

**COMMISSIONERS' PROCEEDINGS**

**Regular Meeting  
Adams County Courthouse, Ritzville**

**August 25 2008  
(Monday)**

**Call to Order @ 8:30 a.m.**

**Present:**

Chairman Jeffrey W. Stevens  
Vice-Chairman Rudy Plager  
Commissioner Roger L. Hartwig

10:00 a.m.

**Refuse Trailer**

Bids were opened from:

General Trailer Parts LLC  
21195 S. Hwy 99  
Oregon City, OR 97045

Unit: \$91,866  
Total: \$210,607.62

Warren Equipment, Inc.  
P. O. Box 699  
Plant City, Florida 33563

Unit: \$76,946  
Total: \$164,356.66

Interstate Manufacturing, Inc.  
231 West 50 South  
Rupert, Idaho 83350

Unit: \$89,414.49  
Total: \$192,419.98

Reliance Trailer Co. LLC  
3025 S. Geiger Blvd.  
Spokane, WA 99224

Unit: \$86,230  
Total: \$187,291.56

Western Trailers  
6700 Business Way  
Boise, Idaho 83716

Unit: \$90,121  
Total: \$193,940.00

Bids will be tabulated and verified with specifications prior to an award recommendation.

10:07 a.m.

10:15 a.m.

**Horizontal Solid Waste Baler with Integrated Inground Slide Conveyor**

Bids were opened from:

Solid Waste Systems, Inc.	Unit: \$81,051
P. O. Box 13040	Total: \$87,210.88
Spokane Valley, WA 99213-3040	

Recycle Systems, LLC	Unit: \$124,750
13427 NE 20 <sup>th</sup> St. #175	Total: \$134,231.00
Bellevue, WA 98005	

GK Industrial Refuse Service	Unit: \$78,785
3207 C Street NE	Total: \$84,772.66
Auburn, WA 98002	

Bids will be tabulated and verified with specifications prior to an award recommendation.

10:18 a.m.

10:27 a.m.

**Public Works General Session**

Director O'Brien reported on road operations and on the work progress at the transfer stations.

A request from the Fair Board to lay some concrete pads for equipment was denied until the Association is formed and the members and the county can discuss and plan the future layout of the grounds. Bee control measure will be taken prior to the September event. It was noted that a 'Friends of the Fair' group had been formed and has scheduled a fund raiser event.

**McManamon Road**

Commissioner Hartwig moved, Plager seconded, to *authorize Pay Estimate #5 for the McManamon Road Project #1 and #2 to HLT Construction, Inc., Spokane, for work completed 07-11-08 to 07-28-09 in the amount of Project #1 \$104,631.35 and Project #2 \$478,872.89.*

**Motion carried.**

### **Danekas Road and Booker Road**

Commissioner Plager moved, Hartwig seconded, to *authorize the Chairman to sign the CRABoard Rural Arterial Program Prospectus for the 2009-2011 Biennium for Danekas Rd. (Kline Rd. to Freeway) and for Booker Rd. (Foley to county-line).* **Motion carried.**

10:56 a.m.

11:00 a.m.

### **Critical Areas & Resource Lands**

Chairman Stevens opened the public hearing on the proposed Critical Areas & Resource Lands Ordinance.

There were no members of the public present.

Planning Director Wiltse reviewed recapped the work of the Planning Commission as well as recommended changes requested by the Department of Ecology. All modifications were accepted by the Commission and were reviewed by the Prosecutor. The Planning Commission recommended approval by the Board. Appreciation was expressed to Loren Wiltse for his work on the project and his negotiations with the Department of Ecology.

Hearing no further comments, Chairman Stevens closed the hearing at 11:12 a.m.

Commissioner Plager moved, Hartwig seconded, to *approve **Ordinance No. O-02-08 An Ordinance repealing Chapter 18.06 "Critical Areas and Natural Resource Lands" adopted under Ordinance No. O-02-93 and Ordinance No. O-01-96 and replacing such with a new Chapter 18.06 "Critical Areas and Resource Lands" to comply with the Washington State Growth Management Act mandating that Adams***

*County review and update its critical areas regulations designating, classifying and protecting critical areas using best available science.* **Motion carried.**

A notice of final action will be printed in the county's legal newspaper *The Ritzville Adams County Journal.*

11:14 a.m.

**Recess @ 12:00**

### **Reconvene @ 1:00 p.m.**

2:00 p.m.

### **Citizens' Commission on Salaries for Elected Officials**

Chairman Stevens opened the public hearing on the proposed ordinance to establish a Salary Commission for the purpose of setting salaries for the Adams County elected officials; and, to establish Adams County Code Chapter 2.10.

Sheriff Barger was in attendance and spoke in support of the Commission. Each of the Commissioners expressed comments on the formation of a Salary Commission.

Hearing no further comments, Chairman Stevens closed the public hearing at 2:21 p.m.

Further discussion followed with the Board agreeing to send a request to the Prosecutor to determine if the Commission was required to meet every year. Action will be delayed until a response is received.

### **Crushing/Stockpiling Mineral Aggregate**

Commissioner Plager moved, Hartwig seconded, to *approve Resolution No. R-33-08 In the Matter of Crushing and Stockpiling Mineral Aggregate for road maintenance in Area 1, 2, and 3. Motion carried.*

### **Zoning Ordinance Amendments**

Public hearing was set for Monday, September 8, 2008, at 2:00 p.m. in Room 202 of the Adams County Courthouse to hear comments on amending Ordinance No. O-01-05, Title 17 Zoning; Amending Ordinance

No. O-01-07 that portion that amended Exhibit A; Adding definition sections to Chapter 17.04; Amending Section 17.68 to provide administrative review and to establish standards for truck parking; Amending Section 17.08.040 to establish areas of use for Commercial and Non-Commercial Wind Energy Facilities, Home Occupation Group C, Townhouse, and Multi-Family Dwelling; and, Amending Chapter 17.70 Commercial Wind Energy Facility Standards.

