2) After reviewing the critical area study, the administrator may reduce all or part of
       the required buffer from the road shoulder to the landward standard buffer boundary,
       if there is no net loss of function or value to the adjacent water body.
(h) Reduction of buffer for riparian enhancement.
   (1) A project permit application may request a reduction of the standard buffer width
       required under 18.06.140A(8)(a) by twenty-five (25) percent as compensation for
       riparian enhancement.
   (2) A buffer may qualify for a buffer reduction under this section when:
       (i) Nonnative and/or invasive plant species cover more than forty (40) percent of
           the buffer area; and
       (ii) Native tree and/or shrub vegetation covers less than twenty-five (25) percent of
            the buffer area; and
       (iii) The stream buffer has slopes of less than twenty-five (25) percent.
   (3) The project permit application shall prepare a critical area special study as
       provided under 18.06.020 to determine whether the proposed enhancement meets
       the intent of this section. The critical area study shall:
       (i) Inventory existing riparian conditions within the proposed buffer in relation to
           subsection (2)(i) through (iii) above;
       (ii) Evaluate the existing value and function of the proposed buffer to the adjacent
           Type S, F, NP or NS waters;
       (iii) Propose an enhancement plan for the reduced buffer that includes planting or
           appropriate native tree and shrub species at a minimum planting density of ten
           (10) feet on-center for trees and five feet on-center for shrubs;
       (iv) Compare how the proposed enhancement plan will benefit the value and
           function of Type S, F, NP or NS waters as opposed to retaining the required
           buffer without enhancement; and
       (v) Provide a monitoring and maintenance plan for the enhanced buffer for five
           years from the date of completing the enhancement.
(4) After reviewing the critical area special study, the administrator may approve, approve with conditions, or deny buffer enhancement for the project permit application.

(5) The county shall not issue a certificate of occupancy for a project permit until such time that the buffer enhancement planting is complete in accordance with the administrator's decision.

(6) The reduction of a buffer for enhancement cannot be used in combination with buffer averaging as provided under section 18.06.140A(8)(d).

(i) Buffer reduction for nonconforming lots.

(1) A project permit application for a single-family dwelling unit on a nonconforming lot that is unable to meet the standard buffer width requirements under 18.06.140A(8)(a) may request a buffer reduction under the following conditions:
   (I) There is no opportunity to consolidate adjacent lots under common ownership to alleviate the nonconformity;
   (II) The proposed building area, excluding the on-site sewage disposal system and driveway, does not exceed two thousand five hundred (2,500) square feet;
   (III) The proposed location of the building area is within the area that has the least impact to the value and function of the habitat adjacent water body; and
   (IV) The proposed building area is as far landward as is possible and not closer than fifty (50) feet from the ordinary high water mark.

(2) The project permit application shall prepare a critical area special study as provided under 18.06.020 to evaluate the need for the buffer reduction and its affect to the function and value of the riparian habitat adjacent to the water body. The critical area study shall:
   (I) Inventory of the existing riparian habitat conditions on the parcel;
   (II) Show the location of the proposed building area, on-site sewage disposal area, and driveways; and
   (III) Recommend actions to enhance the undisturbed riparian habitat, if needed.

(3) After reviewing the critical area special study, the administrator may approve, approve with conditions, or deny buffer reduction for the project permit application.

(4) The county shall not issue a certificate of occupancy for a project permit until such time that any buffer enhancement plantings required in the administrator's decision is complete.

(j) Nonconforming structures located within a standard buffer width.

(1) Any structure legally existing as of the effective date of these regulations, and is located within a standard buffer width required under 18.06.140A(8)(a), may undergo normal maintenance and repair, or replacements, provided, however, that such action does not increase the degree of nonconformity.

(2) The administrator may approve a project permit application to expand any structure legally existing as of the effective date of these regulations that is located within a standard buffer width required under 18.06.140A(8)(a) provided that:
   (I) There is no expansion of the structure towards the ordinary high water mark at grade-level; and
   (II) The expansion does not result in a total building area greater than two thousand five hundred (2,500) square feet at grade-level.

(k) Alterations to Type S, F, Np or Ns waters and buffers.

(1) The county may grant exceptions from the requirements of this chapter pursuant to section 18.06.035.

(2) Crossings. Crossings may be allowed only if they meet the following requirements:
   (I) All road crossings shall use bridges or other construction techniques that protect fish and wildlife habitat conservation areas;
(II)—All crossings shall be constructed to avoid disturbance of fish and wildlife habitat conservation areas; except, however, as provided in section 18.06.025A;
(III)—Crossings shall not occur over salmonid spawning areas, unless no other possible crossing site exists;
(IV)—Bridge piers or abutments shall not be placed within the Federal Insurance Administration (FIA) designated floodway;
(V)—Crossings shall not diminish the natural channel or the flood-carrying capacity of the waters;
(VI)—Underground utility crossings shall be laterally drilled or directionally drilled and located at a depth of four feet below the maximum depth of scour for the base flood, as determined by a state-licensed civil engineer; and
(VII)—Crossings shall be minimized and serve multiple purposes and properties whenever possible.

(3) The following relocation of Type S, F, Np or Ns waters may be allowed if they meet all requirements and are approved by all agencies with jurisdiction:
(I)—Type F waters shall not be relocated, except as follows:
   (1) For public road projects duly authorized by the exemption process in section 18.06.025.
   (2) Under a mitigation plan for the purpose of enhancement of water resources. Appropriate frequently flooded area protection measures shall be used. The stream relocation shall occur on-site, except that when it is demonstrated that the on-site relocation is impracticable, the county may consider off-site relocation if the location is in the same drainage basin and subject to the applicant providing all necessary easements and waivers from affected property owners;
   (II)—An applicant must demonstrate, based on information provided by a civil engineer and a qualified biologist, that:
      (1) The equivalent base flood storage volume and existing function will be maintained;
      (2) There will be no significant adverse impact to local groundwater;
      (3) There will be no increase in velocity;
      (4) There will be no inter-basin transfer of water;
      (5) Performance standards, as set out in the mitigation plan, are met;
      (6) The relocation conforms to other applicable laws; and
      (7) All work will be carried out under the direct supervision of a qualified biologist.

(4) Construction of public and private trails may be allowed in buffers for Type S, F, Np and Ns waters pursuant to the following guidelines:
   (I)—Trail surface shall not be of impervious materials, except that impervious public multi-purpose trails may be allowed if they meet all other requirements, including water quality; and
   (II)—Where trails are provided, buffers shall be expanded, where possible, equal to the width of the trail corridor, including disturbed areas.

(5) The channel of Type S, F, Np or Ns waters may be stabilized when its movement threatens existing residential or commercial structures, public improvements, unique natural resources, or the only possible existing access to property and is performed in accordance with the requirements in section 18.06.400.

An applicant proposing channel stabilization shall first consider state department of fish and wildlife stream bank protection techniques that feature natural bio-engineered practices, such as the use of large woody debris.
(6) The following surface water management actions may be allowed only if they meet the following requirements:

(I) Surface water discharges to streams from detention facilities, pre-settlement ponds, or other surface water management structures may be allowed provided that the discharge complies with the provisions of the state department of ecology's "Surface Water Management Manual for Western Washington."

(7) Utilities in buffers of Type S, F, Np or Ns waters.

(I) Construction of utilities shall be permitted in buffers of Type S, F, Np or Ns waters only when no practical alternative location is available and the utility corridor meets the criteria for installation, replacement of vegetation and maintenance set forth in section 18.06.135(B)(6)(F)(2).

(II) Sewer utility corridors may only be located in buffers of Type S, F, Np or Ns waters when the applicant demonstrates it is necessary for gravity flow. The joint use of the sewer utility corridor by other utilities is allowed. The location requirements for utility corridors in wetland areas contained in section 18.06.135(B)(6) shall also apply to streams.

(8) Enhancement independent of a development proposal.

(I) Enhancement of Type S, F, Np or Ns waters not associated with any other development proposal may be allowed when the project would enhance existing functions, as determined by the county and state department of fish and wildlife. Such enhancement shall be performed under a plan for the design, implementation, maintenance, and monitoring of the project prepared by a civil engineer, qualified biologist, fluvial geomorphologist or similarly qualified individual, with the plan implemented under the direct supervision of the individual preparing the plan.

(II) Restoration projects for fish and wildlife habitat conservation areas unassociated with the mitigation of a specific development proposal may be allowed.

(9) Drainage ditch maintenance. Roadside drainage ditches and agricultural drainage ditches may be maintained through use of best management practices developed in consultation with county, state and federal agencies with expertise of jurisdiction.

(I) Mitigation for fish and wildlife habitat conservation areas.

(1) Mitigation shall be conducted pursuant to section 18.06.080. Any proposed mitigation measure shall be consistent with the state department of fish and wildlife's "Priority Habitat and Species Management Recommendations," except as superseded by protection measures set forth in section 18.06.140A(6) and shall be reviewed by state department of fish and wildlife prior to any approval for the proposal.

(2) Standards for restoration, enhancement, or replacement.

(I) Restoration is required when a fish and wildlife habitat conservation area or its buffer has been substantially degraded in violation of this chapter or any prior code applicable to the treatment of streams, or when an unapproved or unanticipated alteration occurs during the construction of an approved development proposal, provided that a mitigation plan for the restoration demonstrates that:

(1) The habitat is degraded and will not be further degraded by the restoration activity;

(2) The restoration will reliably and demonstrably improve habitat quality;

(3) The restoration will have no lasting significant adverse impacts;

(4) All work will be carried out under the direct supervision of a qualified biologist;
(5) The following minimum performance standards shall be met for restoration of Type S, F, Np, or Nc waters, provided that these standards may be modified if the applicant can demonstrate that greater habitat value can be obtained:

(i) The natural channel dimensions should be replicated including identical depth, width, length and gradient at the original location, and the original horizontal alignment or meander length should be replaced;

(ii) The bottom should be restored with identical or similar materials;

(iii) The bank and buffer configuration should be restored to the original conditions;

(iv) The channel, bank and buffer areas should be replanted with native vegetation which replicates the original in species, sizes and densities; and

(v) The original habitat value should be recreated.

(6) The following minimum performance standards shall be met for restoration of wildlife habitat; provided, that these standards may be modified if the applicant can demonstrate that greater habitat value can be obtained:

(i) The area square-footage of the habitat should be replicated;

(ii) The habitat should be restored with identical or similar materials;

(iii) Any water features should be restored to the original condition;

(iv) Impacted areas shall be replanted with native vegetation which replicates the original in species, sizes and densities; and

(v) The original habitat value should be recreated.

(II) Replacement or enhancement may be required when the county permits or approves the alteration of a fish-and-wildlife habitat conservation area. There will be no net loss of existing functions on a development proposal site and no impact on functions above or below the site due to the approved alterations.

(1) Replacement or enhancement may be required when the county permits or approves alteration of a wildlife habitat conservation area. There will be no net loss of existing functions on a proposed development site due to the approved alterations.

(2) Replacement. The performance standards in section 18.06.135B(7)(b) are required in order to replicate the structure and function of the habitat, unless the applicant can demonstrate that greater habitat value can be obtained through varying these standards.

(3) Enhancement. When allowed, enhancement should improve the functions and values of the wildlife habitat. Surface water management or flood-control alterations may not be considered enhancement if other functions and values are simultaneously increased.

(III) Monitoring shall be required in accordance with section 18.06.086.

B. Lake Quinault Fish and Wildlife Habitat Conservation Area. Development proposals on sites in this area shall meet the requirements of this subsection.

1. The bed of Lake Quinault up to the ordinary high water mark (OHWM) is within the exterior boundaries of the Quinault Indian Reservation and owned by the Quinault Indian
Nation. Any activity below the OHWM of Lake Quinault shall be approved in writing by the Quinault Indian Nation prior to the issuance of any development permit.

2. Lake Quinault is an important fish habitat area and an irreplaceable component of local ecosystem attributes and processes. Lake Quinault provides habitats for various life history stages of nine salmon (Genus Oncorhynchus) species/races, two species of char, and several other aquatic species. Lake Quinault provides important rearing habitats for a depressed stock of spring Chinook salmon, a population of bull trout, which are currently listed as a threatened species under the Federal Endangered Species Act, and the only juvenile rearing habitat for the depressed Quinault sockeye salmon. In addition, water-quality attributes of the lake are carried downstream and affect salmon habitats the entire length of the lower Quinault River.

3. Uses and activities carried out pursuant to this section shall result in equivalent or greater habitat functions, as determined by the responsible approval authority in a manner consistent with best available science. All actions and uses shall be designed and constructed to avoid adverse impacts to Lake Quinault. No activity or use shall be allowed that results in a net loss of important habitat area functions, destroys, damages, or disrupts fish habitat, adversely affects water quality, creates unstable earth conditions, or causes erosion.

4. Applications for uses and activities within two hundred feet of the Lake Quinault OHWM shall include a critical-protection area special study prepared by a qualified professional that evaluates the potential impacts of the proposed use or activity on the applicable habitat and/or species. The approval authority shall establish buffers for the habitat or species on a case-by-case basis in consultation with the Quinault Indian Nation based on the critical-protection area special study. Any buffers proposed in the study shall reflect the sensitivity of the specific habitat(s) and/or species to be protected.

(a) The width of any buffer proposed in the critical-protection area special study shall be measured on a horizontal plane, outward from the OHWM or, if the OHWM cannot be identified, from the top of the bank. These buffers shall be maintained in their existing condition, except as explicitly authorized by this chapter.

(b) The perimeter of the habitat area and associated buffer, and those areas to be disturbed pursuant to an approved permit or authorization, shall be marked in the field and inspected by the approval authority prior to the commencement of permitted activities. This temporary marking shall be maintained throughout the duration of the development activity.

5. Trees within two hundred feet of Lake Quinault shall be retained. Limbs may be removed to maintain views.

6. Trees that fall into Lake Quinault shall be left where they fall.

7. Trees and logs that float onto the shoreline between OHWM and summer low water shall be retained where they land.

8. Bank stabilization, if necessary, shall be accomplished with bioengineering or similar soft/nonstructural stabilization techniques. Materials used for soft/nonstructural stabilization include natural vegetation, submerged aquatic vegetation (SAV), sand fill, and biodegradable organic materials such as natural fiber logs (bio-logs) and organic matting. A state-licensed professional engineer with demonstrated expertise regarding hydraulic actions along shorelines shall design stabilization projects along Lake Quinault in consultation with a qualified biologist. The stabilization shall be designed and installed to minimize adverse impacts on the habitat's functions. Approved stabilization shall only
use materials that do not pose a risk to water quality. Stabilization must be installed above the OHWM. Bank stabilization measures shall be approved by the Quinault Indian Nation and the county prior to permit issuance.