### **Consent Agenda**

Commissioner Hartwig moved, Plager seconded, to *approve the Consent Agenda. Motion carried.*

Preliminary minutes of August 18 and 20, 2008

Vouchers audited and certified by the Adams County Auditor as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090 and recorded on a listing, which was made available to the board. These vouchers were listed as follows:

<u>Fund</u>	<u>Control Number</u>	<u>Amount</u>
001	083764-083792	\$ 18,463.64
104	083793-083798	\$ 3,713.10
105	083799-083800	\$ 10,791.66
108	083801-083808	\$ 21,954.50
109	083809-083810	\$ 424.19
111	083811	\$ 4,500.00
112	083812	\$ 400.25
113	083813	\$ 215.20
117	083814-083816	\$ 746.90
123	083817	\$ 1,800.00
166	Hand Pay	\$ 240.00
502	083818-083821	\$ 1,625.12
001	2483-2486	\$ 26,028.67
108	2487	\$ 773.73
115	2488-2498	\$ 18,963.91
401	2499-2505	\$ 37,041.40
501	2506-2510	\$ 15,390.27
590	2511-2524	\$132,633.50
TOTAL		\$295,706.04

**Permanent Minutes Signed**

August 4, 6, 11, 13, 2008

**Correspondence Received**

Dave Anderson, Adams County Assessor re: request for position reclassification #106, Segregation Deputy and forwarding matter to Human Resources

Greg Hueckel, Assistant Director, Department of Fish and Wildlife re: appointment of Bob Steele to fill position of Regional Habitat Program Manager for North Central Washington Region

**Adjournment @ 4:30 p.m.**

Submitted:  
s/Linda Reimer, MMC  
Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, WASHINGTON  
s/Jeffrey W. Stevens, Chairman  
s/Rudy Plager, Vice-Chairman  
s/Roger L. Hartwig, Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY,  
WASHINGTON

In the matter *Crushing and Stockpiling* ) *IGS Project*  
*Mineral Aggregate* ) Resolution #R-33-08 No. *ERP-795*  
)

IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that it is their intention to ***crush 30,000 tons of mineral aggregate for road maintenance in Area 1, 30,000 tons of mineral aggregate for road maintenance in Area 2 and 30,000 tons of mineral aggregate for road maintenance in Area 3.***

Length of Project \_\_\_N/A\_\_\_ miles. Width of Roadbed \_\_\_N/A\_\_\_ feet. Surface \_\_\_N/A\_\_\_ feet.  
Type and depth of Surfacing: ***N/A***  
Estimated date of beginning: ***September 2008***  
Estimated date of completion: ***March 2009***

BE IT FURTHER RESOLVED that the foregoing proper road fund is hereby appropriated the sums in the following detail.

	County Road Fund	IGS	Total
Preliminary Engineering		\$ 10,000	\$ 10,000
Right of Way			
<u>Items of Work</u>			
Contract		\$446,000	\$446,000
Construction Engineering		\$ 30,000	\$ 30,000
Total		\$486,000	\$486,000

The county road purpose herein described is HEREBY DECLARED to be a public necessity and the County Public Works Director is HEREBY ORDERED AND AUTHORIZED to report and proceed thereon as by law provided.

BE IT FURTHER RESOLVED that this purpose to be performed by **contract** in accordance with the Standard Road and Bridge Specifications of the State of Washington as adopted by this Board.

Adopted this 25<sup>th</sup> day of August, 2008.

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, WASHINGTON  
s/Jeffrey W. Stevens, Chairman  
s/Rudy Plager, Vice-Chairman  
s/Roger L. Hartwig, Commissioner

ATTEST:  
s/Linda Reimer, MMC  
Clerk of the Board

**ORDINANCE NO. O-02-08**

**AN ORDINANCE REPEALING Chapter 18.06 “CRITICAL AREAS AND NATURAL RESOURCE LANDS” ADOPTED UNDER ORDINANCE 0-2-93 AND ORDINANCE 0-1-96 AND ADOPTING A NEW CHAPTER 18.06 “CRITICAL AREAS AND RESOURCE LANDS” TO COMPLY WITH THE WASHINGTON STATE GROWTH MANAGEMENT ACT MANDATING ADAMS COUNTY TO REVIEW AND UPDATE ITS CRITICAL AREAS ORDINANCE DESIGNATING, CLASSIFYING AND PROTECTING CRITICAL AREAS USING BEST AVAILABLE SCIENCE.**

WHEREAS, among the responsibilities of the County is the need to provide for and enforce ordinances protecting and insuring the general health, safety, and welfare of the County, and its environmental resources, and

WHEREAS, the Washington State Growth Management Act mandates Adams County to designate, classify and protect critical areas using best available science; and

WHEREAS, the schedule established by the Growth Management Act in RCW 36.70A.130(4) mandates that Adams County create or review and, if necessary, revise its critical areas goals, policies and regulations to ensure compliance with the Growth Management Act; and

WHEREAS, Adams County has completed a Critical Areas Ordinance that meets State requirements; and

WHEREAS, a full SEPA review was conducted March 2004 and revised on October 16, 2007, following duly advertised public meetings/hearings held by the Adams County Planning Commission on May 24, 2007 and June 21, 2007; and

WHEREAS, pursuant to RCW 36.70A.172 and Chapter 365-195 Part 9 WAC, the County has prepared a Best Available Science Review to ensure that the best available scientific information has been used to review its specific policies and development regulations adopted to protect the functions and values of critical areas; and

WHEREAS, the Planning Commission met at regular and special public meetings to review proposed changes, including a public hearing on July 18, 2007 and July 19, 2007, to review and take comment on the proposed amendments and developed a recommendation to the Board of County Commissioners to adopt the proposed changes; and

WHEREAS, all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, comments from the 60-day agency review conducted along with an appropriate SEPA review were reviewed and considered; and

WHEREAS, the Board of County Commissioners conducted a duly advertised public hearing, December 3, 2007 to review the Planning Commission recommendation and take public testimony;

WHEREAS, THE Board of County Commissioners tabled a final decision to address the Department of Ecology's stated concerns with small wetlands and buffer sizes and small vernal pools.

WHEREAS, the board of County Commissioners have after asking for the planning commissions opinion regarding Ecology's recommendations and reviewing such recommendation to address concerns stated during the hearing of December 3, 2007 have set a date for final review and adoption.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY, STATE OF WASHINGTON, as follows:

**SECTION 1** Repealing Ordinances 0-2-93 and Ordinance 0-1-96 in their entirety including Adams County Code, Chapter 18.06 "Critical Areas and Natural Resource Lands.:

**SECTION 2** Adopting a new Chapter for Adams County Code, Chapter 18.06 "Critical Areas and Resource Lands" to read as follows:

**Chapter 18.06**  
**CRITICAL AREAS AND RESOURCE LANDS**

**SECTION 3** Enacting Chapter 18.06 Critical Areas General provisions for Adams County Code, Chapter 18.06 to read as follows:

Sections:

Article I. Critical Areas General Provisions	
18.06.010	Authority
18.06.020	Purpose
18.06.030	Definitions
18.06.040	General Provisions
18.06.050	Permitting



18.06.060 Amendment Process  
18.06.070 Administration  
18.06.080 Construction with Other Laws  
18.06.090 Exceptions and Exemptions  
18.06.100 Enforcement

Article II. Frequently Flooded Areas

18.06.210 Purpose and Objectives  
18.06.220 Classification  
18.06.230 Designation

Article III. Critical Aquifer Recharge Areas

18.06.310 Purpose  
18.06.320 Classification and Designation  
18.06.330 Management Recommendations and Standards

Article IV. Geologically Hazardous Areas

18.06.410 Purpose  
18.06.420 Identification  
18.06.430 Classification and Designation  
18.06.440 Determination Process  
18.06.450 Geotechnical Report

Article V. Fish and Wildlife Habitat Conservation Areas

18.06.510 Purpose and Objectives  
18.06.520 Identification  
18.06.530 Classification  
18.06.540 Determination Process  
18.06.550 Designation  
18.06.560 Fish/Wildlife Habitat Boundary Survey  
18.06.570 Fish/wildlife habitat management and mitigation plan.

Article VI. Wetlands

18.06.610 Purpose and Objectives  
18.06.620 Classification and Designation  
18.06.630 Determination Process  
18.06.640 Wetland Management and Mitigation Plan.  
18.06.650 Management Recommendations and Standards

Article I. Critical Areas General Provisions

18.06.010 AUTHORITY

The Washington State Growth Management Act under RCW 36.70A requires local government to

adopt development regulations to conserve natural resource lands and to preclude land uses or development incompatible with critical areas.

#### 18.06.020 PURPOSE

The purpose of this ordinance is to promote the general health, safety and welfare of county residents by conserving and protecting critical areas. The Adams County Board of Commissioners finds that the impact of development in critical areas poses a threat to the public's health, safety and welfare; to clean water, and to fish and wildlife habitat. This ordinance is enacted to protect critical areas by regulating development within or adjacent to such areas/lands, while providing property owners with reasonable economic use of their land.

#### 18.06.030 DEFINITIONS

“Active Recreation” means activities that refresh or restore one's strength, spirits or vitality through physical movement or action.

“Aquifers” refer to groundwater-bearing geologic formations that contain enough saturated permeable material to yield significant quantities of water to wells.

“Aquifer Recharge” means the process of infiltration and migration by which ground water is replenished.

“Best Management Practices” means conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, sediment and
2. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical and biological characteristics of the natural environment

“Buffer” means an area adjacent to and surrounding a site or location, which serves as a protection from adverse impacts by maintaining the area in a naturally vegetated condition.

“Buffer Management” means actions and practices conducted for the purpose of protection and enhancement of critical areas by moderating or eliminating adverse impacts from adjacent land(s) or areas to create a buffer from encroachment by urban growth areas.

“Critical Aquifer Recharge Areas” are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the portability of the water.

“Critical Recharging Areas” are areas, which have the capacity to replenish the storage of underground water due to favorable hydrological and topographical conditions.

“Critical Areas” include the following areas and ecosystems:

1. Frequently flooded areas,
2. Areas with critical recharging effect on aquifers used for potable water;

3. Geologically hazardous areas,
4. Fish and wildlife habitat conservation areas and,
5. Wetlands.

“CRP Management” means the practices and activities that constitute an approach to land management, and which are a part of the Conservation Reserve Program.

“EIS” means an Environmental Impact Statement; a detailed document which analyzes the significant impacts of a particular project or proposal, possible alternatives, mitigation measures and unavoidable environmental impacts.

“Exotic Species” means any introduced species of plant or animal occurring in Washington, not found historically in the state.

“Federal or State Endangered, Threatened, Candidate Species”:

1. “Endangered Species,” means a native species that is seriously threatened with extinction throughout all or a significant portion of its range.
2. “Threatened Species” means a native species that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range without cooperative management or removal of threats.
3. “Candidate Species” means a native species under review for possible listing as endangered, threatened, or sensitive. A species will be considered for candidate designation if sufficient scientific evidence suggests that its status may meet criteria defined for “endangered”, “threatened” or “sensitive”. Currently listed State Threatened or State Sensitive species may also be designated as State Candidate species if their status is in question.

“Fish and Wildlife Habitat Conservation Areas” include:

1. Areas with which endangered, threatened and sensitive species have primary association
2. Important habitat areas that may also include species of local importance:
  - a. “Important Habitat Areas” include seasonal ranges and/or habitat elements with which species of local importance have primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. Included would be areas of high relative population density or species diversity, breeding habitat, winter range and movement corridors. They would also include habitats that are of limited availability or high vulnerability to alteration such as cliffs, talus, wetlands, and riparian zones
  - b. “Species of local importance” are defined based upon their population status, sensitivity to habitat manipulation, or high recreational value and public appeal
3. Naturally occurring ponds outside of the Columbia Basin Project and those ponds identified prior to the establishment of the Columbia Basin Project less than twenty acres and their submerged aquatic beds that provide fish and wildlife

- habitat;
4. Waters of the state;
  5. Lakes, ponds, streams and rivers planted with game fish by a governmental or tribal entity or;
  6. State natural area preserves and natural resource conservation areas.

“Frequently Flooded Areas” include lands in the floodplain subject to a one-percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands and other natural water sources.