(Ord. No. 393, § 27, 6-7-2010; Ord. No. 400, § 7, 1-9-2012; Ord. No. 401, § 8, 6-11-2012)

18.06.145 Critical-protection-area development standards for critical-aquifer recharge areas.


B. Critical Aquifer Recharge Areas. Development proposals on sites containing critical aquifer recharge areas shall meet the following requirements:

1. Critical aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water or are areas where an aquifer serving as the source for drinking water is vulnerable to contamination that would affect the potability of the water. A project shall be reviewed for its potential adverse impact to a critical aquifer recharge area.

2. The sanitary control area for Group A of Group B public water system, wellfields, springs or their State Department of Health Recognized Wellhead Protection Area (WHPA) are hereby designated as critical aquifer recharge areas.

3. All rezones, subdivisions, and development proposals resulting in the creation of a dwelling unit or dwelling units within a critical aquifer recharge area shall be required to prepare and implement a best management practices plan that contains (a) hazardous material best management practices, (b) integrated pest management practices, and (c) landscape maintenance best management practices. Educational materials pertaining to the plan shall be provided to each property owner.

The plan shall be reviewed by the environmental health division prior to any county decision on the proposal.

The environmental health division may require preparation of a best management plan for any development proposal in the event that it finds that the pre-development condition of the critical aquifer recharge area warrants the preparation of the plan as an assurance that the proposal provides a reasonable margin of safety for the critical aquifer recharge area.

4. The county shall prepare and record a notice with the auditor for any site within the critical aquifer recharge areas for which a plan has been prepared. The notice shall indicate in the public record the existence of the plan for the property. The notice shall be as set forth below:

"Notice: This site lies within a critical aquifer recharge area as identified in Grays Harbor County Code Section 18.06.145. The site was the subject of a development proposal for [application number] filed on [date]. A best management practices plan has been prepared for this site that
contains (a) hazardous material best management practices, (b) integrated pest best management practices, and (c) landscape maintenance best management practices. A copy of the plan is attached hereto."

5. Any surface water management plan prepared for a development within a critical aquifer recharge area shall include low impact development techniques consistent with those contained in the January 2005 Puget Sound Action Team and Washington State University Pierce County Extension document entitled "Low Impact Development: Technical Guidance Manual for Puget Sound." The plan shall be reviewed and approved by the public works division prior to any county decision on the proposal.


7. All rezones and subdivisions within the critical aquifer recharge areas identified in Section 18.06.145.B.2. shall be required to prepare a hydrogeologic assessment, prepared by a licensed hydrogeologist, that demonstrates conclusively that the proposed development will not threaten down-gradient drinking water or adversely affect aquifer recharge.

The assessment shall be reviewed by the environmental health division prior to any county decision on the proposal. In the event that said division finds that the proposal does not provide a reasonable margin of safety for the critical aquifer recharge area, the proposal shall be (a) required to be revised to increase the margin of safety, including a reduction in lot density, or (b) shall be denied based upon evidence that the proposal represents a probable significant adverse impact to the critical aquifer recharge area.

The environmental health division may require preparation of a hydrogeologic assessment for any development proposal in the event that it finds that the pre-development condition of the critical aquifer recharge area warrants the assessment to determine whether or not the proposal provides a reasonable margin of safety for the critical aquifer recharge area.

(Ord. No. 393, § 28, 6-7-2010)

18.06.150 Violations and penalties.

A. Criminal Penalty. Any person convicted of a violation of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars ($1,000.00), or by imprisonment in jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each day's violation constitutes a separate offense.

B. Civil Penalty. Any person who violates any provisions of this chapter shall be guilty of a civil offense and may be fined a sum not to exceed one thousand dollars ($1,000.00) for each violation. Each day a violation exists shall constitute a separate violation. Any violation of this chapter is a public nuisance. The planning director or his or her designee is authorized to impose a civil penalty in accordance with this section.

C. Other Relief. The prosecuting attorney may enforce compliance with this chapter by such injunctive, declaratory or other actions as deemed necessary to ensure that violations are prevented, ceased, or abated.
D. Form of the Civil Penalty. A civil penalty imposed under this section shall be in writing signed by the planning director, or his or her designee, directed to the person violating this chapter, which notice thereof shall be served either by certified mail with return receipt requested or by personal service. Such written notice shall also include the following: (1) a description of the violation with reasonable particularity; (2) a legal description of the property on which the violation occurred or is occurring; (3) the amount of the penalty; (4) a statement that the penalty and order may be appealed within thirty (30) days of the date the notice is received with brief explanation of how to appeal the penalty and order; and (5) ordering such violation or violations immediately cease and desist or, in appropriate cases, require necessary corrective action to be taken within a specified deadline.

(Ord. No. 393, § 29, 6-7-2010)

18.06.165 Appeal of civil penalties.

A. Any civil penalty imposed by the planning director or his or her designee under authority of Section 18.06.150B is final and conclusive unless appealed to the board of adjustment. The burden of proof in any appeal hereunder shall fall on the appellant and only a person against whom such civil penalty is imposed may prosecute an appeal.

B. Any civil penalty imposed jointly by the planning director or his or her designee and State Department of Ecology is final and conclusive unless appealed to said department.

C. Appeal Submittal Requirements. A person appealing a civil penalty imposed solely by the county shall submit a brief written statement to the planning director or his or her designee containing the following information:

1. The date of the order appealed.
2. Identify explicit exceptions or objections to the civil penalty appealed or identify specific errors in fact or conclusion.
3. Describe the relief sought.

D. Time Within Which an Appeal Must be Filed. Any appeal filed under this section shall be filed with the planning director or his or her designee not more than thirty (30) days from the date of service of the written civil penalty notice as provided in Section 18.06.150D.

E. Upon timely filing of any appeal hereunder, all county enforcement action of the order and penalty contested is stayed. The stay is lifted upon issuance of a written decision on said appeal by the board of adjustment.

F. Procedures for Processing Appeals of Civil Penalties.

1. After an appeal in accordance with the provisions of this section is filed, the planning director or his or her designee shall request the board of adjustment schedule a public hearing on the appeal. Such scheduling request shall be filed with the secretary of the board of adjustment not later than twenty-one (21) days from the date the appeal is filed.

2. Upon setting the date of appeal hearing, the secretary of the board of adjustment shall provide notice of the hearing as follows: (a) publishing notice of the public hearing in the legal newspaper for the county; (b) mailing notice of the public hearing to the appellant and the owner of the property on which the violation for which the penalty was imposed, if different from the appellant, at least twelve (12) days prior to the date of hearing; (c) the notice shall include the following information: (i) the name of the appellant and, if applicable, the project name; (ii) a description in non-technical terms sufficient to identify the
location of the property for which the civil penalty was imposed; (iii) a brief description of the reason the civil penalty was imposed; (iv) a brief description of the error as stated in the appeal; (v) the date, time, and place of the public hearing; (vi) a statement of the right of any person to participate in the public hearing and the ways they may participate; (vii) a statement that any appeal of the decision of the board must be filed and served within twenty-one (21) days from the date of the board's decision on the appeal as provided in (F)(8) of this section.

3. The planning director or his or her designee shall prepare a written report on the order and penalty being appealed setting forth the facts and conclusions on which the order and penalty are based. The planning director or his or her designee shall mail the written report to the appellant at least twelve (12) days prior to the date of hearing.

4. Upon receipt of appellant’s statement as provided herein above, the planning director or his or her designee shall provide copies of the appellant’s written statement and the planning director or his or her designee’s written report to the board not less than four days prior to the date of hearing.

5. The board shall conduct the public hearing on the appeal. At the hearing, members of the board may request such additional information as in their sole discretion is reasonably necessary to adjudicate the appeal. Any person may participate in the public hearing by submitting written comments to the secretary of the board before the public hearing or by submitting written comments or making oral statements to the board during the designated time at the public hearing. The secretary shall transmit all written comments received before the public hearing to the board not later than the public hearing.

6. After the public hearing has concluded, the board of adjustment shall decide the appeal.

(a) The board’s decision may be made at the same public meeting that the public hearing on the appeal is heard, or at a subsequent public meeting of the board, provided however that the decision of the board thereon shall be issued not later than thirty (30) days following the initial appeal hearing date.

(b) Decisions on appeals shall be based on the decision criteria in (F)(7) of this section.

(c) The board of adjustment may reverse or affirm, wholly or partly, or may modify the order and/or civil penalty.

(d) The board shall adopt written findings of fact and conclusions that support the decision on the appeal and any required conditions.

(e) Subject to 6.(a) above, the board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information prior to the time the decision is rendered. Other than an announcement on the record at the time continuance is approved by the board, no additional notice of any continued hearing need be given.

7. Appeal Decision Criteria. In deciding appeals of civil penalties and in addition to applying the burden of proof under A. above, the board of adjustment shall consider the following criteria:

(a) Whether the evidence presented at the hearing demonstrates that a violation of this chapter has or is occurring;

(b) Whether the imposition of the civil penalty was done in the required manner;

(c) Whether the amount of the civil penalty is reasonable considering the violation type, number of violations, and actual or potential adverse effects on the public and/or public resources or facilities.
8. The decision of the board of adjustment with written findings of fact and conclusions shall be reduced to writing and mailed to the appellant by the secretary of the board within twelve (12) calendar days of the date of decision.

9. The decision of the board of adjustment on any appeal hereunder is the final decision of the county. Unless appealed to superior court within twenty-one (21) days of the date of decision, the board's decision on appeal is not subject to further appeal and is final. Any issue not raised by the time of appeal to superior court is waived.

10. Bar on Refiled Penalty Appeals. After a decision by the planning director or his or her designee under this chapter is final on appeal, the planning director or his or her designee shall not accept any additional or renewed appeals of a civil penalty previously appealed and final.

(Ord. No. 393, § 30, 6-7-2010)

18.06.160—Amendments.

A. All amendments to the text and requirements of this chapter pertaining to frequently flooded areas and areas of special flood hazard shall be submitted to the State Department of Ecology for review and approval prior to adoption.

B. Amendments to this chapter pertaining to frequently flooded areas and areas of special flood hazard shall become effective thirty (30) days after receipt by the State Department of Ecology, unless otherwise disapproved in writing by said department prior to expiration of such thirty (30) day period.

(Ord. No. 393, § 31, 6-7-2010)
48.06.165 - Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this chapter.

(Ord. No. 393, § 32, 6-7-2010)

(Ord. No. 392, § 1, 6-7-2010; Ord. No. 400, § 2, 1-9-2012; Ord. No. 401, §§ 1, 2, 6-11-2012; Ord. No. 434, § 1, 1-30-2017))

Section 2: Grays Harbor County Code Chapter 18.06 shall be replaced with the following:

Draft Critical Areas Protection Ordinance

Article I. General Provisions
Article II. Wetlands
Article III. Critical Aquifer Recharge Areas
Article IV. Frequently Flooded Areas
Article V. Geologically Hazardous Areas
Article VI. Fish and Wildlife Habitat Conservation Areas

ARTICLE I. GENERAL PROVISIONS

Section 1 Title

This chapter shall be known and may be cited as the “Grays Harbor County Critical Areas Protection Ordinance.”

Section 2 Purpose

A. The purpose of this chapter is to identify and protect the value and function of critical areas while allowing for the reasonable use of private and public property.

B. Critical areas consist of wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas.

C. The county finds that critical areas provide a variety of valuable functions and values that benefit the citizens and economy of the county, and/or may pose a threat to human safety, or to public and private property.

D. The regulations in this Title are intended to protect critical areas in accordance with the Growth Management Act, Chapter 36.70A RCW and through the application of the best available science, as determined per WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.
E. It is not the intent of this Title to make a parcel of private property unusable by denying its owner reasonable economic use of the property.

Section 3 Goals
A. By managing development on or the alteration of critical areas, this chapter seeks to:
B. Protect private and public property, resources, and facilities from injury, loss of life, damage or financial losses due to flooding and geologically hazardous events;
C. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and the habitats and biodiversity of plants and animals; and
D. Avoid or mitigate unavoidable short- or long-term impacts to critical areas by directing development activities not dependent on critical areas to less environmentally sensitive sites.

Section 4 Severability
If any clause, sentence, paragraph, section, or part of this Title or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are hereby declared to be severable.

Article II. General Requirements

Section 5 Authority
A. The Director of Planning & Building, or his or her designee, is the administrator of this chapter and has the authority to interpret and apply the provisions of this chapter to accomplish its Purpose.
B. The county may withhold, condition, or deny development permits or activity approvals to ensure consistency with this Title.

Section 6 Definitions Adopted
The definitions provided under Chapter 18.02, Grays Harbor County Code (GHCC), shall extend to this ordinance.

Section 7 Relationship to Other Regulations
A. These critical areas regulations shall apply as an overlay and in addition to the following permit-related procedures:
   1. State Environmental Policy Act review;
   2. Commercial building permit or residential building permit;
   3. Binding site plan;
4. **Flood development permit;**
5. **Grading permit, including clearing in excess of one acre, or any clearing within a critical area or buffer;**
6. **Planned unit development;**
7. **Road access permit;**
8. **All Shoreline Permits;**
9. **Short subdivision; Large Lot Subdivision, Long Subdivision;**
10. **Special use permit;**
11. **Zoning Variance;**
12. **Zoning Conditional Use permit;**
13. **Washington State Forest Practices conversion and moratorium rescission activities over which the county has jurisdiction; and/or**
14. **Zone reclassification and text amendment**

**Section 8 Administrative Procedures**

The administrator is authorized to adopt such administrative rules and regulations as necessary and appropriate to implement these chapters, and to prepare and require the use of such forms as necessary for its administration.

**Section 9 Interpretation**

In the interpretation and application of the ordinance codified in this chapter, the provisions of this chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of the ordinance codified in this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute.

**Section 10 Jurisdiction within Critical Areas**

A. **The county shall regulate all uses, activities, and developments within, adjacent to, or likely to affect, one or more critical areas, consistent with the best available science and the provisions herein.**

B. **Critical areas regulated by this chapter include wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, fish and wildlife habitat conservation areas, as defined in Chapter 18.02, Grays Harbor County Code.**

C. **All areas within the county meeting the definition of one or more critical areas, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this ordinance.**
Section 11  Areas Adjacent to Critical Areas

The county shall regulate all development or activities on adjacent land that lie within a required critical area buffer.

Section 12  Overlapping Critical Areas

A critical area may overlap with other identified critical areas. When a critical area overlaps with one or more critical areas, all the performance standards established for the overlaying critical area(s) shall apply. If multiple critical areas overlap in an area, the most restrictive conditions shall apply.