“Functions and Values” means the beneficial roles served by wetlands, including but not limited to: water quality protection and enhancement; fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge, erosion control, historical, archaeological and aesthetic value protection and recreation. (These beneficial roles are not listed by priority or in order).

“Geologically Hazardous Area” means an area not suited to commercial, residential or industrial development because of its susceptibility to erosion, sliding, earthquakes or other geological events hazardous to public health and safety.”

“Groundwater Management Program” means a comprehensive program designed to protect groundwater quality, to assure groundwater quantity, and to provide for efficient management of water resources while recognizing existing groundwater rights and meeting future needs consistent with local and state objectives, policies and authorities within a designated groundwater management area or sub area developed pursuant to WAC 173-100.”

“Impacts” means adverse effects of one thing upon another.

“Long Term Commercial Significance” means the capacity, productivity and soil composition of land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land.”

“Major Development” includes proposed development projects that are subject to objective and subjective standards that require the exercise of limited discretion about nontechnical issues and which may require a public hearing. The proposed development may or may not be subject to SEPA review, however any project action not listed as categorically exempt from SEPA review shall be considered a “major development” for the purposes of this title. Included within this type of development are subdivisions, conditional use permits, planned residential developments, shoreline substantial development permits and other similar applications.

“Management Policies” are those series of principles outlined by the Citizen Advisory Committee in the eight elements of the Natural Resource Inventory which are meant to guide decision making for proposals of future development on or near resource lands or critical areas. The natural resource inventory is adopted as an addendum to this ordinance and is incorporated by reference under this paragraph.

“Minor Development” includes proposed development projects that are subject to clear, objective and non-discretionary standards that require the exercise of professional judgment about

technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Included within this type of development are single-family building permits, temporary use permits, boundary line adjustments, short subdivisions, home occupations, and accessory uses and/or structures.

“Mitigation” means actions which avoid, minimize, rectify, reduce, eliminate, compensate or correct otherwise probable significant adverse environmental impacts (WAC 197-11-768).

“Native Species” means plant or animal species naturally occurring in Washington, excluding introduced species not found historically in the state.

“Open Space Tax Program” means lands that are in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence for production of food, fiber and forest crops, and for the use and enjoyment of natural resources and scenic beauty.

“Passive Recreation” means activities that refresh or restore one’s strength, spirits or vitality through observation of an action without responding or acting in return.

“Potable Water” means water, because of its quality, that is fit to drink and for human consumption.

“Primary Association” means key habitat components that are critical to the life cycle of native wildlife species, i.e., nesting sites, wintering areas, and migration corridors. Loss of these values will result in fragmentation into sub-populations or extinction of populations from local areas.

“Priority Habitats and Species Program” means Washington Department of Wildlife’s system of classifying habitats and associated species that are of specific concern due to population status and/or sensitivity to habitat manipulation.

“Restoration” means actions performed to reestablish wetland functional characteristics and processes which have been lost or degraded by alterations, activities or catastrophic events within an area which may no longer meet the definition of a wetland.

“Riparian” means of, on or pertaining to the bank of a natural course of water.

“Sole Source Aquifer” means an aquifer designated by EPA as the sole or principal source of drinking water for a given aquifer service area; that is, an aquifer which is needed to supply 50% or more of the drinking water for that area and for which there is no reasonably available alternative sources should the aquifer become contaminated.

“State Listed Monitor Species” means native species that:

1. Were at one time classified as endangered, threatened, or sensitive;
2. Require habitat that has limited availability during some portion of its life cycle;
3. Are indicators of environmental quality;
4. Require further field investigations to determine population status;
5. Have unresolved taxonomy which may bear upon their status classification;

6. May be competing with and having impacts on other species of concern or;
7. Have significant popular appeal.

“Sensitive Species” means a native species that is vulnerable or declining, and is likely to become endangered or threatened in a significant portion of its range without cooperative management or removal of threats“

“Vernal Pools” are precipitation-based, seasonal wetlands. For the purposes of this code vernal pools shall only include “scab-rock “and “rain-pool” vernal pools as described in the Eastern Washington Wetland Rating System. The following is from page 80 of the manual. To be classified as a vernal pool the wetland should be less than 4000 sq Feet, and meet at least two of the following criteria:

*its only source of water is rainfall or snowmelt from a small contributing basin and has no groundwater input.* The wetland will typically lie in areas where the basalt has been exposed by the ice age floods. It has formed in a small surface depression in the basalt and does not have an outlet.

*Wetland plants are typically present only in the spring; the summer vegetation is typically upland annuals.* The water is present in the wetland for only short periods of time, usually less than 120 days. Wetland plants will be found only during the time of standing water or immediately afterwards. NOTE: If you find perennial, “obligate,” wetland plants the wetland is probably NOT a vernal pool.

*The soils in the wetland are shallow (< 30 cm or 1ft deep) and are underlain by an impermeable layer such as basalt or clay.* You can determine the depth of the soil by digging a small hole with a tile spade. Determining if the impermeable layer is basalt should be easy (can’t dig any further), but identifying a clay layer is harder. You may have to take some of the soil between your fingers, add water, and feel if it is “greasy” and smooth (without grit). If in doubt, use the “ribbon test” for clay (Appendix B).

*Surface water is present for less than 120 days during the “wet” season.* Estimating the duration of surface water in a vernal pool wetland is difficult unless one visits the wetland several times and notes the time at which the wetland fills and the time it dries out. Information about the drying and wetting cycles in the wetland may sometimes be obtained from local residents or frequent visitors to the wetland.

Wellhead Protection Area” means the surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field.

“Wetland” or “Wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include wetland areas such as irrigation and drainage ditches, canals, grass-lined swales, detention facilities, wastewater treatment facilities, farm ponds and

landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. . Wetlands may include those artificial wetlands intentionally created from non-wetland areas for mitigation of approved projects.