Section 13  Exemptions

A.  The following developments, activities, and associated uses shall be exempt from the provisions of this title provided that they are otherwise consistent with the provisions of other local, state and federal laws and requirements:

1.  Emergencies,
   a.  Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of these provisions.
   b.  An emergency response shall utilize reasonable methods to address the emergency considering the applicable critical area(s); in addition, they must have the least possible impact to the critical area or its management zone. The person or agency undertaking such action shall notify the county within four days following commencement of the emergency activity. If the administrator determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement will commence;
   c.  After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and management zones resulting from the emergency action in accordance with an approved critical area report and mitigation plan. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner; and
   d.  Any emergency structures deemed necessary within the jurisdiction of the Shoreline Master Program shall be removed following the emergency or else obtain the appropriate shoreline permit;

2.  Operation, Maintenance or Repair. Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems that do not further alter or increase the impact to, or encroach further within, the critical area or management;
3. **Passive Outdoor Activities.** Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching. Trails must be constructed pursuant to Section 15(D)(4); and

4. **Forest Practices.** Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, and those that are exempt from county jurisdiction, provided that forest practice conversions are not exempt.

5. **Agricultural Activities**
   a. Agricultural activities in place prior to [date VSP approved].
   b. New agricultural activities sponsored by the Voluntary Stewardship Program (VSP) technical provider as part of an Individual Stewardship Plan.
   c. For the purpose of this exemption, agricultural activities shall mean those uses and activities listed in RCW 90.58.065(2)(a).

6. **New Agricultural Facilities and Flood Refuge Pads**

   The director or designee may issue an administrative exemption for a new agricultural facility or farm refuge pad provided that the proposal meets all of the following criteria:
   a. The project is sponsored by the VSP technical provider.
   b. Pre-Development Review is required pursuant to Section 16.
   c. The administrator may require a Critical Area Report pursuant to Section 18.
   d. The project is a minor alteration of a critical area buffer. Flood refuge pads up to 3,000 square feet shall be considered minor.
   e. The agricultural facility avoids critical areas and critical area buffers to the greatest extent practicable and can demonstrate no-net-loss of the buffer function or is balanced through VSP buffer enhancements.
   f. For the purpose of this exemption, agricultural facilities shall mean those facilities listed in RCW 90.58.065(2)(c) except farm residences.

B. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from these provisions does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.
Section 14  Best Available Science References

A. Critical area reports and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat.

B. The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

C. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the administrator shall:
   1. Limit development and land use activities until the uncertainty is sufficiently resolved; and
   2. Require an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area.

Section 15  Allowed Activities

A. Allowed activities are similar to exemptions in that they do not require critical area review. However, unlike exemptions, allowed activities shall be consistent with critical area requirements. Conditions may be applied to the underlying permit, such as a building permit, to ensure critical area protection.

B. Activities that have been reviewed and permitted or approved by the county, or other agency with jurisdiction, for impacts to critical or sensitive areas, may not require submittal of a new critical area report or application under this chapter, unless such submittal was required previously for the underlying permit.

C. All allowed activities shall be conducted using the best management practices, adopted pursuant to other provisions contained in this code, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The county shall monitor the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

D. The following activities are allowed:
   1. Permit Requests Subsequent to Previous Critical Area Review. Development permits and approvals that involve both discretionary land use approvals (such
as subdivisions, rezones, or conditional use permits) and construction approvals (such as building permits) if all of the following conditions have been met:

a. There have been no material changes in the potential impact to the critical area or management zone since the prior review.

b. There is no new information available that is applicable to any critical area review of the site or particular critical area.

c. The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval, and

d. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured;

2. Structural modifications, additions to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or management zone, and where there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion;

3. Activities within improved rights-of-way that include replacement, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a county-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater;

4. Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their buffers, subject to the following:

a. Existing public and private trails may be maintained, replaced, or extended, provided there is no increase in the impact to the critical area;

b. The critical area and/or buffer shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas; and

c. Trails proposed in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion, and in accordance with an approved geotechnical report.

5. The following selective vegetation removal activities, if approved by the administrator:

d. The removal with hand labor or light power equipment, such as powered string and hedge trimmers, of invasive plant species identified by the Washington State Noxious Weed Control Board.
e. The removal of trees that pose an immediate threat or danger to health, safety, property, or environmental degradation caused by pest or disease infestation.

f. Selective pruning limited to limbing and crown thinning for views within a buffer that does not compromise slope stability, and ecological functions, and

g. Removal of trees that provide critical habitat, such as an eagle perch, shall not occur until a qualified wildlife biologist determines the timing and methods for removal that minimize impacts to fish and wildlife.

6. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; Chapter 76.09 RCW.; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan;

7. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency;

8. Minor site investigative work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation or clearing. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and

9. Construction or modification of navigational aids and boundary markers.

Section 16  Pre-Development Review

A. Any person preparing to submit an application for permit-related procedures under Section 7 and allowed activities under Section 15 shall submit a Pre-Development Review.

B. The result of the Pre-Development Review is a written summary of the requirements of this ordinance. The review will include pertinent critical area maps, scientific information, other source materials, and an outline of permitting procedures and requirements.

C. The administrator shall make a determination as to whether any critical areas may be affected by the proposal and if a more detailed critical area report shall be submitted with an application for development.

D. If the administrator determines that there are critical areas within or adjacent to the project area, but that the best available science shows that the proposed activity is unlikely to degrade the functions or values of the critical area, the administrator may waive the requirement for a critical area report. A decision to waive the critical area
The report will be based on the substantial evidence that all of the following requirements will be met:

1. There will be no alteration of the critical area or buffer;
2. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this Title; and
3. The proposal is consistent with other applicable regulations and standards.

E. If the administrator determines that a critical area or areas may be affected by the proposal, then the administrator shall notify the applicant that a critical area report must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed in the report.

F. If the administrator determines the absence of one or more critical areas, it is not an expert certification regarding the presence of critical areas and the determination is subject to possible reconsideration and reopening if new information is received. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.

G. The following provisions shall apply to the Pre-Development Review process:
1. The Pre-Development Review is valid for two years from the date of approval and is advisory only.
2. Future permit applications will be reviewed to current regulations upon submittal of a complete application.
3. Minor revisions to the proposal or site plan may be made within the approval period, and
4. Substantial changes in land conditions or land use may require a new review.

Section 17 Critical Area Inspections
An applicant for a development permit shall provide reasonable access to the subject site for inspections by county staff during any proposal review, restoration, emergency action, or monitoring period.

Section 18 Critical Area Reports
A. If the administrator determines a critical area report is required for a development application, the applicant shall submit a critical area report prepared by a qualified professional. The cost for initiating, preparing, submitting the report, including any required peer review(s), shall be the responsibility of the permit applicant.

B. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this ordinance.
C. At a minimum, the report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;

2. A copy of the site plan for the development proposal including:
   a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and
   b. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations.

3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

4. Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;

5. A statement specifying the accuracy of the report, and all assumptions made and relied upon;

6. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;

7. An analysis of site development alternatives including a no development alternative;

8. A description of reasonable efforts made to apply mitigation sequencing pursuant to Mitigation Sequencing, Section 20, to avoid, minimize, and mitigate impacts to critical areas;

9. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with Mitigation Plan Requirements, Section 21, including, but not limited to:
   a. The impacts of any proposed development within or adjacent to a critical area or buffer on the critical area; and
   b. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties and the environment;

10. A discussion of the performance standards applicable to the critical area and proposed activity;

11. Financial guarantees or bond to ensure compliance; and

12. Any additional information required for the critical area as specified in the corresponding section.

D. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the administrator.
E. The administrator may limit the required geographic area of the critical area report as appropriate if:
   1. The applicant, with assistance from the county, cannot obtain permission to access properties adjacent to the project area; or
   2. The proposed activity will affect only a limited part of the subject site.

F. The applicant may consult with the administrator prior to or during preparation of the critical area report to obtain county approval of modifications to the contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

G. The administrator may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with this Title. Additional information that may be required, includes, but is not limited to:
   1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
   2. Grading and drainage plans; and
   3. Information specific to the type, location, and nature of the critical area.

Section 19 Mitigation Requirements

A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in this ordinance, if alteration to the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best available science in accordance with an approved critical area report and SEPA documents, so as to result in no net loss of critical area functions and values.

B. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.

C. Mitigation shall not be implemented until after county approval of a critical area report that includes a mitigation plan, and mitigation shall be in accordance with the provisions of the approved critical area report.

Section 20 Mitigation Sequencing

A. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference:
   1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;

3. Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;

4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

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

6. Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and

7. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

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

Section 21 Mitigation Plan Requirements

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

1. A written report identifying environmental goals and objectives of the compensation proposed and including:

   a. A description of the anticipated impacts to the critical areas, the mitigating actions proposed and the purposes of the compensation measures, including:

      i. The site selection criteria;
      ii. Identification of compensation goals;
      iii. Identification of resource functions; and
      iv. The dates for beginning and completion of site compensation construction activities;

   b. The relatedness of the goals and objectives to the functions and values of the impacted critical area. A review of the best available science supporting the proposed mitigation and a description of the report author’s experience to date in restoring or creating the type of critical area proposed; and

   c. An analysis of the likelihood of success of the compensation project.
B. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this ordinance have been met.

C. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:

1. The proposed construction sequence, timing, and duration;
2. Grading and excavation details;
3. Erosion and sediment control features;
4. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
5. Measures to protect and maintain plants until established.

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

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

F. The mitigation plan shall include financial guarantees, as determined by the approval authority, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted consistent with these provisions.

Section 22 Innovative Mitigation

A. The county may encourage, facilitate, and approve innovative mitigation projects. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

1. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
2. The group demonstrates the organizational and fiscal capability to act cooperatively;
3. The group demonstrates that long-term management of the habitat area will be provided;
4. There is a clear potential for success of the proposed mitigation at the identified mitigation site; and
5. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios.

Section 23 Mitigation Plan Review Criteria
A. Any alteration to a critical area, unless otherwise provided for in this Title, shall be reviewed and approved, approved with conditions, or denied based on the proposal’s ability to comply with all of the following criteria:
   1. The proposal minimizes the impact on critical areas in accordance with Mitigation Sequencing Section 20;
   2. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
   3. The proposal is consistent with the general purposes of this Title and the public interest;
   4. Any alterations permitted to the critical area are mitigated in accordance with Mitigation Requirements, Section 19;
   5. The proposal protects the critical area functions and values consistent with the best available science and results in no net loss of critical area functions and values; and
   6. The proposal is consistent with other applicable regulations and standards.

B. The county may condition the proposed activity as necessary to mitigate impacts to critical areas and to conform to the standards required by this Title.

C. Except as provided for by this chapter, any project that cannot adequately mitigate its impacts to critical areas in the sequencing order of preferences in Section 20 shall be denied.

Section 24 Bonds to Ensure Mitigation, Maintenance, and Monitoring
A. When mitigation required pursuant to a development proposal is not completed prior to the county final permit approval, such as final plat approval, the county shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the county. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the county to ensure mitigation is fully functional.

B. The bond shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions, or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.
C. The bond may be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the County Prosecuting Attorney’s Office.

D. Bonds or other security authorized by this section shall remain in effect until the county determines, in writing, that the standards bonded for have been met.

E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

F. Public development proposals may be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due, or comply with other provisions of an approved mitigation plan, shall constitute a default, and the county may demand payment of any financial guarantees or require other action authorized by the county code or any other law.

H. Any funds recovered pursuant to this section shall be used to complete the required mitigation.

Section 25 Building Setbacks

A. Unless otherwise provided, buildings and other structures shall be set back a distance of ten feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the building setback area:

1. Landscaping;
2. Uncovered decks;
3. Building overhangs extending up to twenty-four inches into the setback area; and
4. Impervious ground surfaces, such as driveways and patios.

Section 26 Critical Area Markers, Signs, and Fencing

A. Signs and Fencing of Wetlands and Buffers:

1. Temporary markers. The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary “clearing limits” fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Administrator prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.
2. Permanent signs. As a condition of any permit or authorization issued pursuant to this Chapter, the Administrator may require the applicant to install permanent signs along the boundary of a wetland or buffer.

   a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another non-treated material of equal durability. Signs must be posted at an interval of one (1) every fifty (50) feet, or one (1) per lot if the lot is less than fifty (50) feet wide, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Administrator:

      Protected Wetland Area
      Do Not Disturb
      Contact Grays Harbor County
      Regarding Uses, Restrictions, and Opportunities for Stewardship

   b. The provisions of Subsection (a) may be modified as necessary to assure protection of sensitive features or wildlife.

3. Fencing

   a. The applicant shall be required to install a permanent fence around the wetland or buffer when domestic grazing animals are present or may be introduced on site.

   b. Fencing installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the critical area and associated habitat.

Section 27 Critical Area Tracts or Easements and Setback Area

A. Critical area tracts or easements shall be used in development proposals for subdivisions, short subdivisions, planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below that total five thousand (5,000) or more square feet:

1. All landslide hazard areas and buffers;
2. All wetlands and buffers;
3. All habitat conservation areas; and
4. All other lands to be protected from alterations as conditioned by project approval.

B. Critical area tracts shall be recorded on all documents of title of record for all affected lots.
C. Critical area tracts shall be designated on the face of the plat or recorded drawing in a format approved by the County Prosecuting Attorney’s Office. The designation shall include the following restriction:

1. An assurance that native vegetation will be preserved to prevent harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and

2. The right of the county to enforce the terms of the restriction.

D. The county may require that any critical area tract be dedicated to the county, held in an undivided interest by each owner of a building lot within the development with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowner’s association or other legal entity, such as a land trust, which ensures the ownership, maintenance, and protection of the tract.

Section 28  Notice on Title

A. The proponent of any new development proposal that involves a critical area or management zone shall be required to file a notice on title with the Grays Harbor County Auditor. The notice shall state the presence of the critical area or management zone on the property, of the application of these provisions to the property, and the fact that limitations on actions in or affecting the critical area or management zone may exist. Only one such notice is required to be recorded on any individual property or lot. The notice shall run with the land.

1. The notice shall be as set forth below:

"Notice: This site lies within a critical protection area as identified in Grays Harbor County Code Chapter 18.06. The site was the subject of a development proposal for [application number] filed on [date]. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation. Review of such application provides information on the location of the critical protection area and the restrictions on the site. A copy of the application site map showing the critical protection area is attached hereto."

B. For all proposed subdivision proposals within critical protection areas identified in this chapter, the applicant shall include a note on the face of the plat.

1. The note shall be as set forth below:

"Notice: This site lies within a critical protection area as identified in Grays Harbor County Code Chapter 18.06. The site was the subject of a development proposal for [application number], filed on [date]. Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation."

2. The note shall be recorded as part of final plat approval for any subdivision

C. This notice on title shall not be required for a development proposal by a public agency, or public or private utility:
1. Within a recorded easement or right-of-way;
2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
3. On the site of a permanent public facility.

D. The applicant shall submit proof that the notice has been filed for public record before the county approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.

Section 29 Unauthorized Critical Area Alterations and Enforcement

A. When a critical area or its management zone has been altered in violation of these provisions, all ongoing development work shall stop and the critical area shall be restored. The county shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of these provisions.

B. Where a violation has occurred, all development work shall remain stopped until a restoration plan is submitted by the property owner and/or violator (applicant) and approved by the county. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the intent of requirements described in subsection C of this section. The administrator may, at the applicant's expense, seek expert advice in determining the adequacy of the plan and may impose additional requirements to mitigate critical areas issues.

C. The following minimum performance standards for restoration shall apply:

1. For alterations to critical aquifer recharge areas and frequently flooded areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
   a. The historic structural and functional values shall be restored, including water quality and habitat functions;
   b. The historic soil types and configuration shall be replicated;
   c. The critical area shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and
   d. The historic functions and values should be replicated at the location of the alteration.

2. For alterations to frequently flooded and geological hazardous areas, the following minimum performance standards shall be met for the restoration of a
critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

a. The hazard shall be reduced to a level equal to, or less than, the predevelopment hazard;

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

c. The hazard area and management zones shall be replanted with native vegetation sufficient to minimize the hazard.

D. Enforcement. Violations and compliance issues under these provisions are subject to enforcement under Chapter 17.96 of the Grays Harbor County Code.

Section 30 Reasonable Use Exceptions

A. If the application of this title would deny all reasonable use of the subject property that was permitted by zoning prior to the effective date of this chapter or its predecessor, the property owner may apply for an exception pursuant to this section.

1. Except when the critical area is located within the jurisdiction of the Shoreline Management Plan, the applicant seeking relief from the standards and requirements of this chapter shall obtain a shoreline substantial development permit with variance.

B. Exception request and review process:

1. An application for a reasonable use exception shall be made to the county and shall include: a critical area application and fee; critical area report, including mitigation plan, if necessary; and, any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act Procedures, Chapter 18.04, GHCC.

2. A staff report shall be prepared to include a recommendation to the approval authority based on review of the submitted information, a site inspection, and the proposal’s ability to comply with reasonable use exception criteria in subsection 4.

3. A request for an exception under this section shall require a public hearing before the Board of Adjustment or Hearing Examiner.

4. Before approving a Reasonable Use Exception, the Board of Adjustment or Hearing Examiner must find that:

a. The application of these provisions would deny all reasonable use of the property that was permitted by the applicable zoning district before the effective date of this chapter;

b. There is no other reasonable use of the property has less impact on the critical area;
c. Any alteration is the minimum necessary to allow for reasonable use of the property;

d. The granting of the reasonable use exception is consistent with the general purpose and intent of this Title, and will not further degrade the functions or values of the associated critical areas or otherwise be materially detrimental to the public welfare, injurious to the property or improvements in the vicinity of the subject property; or the proposed improvements or the occupants or users of the proposed use or activity; and,

e. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant or prior owner in title after the effective date of these provisions or its predecessor.

5. Upon approval of a reasonable use exception, the county will not take measures to protect the property or any improvements upon it from damage caused or increased because of its location within or near a critical area.

6. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

7. When application of this chapter will deny all reasonable use of the property as referenced in Section 30A, an applicant seeking relief from the standards and requirements of this chapter shall obtain a variance as provided in Section 31.

Section 31 Variances

A. The county may authorize variances from the standards of this ordinance in accordance with the procedures set forth in Chapter 17.80 of the Grays Harbor County Code. The Board of Adjustment shall review the request and make a written finding that the request meets or fails to meet the variance criteria.

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

1. Special conditions and circumstances exist that are peculiar to the land, the lot, or something inherent in the land, and that are not applicable to other lands in the same zoning district;

2. The special conditions and circumstances do not result from the actions of the applicant;

3. A literal interpretation of the provisions of this Title would deprive the applicant of the uses and privileges permitted to other properties in the vicinity and zoning district of the subject property under the terms of this Title;

4. The variance requested is the minimum necessary to provide the applicant with such rights;
5. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures, or buildings under similar circumstances;

6. The granting of the variance is consistent with the general purpose and intent of this Title, and will not further degrade the functions or values of the associated critical areas or otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;

7. The decision to grant the variance includes the best available science and gives special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish habitat; and

8. The granting of the variance is consistent with the general purpose and intent of the county comprehensive plan and adopted development regulations.

C. In granting any variance, the county may prescribe such conditions and safeguards as are necessary to secure adequate protection of critical areas from adverse impacts, and to ensure conformity with this Chapter.

D. The county shall prescribe a time limit within which the action for which the variance is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the variance.

E. The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision that is made on the application.

F. Variances for frequently flooded areas shall meet the criteria of Section 55.

Section 32 Appeals of Administrative Decisions

A. Procedural determinations made by the planning director shall be entitled to substantial weight, as provided by RCW 43.21C.075 (3) (d) and WAC 197-11-680(3) (viii).

B. Any decision to approve, condition, or deny a development proposal based on the requirements of this chapter or requiring a critical protection area special study pursuant to this chapter or where no other administrative appeal procedure exists may be appealed to the board of adjustment pursuant to the provisions of Chapter 17.84, Grays Harbor County Code.

C. In considering appeals from administrative decisions, the board of adjustment shall consider all technical evaluations, all relevant factors, and the criteria set forth in Section 31.

D. In considering appeals from administrative decisions within frequently flooded areas, the board of adjustment shall consider all technical evaluations, all relevant factors, and the criteria set forth in Section 51.
ARTICLE II. WETLANDS

Section 33 Purpose

A. To recognize and protect the beneficial functions performed by many wetlands, which include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and retention and transformation of sediments, nutrients, and toxicants.

B. Regulate land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout Grays Harbor County.

C. Establish review procedures for development proposals in and adjacent to wetlands.

1. Compliance with the provisions of the Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

Section 34 Best Available Science for Designating and Classifying Wetlands

A. The designation of wetlands shall rely on the following best available science:

1. U.S. Fish and Wildlife Service, National Wetlands Inventory Maps: provided, however, that if the location, designation, or classification of a wetland shown on any map adopted by reference conflicts with the determination of any field investigation, the latter shall prevail;


B. Identification and Rating

1. Identification and Delineation. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement. All areas within the county meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Chapter.
Wetland delineations are valid for five years; after such date the county shall
determine whether a revision or additional assessment is necessary.

2. Rating. Wetlands shall be rated according to the Washington Department of Ecology
wetland rating system, as set forth in the Washington State Wetland Rating System
for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as
revised and approved by Ecology), which contains the definitions and methods for
determining whether the criteria below are met.

a. Category I. Category I wetlands are: (1) relatively undisturbed estuarine
wetlands larger than 1 acre; (2) wetlands of high conservation value that
are identified by scientists of the Washington Natural Heritage
Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands
larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal
wetlands that score 8 or 9 habitat points and are larger than 1 acre; and
(7) wetlands that perform many functions well (scoring 23 points or more).
These wetlands: (1) represent unique or rare wetland types; (2) are more
sensitive to disturbance than most wetlands; (3) are relatively undisturbed
and contain ecological attributes that are impossible to replace within a
human lifetime; or (4) provide a high level of functions.

b. Category II. Category II wetlands are: (1) estuarine wetlands smaller than
1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal
wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3)
wetlands with a moderately high level of functions (scoring between 20
and 22 points).

c. Category III. Category III wetlands are: (1) wetlands with a moderate
level of functions (scoring between 16 and 19 points); (2) can often be
adequately replaced with a well-planned mitigation project; and (3)
interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between
16 and 19 points generally have been disturbed in some ways and are
often less diverse or more isolated from other natural resources in the
landscape than Category II wetlands.

d. Category IV. Category IV wetlands have the lowest levels of functions
(scoring fewer than 16 points) and are often heavily disturbed. These are
wetlands that we should be able to replace, or in some cases to improve.
However, experience has shown that replacement cannot be guaranteed
in any specific case. These wetlands may provide some important
functions, and should be protected to some degree.

e. Illegal modifications. Wetland rating categories shall not change due to
illegal modifications.

C. The county adopts the following general guidance for the protection of wetland functions
and values:
1. **Wetlands in Washington State, Volumes 1 and 2, 2005, Publication Nos. 05-06-006 and 05-06-008.**

**Section 35 Regulated Activities**

A. **For any regulated activity, a critical area report may be required to support the requested activity.**

B. **The following activities are regulated if they occur in a regulated wetland or its buffer:**
   1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
   2. The dumping of, discharging of, or filling with any material;
   3. The draining, flooding, or disturbing of the water level or water table;
   4. Pile driving;
   5. The placing of obstructions;
   6. The construction, reconstruction, demolition, or expansion of any structure;
   7. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland;
   9. Activities that result in:
      a. A significant change of water temperature;
      b. A significant change of physical or chemical characteristics of the sources of water to the wetland;
      c. A significant change in the quantity, timing, or duration of the water entering the wetland; and/or
      d. The introduction of pollutants;

C. **The subdivision and/or short subdivision of land in wetlands and associated buffers are subject to the following provisions:**
   1. Land that is located wholly within a wetland or its buffer may not be subdivided; and
   2. Land that is located partially within a wetland or its buffer may be subdivided if an accessible and contiguous portion of each new lot located outside of the wetland and its buffer is demonstrated to contain adequate area for a single-family residence with normal appurtenances or the greater area required by health regulations for the intended method of sewage disposal and water system.
Section 34  Exemptions and Allowed Uses in Wetlands

A. The following wetlands may be exempt from the requirement to avoid impacts and they may be filled if the impacts are fully mitigated based on the remaining actions in Chapter XX.070.A.2 through 6. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in Chapter XX.060 must be submitted.

1. All isolated Category IV wetlands less than 4,000 square feet that:
   a. Are not associated with riparian areas or their buffers
   b. Are not associated with shorelines of the state or their associated buffers
   c. Are not part of a wetland mosaic
   d. Do not score 6 or more points for habitat function based on the 2014 update to the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology)
   e. Do not contain a Priority Habitat or a Priority Area for a Priority Species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat, or species of local importance identified in Section 58.

2. Wetlands less than 1,000 square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this Chapter.

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

1. Grays Harbor County has chosen to participate in the Voluntary Stewardship Program. So long as the County participates in the Voluntary Stewardship Program, this ordinance shall not apply to agricultural activities.

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

3. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
4. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

5. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.

6. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

7. Educational and scientific research activities.

8. Normal and routine maintenance and repair of existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not expand the footprint of the facility or right-of-way.

9. Stormwater management facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment or Flow Control BMP if ALL of the following criteria are met:
   a. The wetland is classified as a Category IV or a Category III wetland with a habitat score of 3-5 points;
   b. There will be “no net loss” of functions and values of the wetland;
   c. The wetland does not contain a breeding population of any native amphibian species;
   d. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach," (available here http://www.ecy.wa.gov/biblio/0906032.html); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan;
   e. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing;
f. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits; and

g. Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost shall be compensated/replaced.

10. Stormwater LID BMPs required as part of New and Redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

Section 35 Additional Requirements for Wetland Critical Area Reports

A. The administrator may require a permit applicant to prepare a critical area report prepared by a qualified wetland professional whenever proposed development is on or adjacent to a wetland. The cost for preparing the report shall be the responsibility of the permit applicant.

B. A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

C. In addition to the general critical area report requirements of Section 18, the minimum standard for a wetland critical area report shall contain the following information:

1. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the wetland critical area report; a description of the proposal; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.

2. A statement specifying the accuracy of the report and all assumptions made and relied upon. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, etc.

3. A description of the methodologies used to conduct the wetland delineations, rating system forms, or impact analyses including references.

4. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, floodplains, and buffers on or adjacent to the proposed project area. For areas off site of the project site, estimate conditions within 300 feet of the project boundaries using the best available information.

5. For each wetland identified on site and within 300 feet of the project site provide: the wetland rating, including a description of and score for each function; required buffers; hydrogeomorphic classification; wetland acreage based on a professional survey from the field delineation (acreages for on-site portion and
entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site.

6. A description of the proposed actions, including an estimation of acreages of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives, including a no-development alternative.

7. An assessment of the probable cumulative impacts to the wetland and buffers resulting from the proposed development.

8. A description of reasonable efforts made to apply mitigation sequencing pursuant to Section 20 to avoid, minimize, and mitigate impacts to critical areas.

9. A discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity.

10. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions.

11. A discussion of the potential impacts to the wetland associated with anticipated hydroperiod alterations from the project.

12. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.

13. A copy of the site plan sheet(s) for the project that contains the following items:
   a. Maps to scale depicting delineated and surveyed wetland and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers, including square footage estimates.
   b. A depiction of the proposed stormwater management plan for the development, including estimated areas of intrusion into the buffers of any critical areas.

Section 36 Wetland Buffers

A. Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology
For wetlands that score 6 points or more for habitat function, the buffers in Table 37.1 can be used if both of the following criteria are met:

a. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW website at: http://wdfw.wa.gov/hab/phshabs.htm

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

Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table 37.1 may be used with the required measures in Table 37.2 alone.

b. The measures in Table 37.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.

For wetlands that score 3-5 habitat points, only the measures in Table 37.2 are required for the use of Table 37.1.

If an applicant chooses not to apply the mitigation measures in Table 37.2, or is unable to provide a protected corridor where available, then Table 37.3 must be used.

The buffer widths in Table 37.1 and 37.3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Category III wetlands that meet the following criteria may have reduced buffers:

- Score high for habitat (8-9 points)
- Are less than 4,000 square feet in size
- Are connected to any other relatively undisturbed area* by a 100-foot wide corridor that is well vegetated with a native plant community appropriate for the ecoregion and that is protected by some sort of legal protection such as a conservation easement. Protective buffers in critical areas ordinances and shoreline environment designations (SED) that restrict development (e.g. Natural SED) may qualify as legal protection. For protective buffers to qualify,
they should not be subject to reduction or variance. *(The definition of a relatively undisturbed area is found in the most recent version of the Washington State Wetlands Rating System.)*

If the above criteria are met, the buffer widths for habitat scores of 6-7 in Table 37.1 may be used. This exemption does not apply to Category I or II wetlands.

6. The administrator may allow a required buffer to be reduced in accordance with a critical area report when the buffer is divided by roads and highways when:
   a. An existing private road serving four or more houses, a county road, or a state highway divides a standard buffer;
   b. There is no net loss of function or value to the adjacent water body; and
   c. The reduction is limited to the area from the road shoulder to the landward standard buffer boundary.