"Wetlands, Mosaic: Guidance for determining when nearby wetlands compose a mosaic wetland is provided in the Washington State Wetland Rating System for Eastern Washington - Revised, Washington State Department of Ecology Publication # 04-06-015. The patches of wetlands compose a mosaic when 1) each wetland patch is less than one acre in size, 2) the patches are separated from each other by 100 feet or less on average of upland, and 3) the area of the wetlands in the potential mosaic are greater than 50 percent of the total combined area of wetland and upland. An illustration of this analysis of whether the potential mosaic should be considered as aggregate rather than as individual isolated wetlands is shown on page 15 of the above referenced DOE publication.

"Artificial Wetlands" are those wetlands intentionally created on non-wetland (upland) sites. Artificial wetlands are not the result of an accident or an unexpected by-product of some other intentional act. Artificial Wetlands within the developed portion of the Columbia Basin Project shall not include:

- a. Areas identified as wetland areas on the Columbia Basin Project Topography and Retracement Maps dated between 1939 and 1960; and
- b. Areas identified as existing springs within the project area by the United States Department of the Interior's Geological Survey dated January 1944 "Factual data pertaining to Wells and Springs in the Columbia Basin Project Area, Washington."
- c. Wetland areas that were inadvertently not included in the map products described above, but that were present prior to the Columbia Basin Project. These wetlands would have well-developed wetland characteristics, such as deep (>6 inch) organic soils, a strongly hydric soil series depicted on NRCS County Soil Survey maps, and/or other indicators of persistent hydrology dating from before the Project. Qualified wetland scientists are required to identify this wetland category.

#### 18.06.040 GENERAL PROVISIONS

- A. Multiple designations of critical areas.
  1. Critical area designations overlay other land uses including designated natural resource lands. If two or more land use designations apply to a given parcel, or a portion of a parcel, both or all designations and their corresponding regulations shall be applicable.
  2. The application of these provisions shall be considered in the application of other permits and development activities authorized by adopted Adams County Codes including without limitation, the zoning code, shoreline management program, subdivision code, etc.
- B. Reference maps and inventories: The distribution of critical areas within Adams County

are described and displayed on reference materials and on maps maintained by the administrator. These reference materials are intended for general information only and do not depict site-specific designations. These reference materials shall include but are not limited to the following:

1. Maps:
  - a. Any maps created through a critical areas review process;
  - b. WDFW Priority Habitats and Species maps, as amended;
  - c. USGS Quadrangle maps;
  - d. Flood Insurance Rate maps (FEMA), as amended;
  - e. Flood Boundary and Floodway maps (FEMA), as amended;
  - f. Aerial photographs;
  - g. USFWS National Wetland Inventory maps;
  - h. Columbia Basin Ground Water Management Area maps;
  - i. Columbia Basin Irrigation Project Topography and Retracement Maps from 1939-1943 and from 1960, as well as other pre-construction and construction maps developed for the Project.
  - j. Previously completed maps in the vicinity of a permit application.
  
2. Documents:
  - a. Flood Insurance Study for Adams County, as amended;
  - b. Adams County Shoreline Master Program, as amended;
  - c. Adams County Comprehensive Plan, as amended;
  - d. Natural Resources Conservation Service Soil Survey for Adams County;
  - e. Federal Wetlands Delineation Manual (1987), as amended;
  - f. Washington State Wetlands Identification and Delineation Manual (WDOE #96-94), as amended;
  - g. Washington State Wetlands Rating System for Eastern Washington (WDOE #02-06-19), as amended;
  - h. "Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance" (Version 1, Pub. #06-06-011a)
  - i. "Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans" (Version 1, Pub #06-06-11b)
  - j. Management Recommendations for Washington's Priority Habitats and Species (WDFW), as amended;
  - k. Management Recommendations for Washington's Priority Habitats – Wetlands (WDFW), as amended;
  - l. Previously completed special reports conducted in the vicinity of a permit application;
  - m. Columbia Basin Groundwater Management Area Plan, as amended.
  
- C. Applicability of reference maps: The Reference Maps identified herein display general locations and approximate boundaries of potential critical areas and are not intended to determine regulatory boundaries. Further field determination and analysis will be necessary for specific development proposals to establish exact location, extent, and



nature of critical areas.

18.06.050 PERMITTING

- A. All applications for permits to conduct activities having possible impact(s) to critical areas must:
1. Establish if critical areas are present;
  2. Identify if impact(s) could occur;
  3. Make an estimate of the probable impact(s) and,
  4. Refer to the provisions herein to guide development decisions, which strive to mitigate impact(s).
- B. Permits may be granted for proposals which include mitigation measures for probable impact(s) if the mitigation measures adequately protect the people and critical area(s) involved.
- C. Unless mitigation measures are included, requests for permits shall be denied which would result in activities that would:
1. Significantly degrade a wetland or fish and wildlife habitat conservation area;
  2. Put people or property in a position of unacceptable risk with respect to floods or geological hazards;
  3. Tend to aggravate geological hazards; or
  4. Harm critical recharging areas for aquifers.

18.06.060 AMENDMENT PROCESS

The provisions of this code may be amended from time to time, but not more frequently than one time in a year, through a public review and hearing process that includes at least one public hearing by the Adams County Planning Commission and at least one public hearing by the Board of Adams County Commissioners.

18.06.070 ADMINISTRATION

The Adams County Building and Planning Director is appointed to administer provisions of this chapter and may delegate authority to other employees to assist in its administration. The administrator, under direction of the county commissioners, shall adopt and revise, as required, such forms and instructions as are necessary or appropriate to serve the public and carry out provisions of this chapter. A fee, to assist in recovery of administrative costs incurred during review of a new proposal to determine potentially significant impacts to critical areas will be established by a resolution of the Board of County Commissioners and collected at the time of application.

18.06.080 CONSTRUCTION WITH OTHER LAWS

- A. Abrogation and greater restrictions. This chapter does not repeal, abrogate, and is not to be construed so as to impair any existing regulations, easements, covenants, or deed restrictions. However, when this chapter imposes greater restrictions, the provisions of

this chapter shall prevail.

- B. Interpretation. Provisions of this chapter shall be liberally construed to serve the purposes of this chapter, and shall be interpreted in a manner that supports the intent of any comprehensive plans and regulations implementing those plans, as adopted by the Board of County Commissioners.