B. Wetland buffers do not apply to isolated Category 3 and 4 wetlands when the following four criteria are present:
   1. The wetland is less than 1,000 square feet in area;
   2. The wetland is not associated with a riparian area or buffer;
   3. The wetland is not part of a wetland mosaic; and
   4. The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.

C. Buffers need not include areas that are functionally isolated and physically disconnected from the wetland by a substantial developed surface, such as an existing dike, private road serving four or more houses, a county road, or a state highway, or development. Functionally isolated buffer areas are those areas separated from a wetland that do not protect the wetland from adverse impacts. In determining whether a buffer area is functionally isolated, the administrator shall take into consideration if the isolated buffer area is used by wildlife to gain access to the wetland. In instances where substantial wildlife use is documented, the area shall be retained as buffer despite being otherwise isolated or disconnected from the wetland.

<p>| Table 37.1 Wetland Buffer Requirements for Western Washington if Table 37.2 is Implemented and Corridor Provided |
|-----------------------------------------------|----------------|----------------|----------------|
| Wetland Category | Buffer width (in feet) based on habitat score |
| Category I: Based on total score | 3-5 | 6-7 | 8-9 |
| Category I: Based on total score | 75 | 110 | 225 |</p>
<table>
<thead>
<tr>
<th>Category I:</th>
<th></th>
<th>190</th>
<th>225</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bogs and Wetlands of High Conservation Value</td>
<td>150 (buffer width not based on habitat scores)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category I: Estuarine and Coastal Lagoons</td>
<td>225 (buffer width not based on habitat score)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category I: Interdunal</td>
<td>75</td>
<td>110</td>
<td>225</td>
</tr>
<tr>
<td>Category I: Forested</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| Category II: Based on score | 75 | 110 | 225 |
| Category II: Interdunal Wetlands | 110 (buffer width not based on habitat score) | | |
| Category II: Estuarine | 110 (buffer width not based on habitat scores) | | |
| Category III (all) | 60 | 110 | 225 |
| Category IV (all) | 40 | | |</p>
<table>
<thead>
<tr>
<th>Disturbance</th>
<th>Required Measures to Minimize Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lights</td>
<td>• Direct lights away from wetland</td>
</tr>
<tr>
<td>Noise</td>
<td>• Locate activity that generates noise away from wetland</td>
</tr>
<tr>
<td></td>
<td>• If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</td>
</tr>
<tr>
<td></td>
<td>• For activities that generate relatively continuous, potentially disruptive noise, such as certain</td>
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<td>heavy industry or mining, establish an additional 10’ heavily vegetated buffer strip immediately</td>
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<td>adjacent to the outer wetland buffer</td>
</tr>
<tr>
<td>Toxic runoff</td>
<td>• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</td>
</tr>
<tr>
<td></td>
<td>• Establish covenants limiting use of pesticides within 150 ft of wetland</td>
</tr>
<tr>
<td></td>
<td>• Apply integrated pest management</td>
</tr>
<tr>
<td>Stormwater runoff</td>
<td>• Retrofit stormwater detention and treatment for roads and existing adjacent development</td>
</tr>
<tr>
<td></td>
<td>• Prevent channelized flow from lawns that directly enters the buffer</td>
</tr>
<tr>
<td></td>
<td>• Use Low Intensity Development techniques (for more information refer to the drainage ordinance</td>
</tr>
<tr>
<td></td>
<td>and manual)</td>
</tr>
<tr>
<td>Change in water regime</td>
<td>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new</td>
</tr>
<tr>
<td></td>
<td>lawns</td>
</tr>
<tr>
<td>Pets and human disturbance</td>
<td>• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage</td>
</tr>
<tr>
<td></td>
<td>disturbance using vegetation appropriate for the ecoregion</td>
</tr>
<tr>
<td></td>
<td>• Place wetland and its buffer in a separate tract or protect with a conservation easement</td>
</tr>
<tr>
<td>Dust</td>
<td>• Use best management practices to control dust</td>
</tr>
</tbody>
</table>
Table 37.3 Wetland Buffer Requirements for Western Washington  
if Table 37.2 is NOT Implemented or Corridor NOT provided

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Buffer width (in feet) based on habitat score</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3-5</td>
<td>6-7</td>
<td>8-9</td>
</tr>
<tr>
<td>Category I:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Based on total score</td>
<td>100</td>
<td>150</td>
<td>300</td>
</tr>
<tr>
<td>Category I:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bogs and Wetlands of High Conservation Value</td>
<td>250</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category I:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estuarine and Coastal Lagoons</td>
<td>(buffer not based on habitat score)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category I:</td>
<td></td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Interdunal</td>
<td>(buffer not based on habitat score)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category I:</td>
<td></td>
<td>100</td>
<td>140</td>
</tr>
<tr>
<td>Forested</td>
<td></td>
<td>220</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100</td>
<td>300</td>
</tr>
<tr>
<td>Category II:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Based on score</td>
<td>100</td>
<td>150</td>
<td>300</td>
</tr>
<tr>
<td>Category II:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interdunal Wetlands</td>
<td>150</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category II:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estuarine and Coastal Lagoons</td>
<td>(buffer width not based on habitat scores)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category III (all)</td>
<td>80</td>
<td>150</td>
<td>300</td>
</tr>
<tr>
<td>Category IV (all)</td>
<td></td>
<td></td>
<td>50</td>
</tr>
</tbody>
</table>
1. **Increased Wetland Buffer Area Width.** Buffer widths shall be increased on a case-by-case basis as determined by the Administrator when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

   a. **The wetland is used by a state or federally listed plant or animal species or has essential or outstanding habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or**
   
   b. **The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or**
   
   c. **The adjacent land has minimal vegetative cover or slopes greater than 30 percent.**

2. **Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:**

   a. **The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area,**
   
   b. **The buffer is increased adjacent to the higher-functioning area of habitat or more-sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional,**
   
   c. **The total area of the buffer after averaging is equal to the area required without averaging,**
   
   d. **The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater,**

3. **Averaging to allow reasonable use of a parcel may be permitted when all of the following are met:**
a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.

b. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a critical areas report from a qualified wetland professional.

c. The total buffer area after averaging is equal to the area required without averaging.

d. The buffer at its narrowest point is never less than either ¾ of the required width or 75 feet for Category I and II, 50 feet for Category III and 25 feet for Category IV, whichever is greater.

D. To facilitate long-range planning using a landscape approach, the Administrator may identify and pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Administrator will prepare maps of wetlands that have been pre-assessed in this manner.

E. Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Buffers must be fully vegetated in order to be included in buffer area calculations. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

F. Buffers on Wetland Mitigation Sites. All wetland mitigation sites shall have buffers consistent with the buffer requirements of this Chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

G. Buffer Maintenance. Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the mitigation bond (Section XX.070.J.2.a.x).

H. Impacts to Buffers. Requirements for the compensation for impacts to buffers are outlined in Section XX.070 of this Chapter.

I. Overlapping Critical Area Buffers. If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.

J. Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this Chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:
1. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.

2. Passive recreation facilities designed and in accordance with an approved critical area report, including:
   
a. Walkways and trails, provided that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five (5) feet in width for pedestrian use only. Raised boardwalks utilizing non-treated pilings may be acceptable.
   
b. Wildlife-viewing structures.

3. Educational and scientific research activities.

4. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

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

6. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column would be disturbed.

7. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
8. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

Section 37 Wetland Mitigation

A. The mitigation of wetlands shall rely on the following best available science:

1. **Wetland Mitigation in Washington State, Parts 1 and 2, 2006, Publication Nos. 06-06-011a and 06-06-011b, or as revised.**

2. **Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington, Final Report, March 2012, Washington State Department of Ecology publication #10-06-011, or as revised.**

B. Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Sections 19 and 31.

C. Impacts to wetland functions may be mitigated by enhancement of existing significantly degraded wetlands, but must be used in conjunction with restoration and/or creation. Applicants proposing to enhance wetlands must produce a critical area report that identifies how enhancement will increase the functions of the degraded wetland and how this increase will adequately mitigate for the loss of wetland area and function at the impact site. An enhancement proposal must also show whether existing wetland functions will be reduced by the enhancement actions.

D. Tables 2.A through .C establishes mitigation ratios for wetland types described in Table 1.

**Table 2A: Mitigation Ratios for Category 1 Wetlands**

<table>
<thead>
<tr>
<th>Type of wetland impact</th>
<th>Forested</th>
<th>Based on score for functions</th>
<th>Natural heritage</th>
<th>Coastal lagoon</th>
<th>Bog</th>
<th>Estuarine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-establishment or creation</td>
<td>6:1</td>
<td>4:1</td>
<td>Not possible</td>
<td>Not possible</td>
<td>Not possible</td>
<td>Not possible</td>
</tr>
<tr>
<td>Rehabilitation only</td>
<td>12:1</td>
<td>8:1</td>
<td>6:1</td>
<td>6:1</td>
<td>6:1</td>
<td>6:1</td>
</tr>
<tr>
<td>Re-establishment or creation (RC) &amp; enhancement (RH)</td>
<td>1:1 R/C &amp; 10:1 RH</td>
<td>1:1 R/C &amp; 6:1 RH</td>
<td>R/C not an option</td>
<td>R/C not an option</td>
<td>R/C not an option</td>
<td>R/C not an option</td>
</tr>
<tr>
<td>Re-establishment or creation (RC)</td>
<td>1:1 R/C &amp; 12:1 E</td>
<td>1:1 R/C &amp; 12:1 E</td>
<td>R/C not an option</td>
<td>R/C not an option</td>
<td>R/C not an option</td>
<td>R/C not an option</td>
</tr>
</tbody>
</table>
### Table 2B: Mitigation Ratios for Category 2 Wetlands

<table>
<thead>
<tr>
<th>Type of wetland impact</th>
<th>Estuarine</th>
<th>Interdunal</th>
<th>All other Category 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-establishment or creation</td>
<td>Case-by-case</td>
<td>2:1</td>
<td>Compensation must be interdunal</td>
</tr>
<tr>
<td>Rehabilitation only</td>
<td>4:1</td>
<td>4:1</td>
<td>Compensation must be interdunal</td>
</tr>
<tr>
<td>Re-establishment or creation (RC) &amp; enhancement (RH)</td>
<td>Case-by-case</td>
<td>1:1 R/C &amp; 2:1 RH</td>
<td>Compensation must be interdunal</td>
</tr>
<tr>
<td>Re-establishment or creation (RC) &amp; enhancement(E)</td>
<td>Case-by-case</td>
<td>Not an option</td>
<td>1:1 R/C &amp; 8:1 E</td>
</tr>
<tr>
<td>Enhancement only</td>
<td>Case-by-case</td>
<td>16:1</td>
<td>12:1</td>
</tr>
</tbody>
</table>

### Table 2C: Mitigation Ratios for Category 3 and 4 Wetlands

<table>
<thead>
<tr>
<th>Type of wetland impact</th>
<th>All Category 3 Wetlands</th>
<th>All Category 4 Wetlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Re-establishment or creation</td>
<td>2:1</td>
<td>1:5:1</td>
</tr>
<tr>
<td>Rehabilitation only</td>
<td>4:1</td>
<td>3:1</td>
</tr>
<tr>
<td>Re-establishment or creation (RC) &amp; enhancement (RH)</td>
<td>1:1 R/C &amp; 2:1 RH</td>
<td>1:1 R/C &amp; 1:1 RH</td>
</tr>
<tr>
<td>Re-establishment or creation (RC) &amp; enhancement(E)</td>
<td>1:1 R/C &amp; 4:1 E</td>
<td>1:1 R/C &amp; 2:1 E</td>
</tr>
<tr>
<td>Enhancement only</td>
<td>8:1</td>
<td>6:1</td>
</tr>
</tbody>
</table>

### Section 38: Wetland Mitigation Banks

A. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

1. The bank is certified under Chapter 173-700 WAC and located within the county and the watershed;
2. The administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
3. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

B. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
C. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank’s certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

ARTICLE III. CRITICAL AQUIFER RECHARGE AREAS

Section 39 Purpose

To protect the public health and safety, prevent the degradation of ground water aquifers used for potable water, and to provide for regulations that prevent and control risks to the degradation of ground water aquifers in Grays Harbor County.

Section 40 Identification

Aquifer recharge areas are those areas with geologic and hydrologic conditions that promote rapid infiltration of recharge waters to groundwater aquifers. The following classifications define critical aquifer recharge areas.

A. Group A Public Water System (PWS) Wellhead Protection Areas (WHPA) - Wellhead protection areas determined in accordance with delineation methodologies specified by the Washington Department of Health under authority of Chapter 246-290 WAC;

B. Group B Public Water System Sanitary Control Areas and Proposed Sanitary Control Areas when creation of a new PWS is required as a part of a development proposal - Sanitary Control Areas are determined in accordance with requirements under authority of Chapter 246-291 WAC or as determined by the Local Health Officer through Local Board of Health rules and requirements;

C. Special protection areas designated by the Washington Department of Ecology under Chapter 173-200-090 WAC;

D. Sole-source aquifers designated by the U.S. Environmental Protection Agency in accordance with the Safe Drinking Water Act of 1974 (Public Law 93-523);

E. Groundwater management areas designated by the Washington Department of Ecology in cooperation with local government under Chapter 173-100 WAC.

F. Wildcats Creek Wellhead Protection Areas – Means those WHPA depicted on the Grays Harbor County map identified as the ‘Wildcats Creek Aquifer’ dated June 2008;

G. Wildcats Creek Aquifer Protection Area – Means within the aquifer boundaries as depicted on the Grays Harbor County map identified as the ‘Wildcats Creek Aquifer’ dated June 2008.
Figure 1 - Wildcat Creek Aquifer Protection Areas

Section 41 Protection Standards

A. New Development Prohibitions. The following types of new development shall not be permitted within designated critical aquifer recharge areas:

1. Solid waste landfills;
2. Septage application;
3. Underground storage of heating oil in excess of 1,100 gallons for consumptive use on the parcel where stored;
4. Creosote manufacturing or treatment;
5. Chemical manufacture or reprocessing of any extremely hazardous waste as defined by RCW 70.105.010(6) and listed in Chapter 173-303 WAC;
6. Mining of any type below the water table;
7. Processing, storage, and disposal of radioactive substances;
8. Dry cleaning;
9. Auto wrecking facilities;
10. Hazardous waste transfer and treatment; and
11. Hydrocarbon extraction.

Section 42 Development Standards

A. All rezones, subdivisions, and development proposals resulting in the creation of a dwelling unit or dwelling units within a critical aquifer recharge area shall be required to prepare and implement a best management practices plan that contains (a) hazardous material best management practices, (b) integrated pest management practices, and (c) landscape maintenance best management practices. Educational materials pertaining to the plan shall be provided to each property owner. Within the Wildcat Creek Aquifer Protection Area this requirement only applies to rezones and subdivisions.

The plan shall be reviewed by the environmental health division prior to any county decision on the proposal.

B. The environmental health division may require preparation of a best management plan for any development proposal in the event that it finds that the pre-development condition of the critical aquifer recharge area warrants the preparation of the plan and/or assessment as an assurance that the proposal provides a reasonable margin of safety for the critical aquifer recharge area.

C. The county shall prepare and have the applicant record a notice with the auditor for any site within the critical aquifer recharge areas for which a plan has been prepared. The notice shall indicate in the public record the existence of the plan for the property. The notice shall be as set forth below:

"Notice: This site lies within a critical aquifer recharge area as identified in Grays Harbor County Code Title 18.06 Section 41. The site was the subject of a development proposal for [Application Number] filed on [Application Date]. A best management practices plan (BMPP) has been prepared for this site that contains (a) hazardous material best management practices, (b) integrated pest best management practices, and (c) landscape maintenance best management practices." A copy of the plan has been recorded under AUDITOR'S FILE NUMBER 2015-06090005 and is also available upon request from the Grays Harbor County Public Services.

D. New subdivisions and new short subdivisions in critical aquifer recharge areas shall require a storm water collection, treatment, and disposal system designed by a Professional Engineer and approved by the county. This requirement does not apply to short subdivisions in which each lot is at least one acre in size.
E. All rezones and subdivisions within the critical aquifer recharge areas identified in Section 41 shall be required to prepare a hydrogeologic assessment, prepared by a licensed hydrogeologist, that demonstrates conclusively that the proposed development will not threaten down-gradient drinking water or adversely affect aquifer recharge. This requirement also applies to all land use permits within the Wildcat Creek Wellhead Protection Areas.

The assessment shall be reviewed by the environmental health division prior to any county decision on the proposal. In the event that said division finds that the proposal does not provide a reasonable margin of safety for the critical aquifer recharge area, the proposal shall be (a) required to be revised to increase the margin of safety, including a reduction in lot density, or (b) shall be denied based upon evidence that the proposal represents a probable significant adverse impact to the critical aquifer recharge area.

The environmental health division may require preparation of a hydrogeologic assessment for any development proposal in the event that it finds that the pre-development condition of the critical aquifer recharge area warrants the assessment to determine whether or not the proposal provides a reasonable margin of safety for the critical aquifer recharge area.

Section 43 Additional Critical Area Report Requirements for all Critical Aquifer Recharge Areas

A. A person seeking the following types of new construction activities within a critical aquifer recharge area is responsible for preparing a critical area report for critical aquifer recharge areas:

1. Industrial and commercial agricultural facilities applying fertilizers or pesticides in excess of agronomic rates;

2. Golf courses or other recreational or institutional facilities that involve extensive turf cultivation or maintenance;

3. Above ground storage tanks, with the exception of water tanks;

4. Industrial or commercial facilities that, when completed, will use, store, or handle dangerous wastes in quantities in excess of five (5) gallons or twenty-five (25) pounds or more of any one substance, or in aggregate quantities of twenty (20) gallons or 100 pounds or more of all dangerous wastes;

5. Fossil fuel exploration or development;

6. Commercial underground storage tanks in excess of 1,100 gallons; and

7. Subdivision of land into more than four lots.

B. In addition to the critical area report requirements of Section 18 of this Ordinance, the report shall include the following information:
1. A detailed description of the project including all processes and other activities that have the potential for contaminating groundwater; and

2. A hydrogeologic evaluation that includes, at a minimum, a description and/or evaluation of the following:
   i. Site location, topography, drainage, and surface water bodies;
   ii. Soils and geologic units, underlying the site;
   iii. Ground water characteristics of the area, including flow direction, gradient, and existing groundwater quality;
   iv. The location and characteristics of wells and springs within 300 feet of the perimeter of the property;
   v. An evaluation of existing on-site groundwater recharge; and
   vi. An evaluation of the potential impact of the proposal on groundwater quantity and quality, including potential effects related to saltwater intrusion and effects on senior water rights holders 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.

C. Qualifications of Report Preparers.
   1. Critical area reports for critical aquifer recharge areas shall be prepared by:
      a. A Professional Engineer registered by the State of Washington, and trained and qualified to analyze geologic, hydrologic, and groundwater flow systems; or
      b. 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.

   2. Such qualifications shall be demonstrated to the satisfaction of the Environmental Health Division.

ARTICLE IV. FREQUENTLY FLOODED AREAS

Section 44 Best Available Science for Designating Frequently Flooded Areas

A. The designation of frequently flood areas shall include those areas identified by the Federal Insurance Administration in the following report "The Flood Insurance Study for Grays Harbor County, and Incorporated Areas," dated February 3, 2017, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM). The Flood Insurance Study and FIRM shall be maintained on file in the planning and building division office, 100 West Broadway, 3rd Floor, Montesano, Washington. The best available information for flood hazard area identification shall be the basis for the
regulations contained herein until such time that new FIRMs is issued incorporating
updated hazard identification.

B. The floodplain classification is designed to carry out the mandate contained in the
National Flood Insurance Program (NFIP) and the protection of frequently flooded areas.
The Federal Insurance Administration will determine the zone classification for those
areas that are not included in the Flood Insurance Rate Map (FIRM) prior to the
issuance of any development permit for the property.

Section 45 Warning and Disclaimer of Liability

A. The degree of flood protection required by this chapter is considered reasonable for
regulatory purposes and is based on scientific and engineering considerations. Larger
floods can and will occur on rare occasions. Flood heights may be increased by
manmade or natural causes. The provisions in this chapter do not imply that land outside
the areas of special flood hazards or uses permitted within such areas will be free from
flooding or flood damage. Nothing in this chapter shall create liability on the part of
Grays Harbor County, any officer or employee thereof, or the Federal Insurance
Administration, for any flood damage that results from reliance on this chapter or any
administrative decision lawfully made hereunder.

Section 46 Permits Required for Development within Frequently Flooded Areas

A. A permit shall be obtained before construction or development begins within any area of
special flood hazard established in Section 44. Such permit is required for all structures,
including manufactured homes and for all development including fill and other activities,
as set forth in Chapter 17.08, Grays Harbor County Code. In addition to information
required for all permits, applications for permits for development within any area of
special flood hazard except flood elevation certificates required pursuant to Title 15 of
the Grays Harbor County Code shall include:

1. The elevation in relation to mean sea level, of the lowest floor (including
   basement) of all structures and whether or not the structure contains a
   basement;

2. The elevation in relation to mean sea level to which any structure has been flood
   proofed;

3. Certification by a Washington State-licensed professional engineer or architect
   that the flood-proofing methods for any non-residential structure meets the flood-
   proofing criteria in Section 18.06.120F and a certification upon completion that
   the structure was built in accordance with the criteria. These certifications shall
   be provided before a certificate of occupancy is issued;

4. A description of the extent to which any watercourse will be altered or relocated
   as a result of proposed development;

5. A listing of the necessary permits and clearances from those governmental
   agencies from which approval is required by federal or state law, including but
not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334, and the Washington State Shorelines Management Act.

6. Evidence the permits listed in Section 18.06.110E have been received;
7. Any other information which may be reasonably required by the planning director in order to administer this chapter.

B. The applicant shall be responsible for the costs of providing the required information, including the costs associated with determining and setting elevations at the development site where required by this chapter.

Section 47 Administration of Frequently Flooded Area Standards

A. The administrator shall implement and administer the provisions of Section 44 by granting or denying development permit applications in accordance therewith. The administrator's duties include, but are not limited to:
1. Reviewing permits:
   - Review all permits requested for areas within the flood plain district to determine that the permit requirements and development standards of this chapter have been satisfied. The planning director may require that development proposals be reviewed by the county engineer to assure the accuracy of data and that the provisions of this chapter will be met;
   - Review all permits requested for areas within the flood plain district to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Washington State Shoreline Management Act.
   - For areas where a regulatory floodway has been designated, review all permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that Section 18.06.125A encroachment provisions are met;
   - For areas where a regulatory floodway has not been designated but may be designated in the future, review all permits in the area of special flood hazard except in the coastal high-hazard area to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development where combined with all other existing and anticipated development will not increase the water-surface elevation of the base flood more than one foot at any point.
2. Obtaining Base Flood Data:

c. When base flood elevation data has not been provided (in A or V Zones) in accordance with the "Basis for Establishing the Areas of Special Flood Hazard" in Section 18.06.100C, the planning director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer Section 18.06.120 governing "Provisions for Flood Hazard Reduction" and Section 18.06.125 governing "Provisions for Flood Hazard Reduction in Floodways."

3. Obtaining and maintaining the following information:

a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 18.06.115B, obtain and record the actual as-built elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement;

d. For all new or substantially improved flood-proofed non-residential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 18.06.115B: (a) obtain and record the actual elevation, in relation to mean sea level, to which the structure was flood-proofed; and (b) maintain the flood-proofing certifications required in Section 18.06.110C;

e. For all new construction and substantially improved structures within coastal high hazard areas, certification shall be obtained from a Washington State licensed professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters;

f. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration of watercourses.

1. Notify adjacent communities and the State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

g. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

B. The applicant contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be adjudicated consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program 44 Code of Federal Regulations (CFR) 59-76 or as amended.
Section 48  Provisions for Flood Hazard Reduction

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

1.  General development standards:

   b.  All development proposals shall be consistent with the need to minimize flood damage.

   c.  All public utilities and facilities, such as sewer, gas, electrical, and water systems proposed for construction within all development proposals shall be located and constructed to minimize or eliminate flood damage.

   h.  All development proposals shall provide adequate drainage to reduce exposure to flood damage.

   i.  All subdivision proposals shall comply with the following:

       i.  All subdivision proposals shall be consistent with the need to minimize flood damage.

       ii.  All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and installed to minimize or eliminate flood damage.

       iii.  All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

       iv.  Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

   j.  All recreational vehicle use in frequently flooded areas shall comply with Chapter 8.20 requirements.

   k.  All development proposals in shallow flooding areas shall comply with the standards contained in this subsection.

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

1.  New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade to the structure, one foot or more above the BFE depth number specified in feet on the community's FIRM or at least two feet above the highest adjacent grade to the structure if no depth number is specified.
2. New construction and substantial improvements of non-residential structures within AO zones shall either:
   i. Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM or at least two feet if no depth number is specified. This improvement shall be noted on a current elevation certificate Form FF81-31, with Section E completed, and the form recorded; or
   ii. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
      a. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
      b. Recreational vehicles placed on sites within AO Zones on the community's FIRM must comply with all provisions of Chapter 8.20 of this code.
      c. Recreational vehicles placed on sites within AO Zones must be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. Where elevation data is not available either through a Flood Insurance Study, FIRM, or from another authoritative source such as provided in Section 18.06.115B, applications for permits shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

D. Anchoring standards.
1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes to be placed or substantially improved on a site located within a floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, with the installation using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to
ground anchors. For more detailed information, refer to guidebook FEMA-85 entitled "Manufactured Home Installation in Flood-Hazard Areas".

E. Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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

F. Elevation standards for residential structures

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.

2. All manufactured homes to be placed or substantially improved within Zones A, Al through A30, AH, and AE shall be elevated on a permanent foundation so that the lowest floor is one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system, in compliance with Section 18.06.120C.2., to resist flotation, collapse and lateral movement.

3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a Washington State licensed professional engineer or architect or must meet or exceed the following minimum criteria: (a) a minimum of two openings having a total net area of not less than one square inch for each one square foot of enclosed area subject to flooding shall be provided; (b) the bottom of all openings shall be no higher than one foot above grade; (c) the openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

G. Elevation and Flood-Proofing Standards for Non-Residential Structures. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either:

1. Have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or

2. Have the structure together with attendant utility and sanitary facilities flood-proofed in compliance with the following requirements:
d. Flood-proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

e. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

f. Be certified by a Washington State licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection based on their development or review of the structural design, specifications and plans. Such certifications shall be provided to the planning director in accordance with Section 18.06.110C.

3. Non-residential structures that are elevated, but not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 18.06.120E.3.

H. Utility system standards

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Water wells shall be located on high ground that is not in the floodway.

I. AE and A1-30 Zones with base flood elevations but no floodways. In areas with base flood elevations but where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development including fill shall be permitted within Zones A1-30 and AE on the county's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the county.

Section 49 Provisions for Flood Hazard Reduction in Floodways

A. Located within areas of special flood hazard established in Section 18.06.100C are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a Washington State licensed professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice
that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either (1) before the repair or construction is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded from the fifty (50) percent portion.

3. If requirements in Section 18.06.125A are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 50.

Section 50 Provisions for Flood Hazard Reduction in Coastal High Hazard Areas

A. In addition to standards prescribed in Section 50, the following standards shall be met for developments sited within coastal high hazard areas (V zones) to lessen the special hazards associated with high velocity waters from tidal surges. The planning director or his or her designee shall review each development proposal within a coastal high hazard area prior to issuing a permit to assure that the following standards are met:

1. All new construction, including buildings or structures, shall be located landward of the reach of mean high tide.

2. Located within areas of special flood hazard are Coastal High Hazard Areas, designated as Zone V1 through and including V-30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:

   I. All new construction and substantial improvements in Zone V1 through and including V-30, Zone VE, and Zone V if base flood elevation data is available on the county’s FIRM, shall be elevated on pilings and columns so that:

   i. The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated one-foot or more above the base flood level; and

   ii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all
building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year at a 100-year mean recurrence interval.

iii. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of Sections 18.06.030B.1.(i) and 18.06.030B.1.(ii).

m. Obtain the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved structures in Zone V1 through and including V-30, Zone VE, and Zone V on the county's FIRM, and determine whether or not such structures contain a basement. The planning director shall maintain a record of all such information.

n. All new construction within Zone V1 through and including Zone V30, Zone VE, and Zone V on the county's FIRM shall be located landward of the reach of the mean high tide.

o. Provide that all new construction and substantial improvements within Zone V1 through and including Zone V30, Zone VE, and Zone V on the county's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this subsection, a breakaway wall shall have a design safe loading resistance of not less than ten (10) pounds per square foot and no more than twenty (20) pounds per square foot. The use of breakaway walls that exceed a design safe loading resistance of twenty (20) pounds per square foot, either by design or when so required by county or state codes, may be permitted only if a registered professional engineer or architect certifies that the proposed design meets the following criteria:

i. Breakaway wall collapse shall result from water load less than that would occur during the base flood; and

ii. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all structural and non-structural building components. Maximum wind and water loading values to be used in this determination shall each have a one-percent chance of
being equaled or exceeded in any given year at a 100-year mean recurrence interval.