#### 18.06.090 EXCEPTIONS AND EXEMPTIONS

Certain activities are exempt from requirements of this chapter. Other regulated activities may be granted specific exceptions or an administrative modification. This section lists activities, which are exempt and exceptions, which may be granted to requirements of this chapter. All activities that are exempted, accepted or granted modifications will be encouraged to prevent, minimize and/or compensate for impacts to critical areas to the maximum extent possible using best management practices. Such activities, which are exempted, accepted or granted modifications, shall not be exempt from other laws or permit requirements, which may be applicable.

- A. The following are exemptions to provisions of this chapter; however, the listed exemptions may not be exempted from other state or federal regulations or permit requirements:
1. Activities in response to emergencies that threaten public health, property, safety or welfare, as verified by the administrator to be the minimum necessary to alleviate the emergency.
  2. Legally constructed structures, in existence on the date this ordinance becomes effective, that do not meet requirements of this ordinance may be remodeled or reconstructed; provided that the new construction or related activity does not further encroach into the critical area(s) and/or natural resource land(s). Remodeling or reconstruction shall be subject to all other requirements of the zoning code.
  3. Normal and routine activities conducted by public agencies to control mosquitoes throughout the county.
  4. Operation and maintenance of existing Columbia Basin Project related facilities by the U.S. Bureau of Reclamation, and maintenance activities of the East, South and Quincy - Columbia Basin Irrigation Districts. Each of which operate in some degree within Adams County. Including all water contract activities related to the use, reuse or lack of use of water subject to the Federal Water Right.
  5. Normal and routine maintenance of legally constructed irrigation and drainage ditches. (When located within an already approved easement, right-of-way etc.)
  6. Normal and routine maintenance of agricultural ponds, livestock watering ponds and fish ponds, provided that such activities do not involve conversion of any wetland or stream not used for such purpose on the effective date of this chapter.
  7. Artificial structures intentionally constructed from upland areas for purposes of stormwater drainage or water quality control, or ornamental landscape ponds,

which are not part of a mitigation plan as described and detailed herein.

8. Normal and routine maintenance of public streets, state highways, public utilities and public park facilities. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, nor does it include construction of a maintenance road or dumping of maintenance debris. (Note: Meaning no expansion into new unused areas).
9. The following electric, natural gas, cable communications and telephone utility-related activities, when undertaken pursuant to best management practices to avoid impacts to critical areas: Water quality, flood plain and other permits may be required if applicable.
  - a. Normal and routine maintenance or repair of existing utility structures or right-of-way when located within already approved easements, right-of-ways etc.
  - b. Relocation of electric facilities, lines equipment or appurtenances, not including substations with an associated voltage of 55,000 volts or less, when required and/or approved by the administrator; (when located within an already approved easement, right-of-way etc.)
  - c. Relocation of natural gas, cable communications, telephone facilities, lines, pipes, mains, equipment or appurtenances when required and/or approved by the administrator; (when located within already approved easements or right-of-way etc.)
  - d. Installation or construction in approved street right-of-ways and replacement, operation or alteration of all facilities listed in subsections b. and c., above;
10. Buffer management when approved by the administrator and all agencies with jurisdiction. Management may be limited to actions necessary to reduce risk to adjacent properties from falling trees, wildfire, etc provided the management is the minimum necessary to protect both the critical area and property.
11. Existing and on-going agricultural activities normal or necessary to general farming conducted according to industry-recognized best management practices, particularly as advocated by the Natural Resources Conservation Service, including the raising of crops or the grazing of livestock.

B. Reasonable Use Exception:

1. Nothing in this chapter is intended to preclude the reasonable economic use of property. For purposes of this section, reasonable economic use of a lot or parcel shall be deemed available if any one of the specific uses listed as permitted, accessory or conditional in Title 17 of the Adams County Code, in the zone in which the subject property is located, can be accommodated on the subject lot.

2. If requirements of this chapter, as applied to a specific property, would deny all reasonable economic use of the lot, development consistent with the use regulations of Title 17 of the Adams County Code can be permitted through a variance to the standards herein if the applicant demonstrates all of the following to the satisfaction of the Adams County Board of Adjustment:
  - a. There is no other reasonable economic use or feasible alternative to the proposed development with less impact on the critical areas(s);
  - b. The proposed development does not pose a threat to public health, safety and welfare on or off the subject lot;
  - c. Any variance permitted from requirements of this chapter shall be the minimum necessary to allow for reasonable economic use of the property;
  - d. The inability of the applicant to derive reasonable economic use of their property is not the result of actions by the applicant after the effective date of this chapter in subdividing the property or adjusting a boundary line which creates the undeveloped condition and,
  - e. The proposal mitigates impacts to the critical area(s) to the maximum extent possible.

C. Reasonable Use Decision Process: An application for reasonable use exception shall be filed with the Administrator and shall be considered by the Board of Adjustment at a public hearing. The application shall include the following information which will be considered during the evaluation for granting a reasonable use exception:

1. A description of the critical area(s) located on the property and the required standards of this code that are applicable to the proposed development;
2. An analysis of the minimum amount of development that would be considered reasonable economic use of the lot, including a narrative which describes the factual basis for this determination;
3. An analysis of the impact(s) associated with development in subsection 2 that would be imposed on the critical areas(s);
4. An analysis of whether any other reasonable economic use with less impact on the critical area(s) and buffers is possible. This should include a discussion of whether there is any practical on-site alternative to the proposed development with less impact, including reduction in density, phasing of project implementation, change in timing of activities, revision of lot layout, and/or related site planning considerations that would allow reasonable economic use with less adverse impact to the critical area(s) or buffers.

Enforcement of provisions of this code shall generally be pursuant to the provisions of Chapter 17.88 in the Adams County Code. In addition to the procedures in Chapter 17.88 of the Adams County Code, the following enforcement provisions shall apply:

- A. It shall be unlawful for any person, firm, corporation or association, or agent thereof, to violate any provision of this code. Any person who violates any of the provisions of this chapter shall be guilty of a civil offense and may be fined a sum not to exceed \$1,000.00 for each offense. After a notice of violation has been given, each day of site work in conjunction with the notice of violation shall constitute a separate offense. The County will stop work on any existing permits and will halt the issuance of any or all future permits or approval for any activity which violates the provisions of the code until all penalties and restorations are made in full.
- B. Upon a determination by the administrator of this code (See Section 18.06.070) that a violation has occurred, he/she shall issue a notice in writing either by certified mail with return receipt requested or by personal service to the person incurring the same. The notice of violation and order shall be served upon each record owner, taxpayer and occupier and, when applicable, the contractor(s). The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity. In appropriate cases, corrective action shall be identified in the notice, which corrective action shall be taken within a specific and reasonable time. When corrective action is taken and completed or if a corrective time line and plan have been approved by the administrator and completed the administrator may waive the fines imposed under sub section a above.
- C. A person receiving a written notice of violation may appeal said notice to the Board of County Commissioners using the procedures as provided for in Chapter 17.84 of the Adams County Code, specifically as that chapter relates to appeals of decisions made by an administrative official to the Board of Adjustments.
- D. 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.

## Article II. FREQUENTLY FLOODED AREAS

### 18.06.210 PURPOSE AND OBJECTIVES

It is the intent of Adams County to recognize and diminish potential hazards that may be caused by inappropriate development in areas where severe and costly flooding is anticipated to occur. Based on historical observation and information collected by the Federal Emergency Management Agency, this county endorses a cautious posture that limits construction in areas located within zones designated to be flood prone. This decision stems from local, as well as state and federal understanding, that development limitation in these areas help to serve the health, safety and public welfare of the people of Adams County.

Protection measures designed to minimize hazards in frequently flooded areas already exist for the county, as detailed in the Adams County Flood Damage Prevention Ordinance, originally adopted through Ordinance No. 0-1-91, February 13, 1991, and as hereafter amended.

18.06.220 CLASSIFICATION

Classification of frequently flooded areas, according to the Minimum Guidelines, should include, at a minimum, the 100 year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program. The following categories of frequently flooded areas established for the purpose of classification are:

- A. Floodways. The channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment in order that the base flood be carried without substantial increases in flood heights.
- B. Floodplains. The floodway and special flood hazard areas.
- C. Special Flood Hazard Areas. The area adjoining the floodway which is subject to a one percent or greater chance of flooding in any given year, as identified in the Adams County Flood Insurance Study (July 26, 1977), and determined by the Federal Insurance Administration.

18.06.230 DESIGNATION

All Adams County lands, shorelines and waters which are currently identified within the 100 year floodplain in the Federal Emergency Management Agency entitled "The Flood Insurance Study for the County of Adams", dated July 26, 1977, with accompanying Flood Insurance Rate and Boundary Maps are designated as frequently flooded areas. If and when this study becomes updated to reflect new conditions, designation of frequently flooded areas will include the changes.

All new development within designated frequently flooded areas shall be in compliance with Adams County Flood Damage Prevention Ordinance, as it is now or hereafter amended.

Article III. CRITICAL AQUIFER RECHARGE AREAS

18.06.310 PURPOSE

It is the intent of Adams County to promote public health and safety by acknowledging the importance of preserving critical aquifer recharge areas that may exist in the county. These areas serve the vital function of replenishing groundwater resources which, in Eastern Washington, account for a major share of the water for irrigation, municipal, industrial and domestic uses. Potable water is an essential life-sustaining element. Much of Washington's water comes from groundwater supplies. Preventing contamination is necessary to avoid exorbitant costs, hardships and potential physical harm to people.

18.06.320 CLASSIFICATION AND DESIGNATION

As of 2001, Adams County has adopted the "Columbia Basin Ground Water Management Area Plan". Although the primary focus of this plan is to reduce nitrate in groundwater of the GWMA,

significant scientific data has been developed that identifies, among other things, where there are groundwater areas in Adams County that may be susceptible to contaminant loading. For the purposes of this code, those areas identified by the GWMA as being exposures above-ground of the top of the highest recognized basalt complex basalt flows are “critical aquifer recharge areas”. Any activities, particularly municipal, industrial, commercial and agricultural activities, that involve the collection and storage of substances that, in sufficient quantity during an accidental or intentional release, would result in the impairment of the aquifer water to be used as potable drinking water liquids shall be regulated by this chapter.

#### 18.06.330 MANAGEMENT RECOMMENDATIONS AND STANDARDS

The following management recommendations and standards will apply to development proposals determined to be located within critical aquifer recharge areas, as defined and described herein:

- A. The appropriate agency(ies) within Adams County will develop educational information to assist with informing people with shallow wells how best to manage and protect their potable water source.
- B. Adams County will support the GWMA and local conservation districts in their efforts to educate agricultural producers about the best management practices for protecting Adams County’s groundwater quality.
- C. Adams County will encourage the Washington State Department of Ecology to better enforce the well-casing requirements.
- D. Development activities within a critical aquifer recharge area that have a high potential for contamination shall be required to do a hydrological study, based on information available from the GWMA, and shall develop and implement protection measures to prevent contamination.
- E. Any changes in land use or type of new facilities where substances of moderate risk are used, stored, treated or handled; or which produce moderate risk waste shall be designed to prevent the release of any such materials into the groundwater.
- F. Surface impoundments, defined by Chapter 173-303 WAC, shall be designed by a professional engineer and constructed with an impermeable liner and other components as appropriate to prevent discharge of any material on the ground surface and/or into the groundwater system. Surface impoundments shall be designed and constructed in accordance with applicable governing law, and have a minimum excess capacity equal to one hundred twenty percent of the projected volume of liquid to be contained including intentional and unintentional stormwater capture. Surface impoundment means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.
- G. All minor developments, as defined and described herein, authorized within an aquifer recharge area shall comply with the following standards:

1. Connection to a public sanitary sewer system or an approved community sewer system shall be required. If connection to sanitary sewer is not feasible, on-site septic systems proposed on legal lots of record are permitted provided:
  - a. The public health officer has designated the aquifer recharge area as an "area of special concern" in accordance with WAC 246-272-21501;
  - b. The type of on-site system is approved by Adams County Health upon finding that the design of the system will not be detrimental to the community water supply;
  - c. The property owner shall enter a no protest agreement with a sanitary sewer provider as appropriate to the property location, agreeing to not protest the formation of a local improvement district for the extension of sanitary sewer. This agreement shall be recorded with the Adams County Auditor.
2. The connection to an approved public water source shall be required.