If breakaway walls are utilized, such enclosed space shall be useable solely for the parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

p. Prohibit the use of fill for structural support of buildings within Zone V1 through and including V30, Zone VE, and Zone V on the county’s FIRM.

q. Prohibit manmade alteration of sand dunes within Zones V1 through and including V30, Zone VE, and Zone V on the county FIRM which would increase potential flood damage.

r. All manufactured homes to be placed or substantially improved within Zones V1-30, Zone V, and Zone VE on the community’s FIRM and on sites that are (a) located outside of a manufactured home park or subdivision, or (b) located in a new manufactured home park or subdivision, or (c) located in an expansion to an existing manufactured home park or subdivision, or (d) located in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall meet the standards in Sections 18.06.130B.1, through 18.06.130B.6., inclusive, and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, Zone V, and VE on the county’s FIRM shall meet requirements of Sections 18.06.130B.2, through 18.06.130B.3., inclusive.

s. Recreational vehicles placed on sites within Zone V1 through and including V30, Zone V, and Zone VE on the county’s firm must:

i. Comply with all provisions of Chapter 8.20 of this code.

ii. Be fully licensed and ready for highway use; and,

iii. Be on its wheels, or jacking system; and,

iv. Be attached to the site only by quick disconnected type utilities and security devices, and have no permanently attached additions.

Section 51 Conditions for Variances in Frequently Flooded Areas

A. The board of adjustment shall hear and decide all applications for variances in frequently flooded areas; provided, however that all requirements and criteria set forth in this section must be satisfied before a frequently flooded area variance is granted.

B. The purpose of the variance procedures provided in this section is to permit the construction and substantial improvement of structures within existing neighborhoods and areas where the structures are in close proximity, where full compliance with the provisions of this chapter would cause an exceptional hardship, and where granting of a
variance would not result in additional threats to the public safety. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the criteria in this section have been met. As the lot size increases, the technical justification required for issuing the variance increases. Upon consideration of the criteria contained in this section and in Section 17.80.020 of the Grays Harbor County Code, the board of adjustment may grant those variances found to be consistent with the decision criteria. The board shall make written findings of fact as to the justification for the variance and may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

C. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section and Section 17.80.020 of the Grays Harbor County Code.

D. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon:
   1. A showing of good and sufficient cause;
   2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
   3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in the criteria below, or conflict with local laws or ordinances.

G. In deciding variances and appeals from administrative decisions the following factors shall be considered:
   1. The danger that materials may be swept onto other land to the injury of others;
   2. The danger to life and property due to flooding or erosion damage;
   3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   4. The importance of the services provided by the proposed facility to the community;
   5. The necessity to the facility of a waterfront location, where applicable; (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
6. The compatibility of the proposed use with existing and anticipated development;
7. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental service during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

H. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that a variance pertains to a physical piece of property; the variance is not personal in nature and does not pertain to the structure, its inhabitants, economic or financial circumstances. Variances primarily address small lots in densely populated residential neighborhoods. As such, variances from the elevation requirements should be quite rare.

I. Each applicant to whom a variance is granted shall be notified in writing that the permitted structure may be built with its lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with increased risk. Such notification shall be maintained with a record of all variance actions as required by Section 18.06.050.

Section 52 Frequently Flooded Area Variance Record Requirements
A. The county shall comply with the following record requirements:
    1. The Administrator shall maintain a record of all variance actions, including the justification for their issuance and the board’s written findings of fact;
    2. The county shall report the variances from the requirements of this district granted in its periodic report submitted to the federal insurance administrator.

ARTICLE V. GEOLOGICALLY HAZARDOUS AREAS

Section 53 Designation and Classification of Geologically Hazardous Areas
A. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:
    1. Erosion hazard;
    2. Landslide hazard;
    3. Seismic hazard;
    4. Tsunami hazard;
5. Other geologic events, including, but not limited to, channel migration zones, mass wasting, debris flows, rock falls, and differential settlement.

B. The following plans and maps designate the approximate distribution, location, and extent of geologically hazardous areas within the county:

1. The Grays Harbor County Hazard Mitigation Plan;
2. State department of natural resources geologic information portal interactive maps;
   a. Seismic scenarios catalog;
   b. Natural hazards;
   c. Tsunami evacuation map; and
   d. Subsurface geology information system;
3. Coastal Zone Atlas for the location of marine bluffs and dunegrass;
4. Coastal Sand Dunes Study: Pacific and Grays Harbor Counties, Washington, Department of Ecology, April 1975; and,

A. All geographic hazard areas should be classified according to the following categories for each geologic hazard type:

1. Known or suspected risk. A qualified professional has documented or projected the existence of a hazard.
2. Risk unknown. There is a lack of documentation or projection of a hazard by a qualified professional, or data are not available to determine the presence or absence of a geologic hazard.

Section 54 Additional Requirements for Critical Area Reports in Geologically Hazardous Areas

A. The administrator may require a permit applicant to prepare a critical area report as provided in Section 18 for any use, structure, or activity not exempt under Section 13, that is proposed in a geologically hazardous area.

B. The critical area report shall be prepared by an engineer or geologist, licensed in the state of Washington, with experience analyzing geologic, hydrologic, and ground water flow systems, and who has experience preparing reports for the relevant type of hazard.

C. Except as provided in Subsections D and E below of this section, a critical area report for geologically hazardous areas shall first contain a site evaluation and, if required, an assessment of geological hazards.

1. A site evaluation shall include:
a. Identification of any geologically hazardous area that has a potential to damage any proposed buildings, utilities, and accesses including the type and extent of the geological hazard, and the reason the area is or is not likely to be impacted by the proposed development plan.

b. A description of the project including, where applicable:
   i. Proposed structures;
   ii. Proposed grading;
   iii. Areas proposed for storage of materials;
   iv. Proposed storm drainage areas;
   v. Related project impacts which have a potential to adversely affect the geological hazard; and
   vi. If available for the proposed activity, a site development plan may be included to illustrate proposed project impacts. The development plan when provided will show the geological hazard area, potential and historic landslide runout areas, proposed site improvements, two-foot contours, proposed storm water treatment facilities, proposed or known existing septic drain fields, proposed stockpile areas, or proposed areas of mass grading.

c. Identification of proportionate and appropriate mitigation measures and a description of how they will adequately protect the proposed development, adjacent developments, and the subject geologically hazardous area.

d. A recommendation based on the proposed site activities of the level of study, construction monitoring, or site design changes which may be needed during the final design process.

2. If recommended by the site evaluation, or determined necessary by the administrator, a geotechnical assessment for geologically hazardous areas shall include the following site- and proposal-related information at a minimum:

   a. The report shall include a copy of the site plans for the proposal showing:
      vii. The type and extent of geologic hazard areas that have the potential to damage any proposed buildings, utilities, and accesses. Also identify the type and extent of any other critical areas, and management zones on, adjacent to, within three hundred feet of, or that are likely to impact the proposal;
      viii. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and storm drainage facilities, with dimensions indicating distances to hazard areas; including site-specific identification of landslide top of slope and slope faces subject to failure and sliding, toe of slope areas
subject to impact from down slope run-out, and buffers for areas subject to landslide hazards.

ix. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report.

b. The report shall include an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, landslide runout areas, erosion and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region. The assessment shall include, but not be limited to:

i. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area, and in generally all hazard areas addressed in the report;

ii. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and

iii. A description of the vulnerability of the site to seismic and other geologic events

c. The report shall contain a geotechnical analysis, including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

e. Summary and Recommendation. The report shall make a recommendation for the minimum no disturbance management zone, or minimum building setback from any geologic hazard, or other appropriate mitigation measures based upon the geotechnical analysis.

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

E. Where the applicant can demonstrate that the proposed project or activity has no direct impact on the identified geologically hazardous area, or that the site evaluation requirements above are not applicable to the proposed project or activity, the administrator may not require additional site assessment work or may limit the scope of the site evaluation based on identified site specific geologic hazards.
F. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

Section 55  Critical Area Report Requirements for Specific Hazards

A. Erosion and Landslide Hazard Areas. In addition to the basic geological hazard area report requirements, a report for an erosion hazard or landslide hazard area shall include the following information at a minimum:

1. Site Plan. The report shall include a copy of the site plan for the proposal showing:
   a. The height of slope, slope gradient, and cross section of the project area,
   b. The location of springs, seeps, or other surface expressions of ground water on or within three hundred feet of the project area, or that have potential to be affected by the proposal, and
   c. The location and description of surface water runoff;
   d. The location of historic landslide runout area and modelling of potential landslide runout.

2. Geotechnical Analysis. The geotechnical analysis shall specifically include:
   a. A description of the extent and type of vegetative cover,
   b. An estimate of load capacity, including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development,
   c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure,
   d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one-hundred-year storm event.
   e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties,
   f. A study of slope stability, including an analysis of proposed angles of cut and fill, and site grading.

Identification of landslide top of slope and slope faces subject to failure and sliding, toe of slope area subject to areas subject to impact from down slope run-out and buffers areas subject to landslides.
g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement, and
h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion, including coastal erosion and river and stream erosion.


4. Drainage Plan. The report shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with the current edition of the Stormwater Management Manual for Western Washington.

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

6. Monitoring Surface Waters. If the administrator determines that there is a significant risk of damage to downstream waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the administrator.

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

1. The site map shall show all known and mapped faults within three hundred feet of the project area, or that have potential to be affected by the proposal.

2. The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).

C. Other Geologically Hazardous Areas. In addition to the basic report requirements, the administrator may require additional information to be included in the critical area report when determined to be necessary to review the proposed activity and the subject hazard. Additional information that may be required, includes, but is not limited to:
1. **Site Plan.** The site plan shall show all known hazard areas located within three hundred feet of the project area, or that have potential to be affected by the proposal; and

2. **Geotechnical Analysis.** The geotechnical analysis shall include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard.

Section 56  Performance Standards

A. Alterations of geologically hazardous areas may only occur for activities that will not adversely impact or pose a threat to adjacent properties or critical areas, and are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions.

B. Uses, structures, and activities in erosion hazard areas shall meet the following performance standards:

1. **On-site stormwater and drainage development shall meet the requirements of the current edition of the Stormwater Management Manual for Western Washington.**

2. **Minimize modification of the natural contour of slopes by conforming to the existing topography of the site.**

3. **Incorporate stabilization best management practices, such as temporary and permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, and preservation of mature vegetation.**

4. **Ensure the stabilization of all exposed and disturbed soils by appropriate and timely application of best management practices.**

5. **Minimize the removal of existing vegetation and undergrowth.**

6. **Design cut and fill slopes to minimize erosion.**

7. **Stabilize conveyance outlets and stream banks to prevent erosion.**

8. **Reduce clearing, grading, and impervious surfaces to the minimum amount necessary to accommodate the project permit.**

9. **Uses, structures, or activities shall be located outside areas likely to be subject to coastal erosion or river and stream bank erosion during the life of the use, structure, and activities.**

C. Uses, structures, or activities in landslide hazard areas shall meet the following performance standards:

1. **Establish and maintain a forty-foot buffer from the top and toe of a slope identified as a landslide hazard area.** The administrator may allow the following modifications to the buffer:
a. Reduce the buffer if a critical area special study prepared by a qualified professional certifies that the reduction will adequately protect the proposed development, adjacent developments, and critical areas.

b. Locate on-site sewage disposal systems, including drainfields, within a buffer when a qualified professional certifies that there will be no impact to existing or proposed development.

2. On-site stormwater and drainage development shall meet the requirements of the current edition of the Stormwater Management Manual for Western Washington.

3. Locate structures and improvements to avoid landslide areas and other critical areas.

4. Minimize modification of the natural contour of slopes by conforming to the existing topography of the site.

5. Minimize the removal of existing vegetation and undergrowth.

6. Reduce clearing, grading, and impervious surfaces to the minimum amount necessary to accommodate the project permit.

7. Avoid the location of utility improvements in landslide hazard areas except when no other practical alternative exists.

8. Avoid the location of utility improvements in landslide hazard areas except when no other practical alternative exists.

9. Locate new subdivision access roads outside landslide hazard areas and their buffers.

D. Uses, structures, or activities in tsunami hazard areas shall meet the following minimum performance standards:

1. On sites large enough to develop outside a tsunami hazard, development within the tsunami hazard should be prohibited.

2. If a part of the site has a lower tsunami risk, development should be clustered on that part of the site.

3. New Subdivisions, commercial uses, and recreational uses must prepare and maintain an evacuation plan including evacuation routes and provide for warnings and training for employees, residents, and those who will use the development on when and how to evacuate. These evacuation plans should be reviewed by the county for effectiveness and consistency with community evacuation plans.

E. Project permits in seismic hazard areas shall meet the requirements of Chapter 15.04, Grays Harbor County Code.

F. Clearing activities that disturb soils in erosion and landslide hazard areas are allowed during the dry season from May 1 to October 1; provided, however, that the county may
extend or shorten the dry season on a case-by-case basis or upon recommendation of a
qualified professional. The seasonal clearing restrictions associated with timber harvest
shall be pursuant to an approved forest practices permit.

G. Public facilities and essential public facilities shall not be constructed or located in
geologically hazardous areas if there is a feasible alternative location outside
geofically hazardous areas that would serve the intended service population. If
allowed, the design and operation of the critical facility shall minimize the risk and
danger to public health and safety to the maximum extent feasible.

ARTICLE VI. FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Section 57 Designating Fish and Wildlife Habitat Conservation Areas

A. Fish and wildlife habitat conservation areas include:

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

2. State priority habitats and areas associated with state priority species;

3. Habitats of local importance;

4. Critical saltwater habitats with:
   a. Kelp and eelgrass beds;
   b. Spawning and holding areas for forage fish
   c. Subsistence, commercial, and recreational shellfish beds;
   d. Mudflats, intertidal habitats with vascular plants; and
   e. Areas with which priority species have a primary association.

5. Naturally occurring ponds under twenty acres;

6. Waters of the state as classified under WAC 222-16-031;

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

8. State natural area preserves, natural resource conservation areas, and state
   wildlife areas.

B. The county adopts the following critical area maps for reference only and do not provide
   a final critical area designation:

1. Washington Department of Fish and Wildlife Priority Habitat and Species
   Database;

2. Washington Department of Fish and Wildlife SalmonScape maps;

3. Washington State Department of Natural Resources, Official Water Type
   Reference maps, as amended;

5. Washington State Department of Natural Resources Shorezone Inventory;
6. Washington State Department of Natural Resources Natural Heritage Program mapping data;
7. Washington State Department of Health Annual Inventory of Shellfish Harvest Areas; and
8. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.

Section 58 Best Available Science References for Fish and Wildlife Habitat Conservation Areas

A. The county adopts the following general guidance for the protection of functions and values of fish and wildlife habitat conservation areas:

1. Priority Habitats and Species List, Department of Fish and Wildlife, most recent edition;
2. Management Recommendations for Washington’s Priority Habitats – Riparian, Department of Fish and Wildlife, December 1997 or its most recent edition;
3. Management Recommendations for Washington’s Priority Habitats and Species, Department of Fish and Wildlife, May 1991 or its most recent edition;
5. Management Recommendations for Washington’s Priority Species, Volume III: Amphibians and Reptiles, November 1997 or its most recent edition;
8. Management Recommendations for Washington’s Priority Species: Dungeness Crab, December 2008 or its most recent edition;
9. Management Recommendations for Washington’s Priority Species: Great Blue Heron, March 2012 or its most recent edition; and
10. Additional Management Recommendations as adopted by the State Department of Natural Resources;
Section 59  Additional Requirements for Fish and Wildlife Habitat Conservation Area Critical Area Reports

A. The administrator may require a permit applicant to submit a critical area report on or adjacent to a fish and wildlife habitat conservation area for state and/or federal threatened and endangered species. The critical area report shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.

B. In addition to the general critical area report requirements of Section 18, the minimum standard for a fish and wildlife habitat conservation area critical area report shall contain the following information:

1. The following areas shall be identified in the critical area report for fish and wildlife habitat conservation areas:
   a. The project area of the proposed activity;
   b. All habitat conservation areas and recommended buffers within three hundred (300) feet of the project area; and
   c. All shoreline areas, floodplains, other critical areas, and related buffers within three hundred (300) feet of the project area.

2. A habitat assessment evaluates the potential presence or absence of designated critical fish or wildlife species or habitat. The critical area report for a fish and wildlife habitat conservation area shall contain an assessment of habitats including the following site- and proposal-related information at a minimum:
   a. Detailed description of vegetation on and adjacent to the project area and its associated buffer;
   b. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
   c. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
   d. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;
   e. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with Mitigation Sequencing Section 20; and
f. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.

C. When appropriate due to the type of habitat or species present or the project area conditions, the administrator may also require the habitat management plan to include:
   1. An evaluation by an independent qualified professional regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;
   2. A request for consultation with the Washington Department of Fish and Wildlife or the local Native American Indian Tribe or other appropriate agency; and
   3. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

Section 60 Performance Standards for Fish and Wildlife Habitat Conservation Areas

A. A habitat conservation area may be altered only if the proposed alteration of the habitat or the mitigation proposed does not degrade the quantitative and qualitative functions and values of the habitat. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this ordinance.

B. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

C. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

D. The administrator shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:
   1. Establishment of buffer zones;
   2. Preservation of critically important vegetation and/or habitat features such as snags and downed wood;
   3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
   4. Seasonal restriction of construction activities;
   5. Establishment of a duration and timetable for periodic review of mitigation activities; and
   6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
E. Mitigation of alterations to habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis.

F. Any approval of alterations or impacts to a habitat conservation area shall be supported by the best available science.

G. The administrator shall require the establishment of buffer areas for activities adjacent to habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the management recommendations issued by the Washington Department of Fish and Wildlife. Habitat conservation areas and their buffers shall be preserved in perpetuity and recorded in accordance with Section 28.

H. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

I. If a fish and wildlife habitat conservation area is in a frequently flooded area, the county shall notify the State Department of Ecology, the State Department of Fish and Wildlife, the Quinault Indian Nation, and the Confederated Tribes of the Chehalis Indian Reservation of any alteration plans prior to initiating any alteration.

Section 61 Buffer Requirements for Fish and Wildlife Habitat Conservation Areas

A. Riparian buffers shall be required for Type S, F, Np, and Ns waters and shall extend landward perpendicularly from the ordinary high water mark as follows:

1. Type S waters: 150 feet
2. Type F waters: 150 feet
3. Type Np waters: 60 feet
4. Type Ns waters: 50 feet
5. Undifferentiated Type N waters shall be considered as Type Np waters unless verified otherwise by a qualified professional.

B. When the ordinary high water mark (OHWM) of any Type S, F, Np or Ns waters is located within seventeen (17) feet of the bottom of a slope that is greater than forty (40) percent the following minimum buffers shall be provided:
1. Where the horizontal length of the slope, including small benches and terraces, extends into the buffer, the required buffer width shall extend an additional seventeen (17) feet onto the sloped area.

2. The county may permit buffer averaging in instances where it will provide additional resource protection, provided that the total area on-site contained in buffer remains the same.

C. Any restored, relocated, replaced, or enhanced Type S, E, Np or Ns waters shall include a buffer in accordance with Section 61 (A).

D. Where any Type S, E, Np or Ns waters abut or intersect a critical area that also has a required buffer, the buffer width will be whichever of the two is greater.

E. Buffers for all other fish and wildlife habitat conservation areas not covered under subsection A of this section shall be established to protect the ecological integrity, structure and functions of the resource from development induced impacts. Buffer widths shall reflect the sensitivity of the species or habitat present and the type and intensity of the proposed adjacent human use or activity, consistent with the following guidance.

F. The administrator may allow a required buffer width to be reduced in accordance with a critical area report if:
   1. The width reduction will not reduce stream or habitat functions, including those of nonfish habitat;
   2. The width reduction will not degrade the habitat, including habitat for anadromous fish;
   3. The proposal will provide additional habitat protection;
   4. The total area contained in the riparian habitat area of each stream on the development proposal site is not decreased;
   5. The recommended riparian habitat area width is not reduced by more than twenty-five percent (25%) in any one location;
   6. The width reduction will not be located within another critical area or associated buffer; and
   7. The reduced riparian habitat area width is supported by the best available science.

G. The administrator may allow a required buffer width to be reduced by 25 percent as compensation for riparian enhancement when a critical area report demonstrates that:
   1. Nonnative and/or invasive plant species cover more than 40 percent of the buffer area;
   2. Native tree and/or shrub vegetation covers less than 25 percent of the buffer area;
   3. The stream buffer has slopes of less than 25 percent; and
4. Includes an enhancement plan for the reduced buffer
   a. Includes planting or appropriate native tree and shrub species at a minimum planting density of ten feet on-center for trees and five feet on-center for shrubs;
   b. Compares how the proposed enhancement will benefit the value and functions of the subject area as opposed to retaining the required buffer without enhancement; and
   c. Provides a monitoring and maintenance plan for the enhanced buffer for five years from the date of completing the enhancement.

H. Subsection G and H within this section cannot be used in combination.

I. The administrator may allow a required buffer to be reduced in accordance with when the buffer is divided by roads and highways when:
   1. An existing private road serving four or more houses, a county road, or a state highway divides a standard buffer;
   2. There is no net loss of function or value to the adjacent water body; and
   3. The reduction is limited to the area from the road shoulder to the landward standard buffer boundary.

J. A project permit application for a single-family dwelling unit on a nonconforming lot that is unable to meet the standard buffer width requirements under this section may request a buffer reduction under the following conditions:
   1. There is no opportunity to consolidate adjacent lots under common ownership to alleviate the nonconformity;
   2. The proposed building area, excluding the on-site sewage disposal system and driveway, does not exceed two thousand five hundred (2,500) square feet;
   3. The proposed location of the building area is within the area that has the least impact to the value and function of the habitat adjacent water body; and
   4. The proposed building area is as far landward as is possible and not closer than fifty (50) feet from the ordinary high water mark.

K. The county shall not issue a certificate of occupancy for a project until such time that all buffer requirements are satisfied.

L. Any structure legally existing as of the effective date of these regulations, and is located within a standard buffer width required under this section, may undergo normal maintenance and repair, or replacements; provided, however, that such action does not increase the degree of nonconformity.

M. The administrator may approve a project permit application to expand any structure legally existing as of the effective date of these regulations that is located within a standard buffer width required under this section provided that:
1. There is no expansion of the structure towards the ordinary high water mark at grade level; and

1. The expansion does not result in a total building area greater than 2,500 square feet at grade level.

Section 62 Permitted Activities within Fish and Wildlife Habitat Conservation Areas and Buffers

A. Limited public park or public recreational access; provided, that all of the following are satisfied:
   1. The access is part of a public park that is dependent on the access for its location and recreational function; and
   2. The access is limited to the minimum necessary to accomplish the recreational function; and
   3. The removal of trees and native vegetation is minimized.

B. Low-impact uses and activities that are consistent with the purpose and function of the buffer when such improvements are limited to the minimum amount necessary and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved; provided, that such activity shall not result in a decrease in the functions and values and shall not prevent or inhibit the buffer’s recovery to at least pre-altered condition or function.

C. The following modifications may be permitted within a critical area or its buffer in accordance with an approved critical area report that demonstrates that proposed measures follow mitigation sequencing and will not degrade fish or wildlife habitat conservation areas functions or processes on-site or in the surrounding area.
   1. New, replacement, or substantially improved erosion control measures,
   2. Streambank Stabilization through bioengineering or soft armoring techniques,
   3. Watershed restoration, fish and wildlife habitat, and fish passage projects,
   4. Public or private docks,
   5. New, expanded, or reconfigured roads, railroads, trails, bridges, and rights-of-way, provided:
      a. There is no other feasible alternative route with less impact on the environment;
      b. Crossings minimize interruption of downstream movement of wood and gravel;
      c. Roads shall not run parallel to the water body;
      d. Trails shall be located on the outer edge of the riparian area or buffer, except for limited viewing platforms and crossings;
e. Crossings, where necessary, shall only occur as near to perpendicular with the water body as possible; and

f. Piers or abutments shall not be placed within a Federal Insurance Administration (FIA) designated floodways.  

6. New, expanded, or reconfigured utility facilities, including utility lines, facilities, and stormwater conveyance, provided:
   a. Fish and wildlife habitat conservation areas shall be avoided to the maximum extent possible;
   b. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone, where feasible;
   c. The utilities shall cross at an angle greater than sixty (60) degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible;
   d. Crossings shall be contained within the footprint of an existing road or utility crossing where possible;
   e. The utility route shall avoid paralleling the stream or following a down-valley course near the channel; and
   f. The utility installation shall not increase or decrease the natural rate of shore migration or channel migration.

7. Clearing and grading as part of an authorized activity, or as otherwise allowed in these standards, when the following standards are applied:
   g. Grading is allowed only during the dry season, which is typically regarded as beginning on May 1 and ending on October 1. The administrator may extend or shorten the dry season on a case-by-case basis, determined on actual weather conditions.
   h. The soil duff layer remains undisturbed to the maximum extent possible. Where feasible, any soil disturbed shall be redistributed to other areas of the project area.
   i. The moisture-holding capacity of the topsoil layer is maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.
   j. Erosion and sediment control meets or exceeds county standards.
A. Development proposals on sites in this area shall meet the requirements of this subsection.

1. The bed of Lake Quinault up to the ordinary high water mark (OHWM) is within the exterior boundaries of the Quinault Indian Reservation and owned by the Quinault Indian Nation. Any activity below the OHWM of Lake Quinault shall be approved in writing by the Quinault Indian Nation prior to the issuance of any development permit.

2. Lake Quinault is an important fish habitat area and an irreplaceable component of local ecosystem attributes and processes. Lake Quinault provides habitats for various life history stages of nine salmon (Genus Oncorhynchus) species/races, two species of char, and several other aquatic species. Lake Quinault provides important rearing habitats for a depressed stock of spring Chinook salmon, a population of bull trout, which are currently listed as a threatened species under the Federal Endangered Species Act, and the only juvenile rearing habitat for the depressed Quinault sockeye salmon. In addition, water quality attributes of the lake are carried downstream and affect salmon habitats the entire length of the lower Quinault River.

3. Uses and activities carried out pursuant to this section shall result in equivalent or greater habitat functions, as determined by the responsible approval authority in a manner consistent with best available science. All actions and uses shall be designed and constructed to avoid adverse impacts to Lake Quinault. No activity or use shall be allowed that results in a net loss of important habitat area functions, destroys, damages, or disrupts fish habitat, adversely affects water quality; creates unstable earth conditions, or causes erosion.

4. Applications for uses and activities within two hundred feet of the Lake Quinault OHWM shall include a critical protection area special study prepared by a qualified professional that evaluates the potential impacts of the proposed use or activity on the applicable habitat and/or species. The approval authority shall establish buffers for the habitat or species on a case-by-case basis in consultation with the Quinault Indian Nation based on the critical protection area special study. Any buffers proposed in the study shall reflect the sensitivity of the specific habitat(s) and/or species to be protected.

   a. The width of any buffer proposed in the critical protection area special study shall be measured on a horizontal plane, outward from the OHWM or, if the OHWM cannot be identified, from the top of the bank. These buffers shall be maintained in their existing condition, except as explicitly authorized by this chapter.

   b. The perimeter of the habitat area and associated buffer, and those areas to be disturbed pursuant to an approved permit or authorization, shall be marked in the field and inspected by the approval authority prior to the commencement of permitted activities. This temporary marking shall be maintained throughout the duration of the development activity.
5. Trees within two hundred feet of Lake Quinault shall be retained. Limbs may be removed to maintain views.

6. Trees that fall into Lake Quinault shall be left where they fall.

7. Trees and logs that float onto the shoreline between OHWM and summer low water shall be retained where they land.

8. Bank stabilization, if necessary, shall be accomplished with bioengineering or similar soft/nonstructural stabilization techniques. Materials used for soft/nonstructural stabilization include natural vegetation, submerged aquatic vegetation (SAV), sand fill, and biodegradable organic materials such as natural fiber logs (bio-logs) and organic matting. A state-licensed professional engineer with demonstrated expertise regarding hydraulic actions along shorelines shall design stabilization projects along Lake Quinault in consultation with a qualified biologist. The stabilization shall be designed and installed to minimize adverse impacts on the habitat's functions. Approved stabilization shall only use materials that do not pose a risk to water quality. Stabilization must be installed above the OHWM. Bank stabilization measures shall be approved by the Quinault Indian Nation and the county prior to permit issuance.

APPROVED AND ADOPTED this 3 day of August, 2019.

September

BOARD OF COMMISSIONERS
GRAYS HARBOR COUNTY

Randy Ross, Chair

Wes Cornier, Commissioner

Vickie L. Raines, Commissioner

ATTEST:

APPROVED AS TO FORM:

Senior Deputy Prosecuting Attorney

Clerk of the Board