H. All major developments as defined and described herein, authorized within an aquifer recharge area shall comply with the following minimum standards:

1. Connection to a public sanitary sewer system or an approved community sewer system shall be required unless the public health officer has designated the aquifer recharge area as an "area of special concern" in accordance with WAC 246-272-21501;
2. Connection to an approved public water system shall be required;
3. All existing wells located on the subject property shall either be properly abandoned in accordance with the requirements of Adams County Health and the Department of Ecology or designated for irrigation purposes only. If an existing well is designated for irrigation purposes, then the following shall apply:
  - a. Evidence of a water right issued by the state of Washington for the use of the well shall be presented to the review authority. An application for a water right is not acceptable evidence of an actual right to appropriate water.
  - b. Certification from the public health officer stating that the well is properly constructed and sealed to prevent any contaminants from entering the wellhead shall be submitted to the review authority.
4. Stormwater detention and retention facilities shall be designed using best available science and management practices to separate chemical and biological pollutants from the water prior to infiltration.
5. An analysis shall be conducted to assess the impact to groundwater quality from the potential of nitrate loading to the groundwater.
6. Areas highly susceptible of transporting contaminants to the groundwater (i.e., natural drainages, springs, wetlands, etc.), as determined by the review authority, shall be designated as open space. All impervious surfaces shall maintain a fifteen-foot setback from areas identified as being highly susceptible and no amount of stormwater runoff shall be directed towards the susceptible area(s).



- I. Parks, Schools and Recreation Facilities. Fertilizer and pesticide management practices of schools, parks, other recreation facilities and similar uses shall use best management practices as prescribed by the Washington State University Cooperative Extension Services.
- J. All major and minor developments shall have an informational note placed on the face of plat stating "this subdivision is located within an aquifer recharge area. Best management practices shall be used for the containment of stormwater and the application of pesticides and fertilizers

#### Article IV. GEOLOGICALLY HAZARDOUS AREAS

##### 18.06.410 PURPOSE

It is the intent of Adams County to reduce the threat posed to the health and safety of its citizens from commercial, residential or industrial development that may be sited in areas of significant geologic hazard. In some cases, it is recognized that risks from geologic hazards can be reduced or mitigated to acceptable levels through engineering design or modified construction practices. In other cases where technological efforts are not sufficient to reduce associated risks, building is best avoided.

##### 18.06.420 IDENTIFICATION

According to WAC 365-190-030, geologically hazardous areas are “areas that because of their susceptibility to erosion, sliding, earthquake or other geological event, are not suited to siting commercial, residential and/or industrial development consistent with public health or safety concerns.” Hazards of concern that exist in Adams County include any land containing soils, geology or slopes that meet any of the following criteria:

- A. Areas with slopes in excess of 45%;
- B. Areas with all three of the following characteristics:
  - 1. Soil types with the properties of the Ringold formation (clay);
  - 2. Areas with the potential for water loading; and
  - 3. Slopes in excess of 15%
- C. Soils within Adams County are subject to wind erosion. All developments subject to the provisions of this code that involve any land clearing activities shall have a dust control and wind erosion mitigation plan reviewed and approved by the County.
- D. Slopes having gradients steeper than eighty percent (80%) subject to rock fall during seismic shaking;
- E. Areas highly susceptible to liquefaction from seismic activity

##### 18.06.430 CLASSIFICATION AND DESIGNATION

- A. All geologically hazardous areas shall be classified and designated by Adams County

according to the level of risk associated with the hazardous area as established through an approved geologic hazard risk assessment and/or a geotechnical report submitted by the applicant in accordance with this chapter. Adams County may use on-site inspections and the information sources identified in this chapter as guidance in identifying the presence of potential geologically hazardous areas.

- B. Geologically hazardous areas in Adams County shall be classified according to the following system:
  - 1. Level 1: Critical Hazard Area shall be those areas with a known risk.
  - 2. Level 2: Awareness Hazard Areas shall be those areas that have a suspected risk.

#### 18.06.440 DETERMINATION PROCESS

Adams County will review each development permit application to determine if the provisions of this Section will be applied to the project. In making the determination, the County may use any of the reference maps and/or inventories identified in (the General Provisions Section) of this regulation:

- A. Step One: County staff will determine if there are any possible geologically hazardous areas on-site as defined herein. This determination will be made following a review of information available and a site inspection if appropriate. If no hazard area is determined to be present, this section shall not apply to the review of the proposed development.
- B. Step Two: If it is determined that a geologically hazardous area may be present, the applicant shall submit a geologic hazard area risk assessment prepared by a licensed engineer or a licensed geologist. The risk assessment will include a description of the geology of the site and the proposed development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; and a conclusion as to whether further analysis is necessary. The assessment will be signed by and bear the seal of the engineer or geologist that prepared it. No further analysis shall be required if the geologic hazard area risk assessment concludes that there is no geologic hazard present on the site, nor will the project affect or be affected by any potential geologic hazards that may be nearby. The County may waive the requirement for the geologic hazard area risk assessment where the only hazard present is wind erosion and where the dust control and wind erosion mitigation plan required in 18.06D.020.C has been reviewed and approved by the County.
- C. Step Three: If the professional preparing the risk assessment in step two concludes that further analysis is necessary, the applicant shall submit a geotechnical report as provided for herein.
- D. A proposed development cannot be approved if it is determined by the geotechnical report that either the proposed development or adjacent properties will be at risk of damage from the geologic hazard, or that the project will increase the risk of occurrence of the hazard, and there are no adequate mitigation measures to alleviate the risks.

#### 18.06.450 GEOTECHNICAL REPORT

- A. All geotechnical reports shall be prepared by a civil engineer licensed to practice in the State of Washington.
- B. A geotechnical report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations on the suitability of the site to be developed. The report shall evaluate the actual presence of geologic conditions giving rise to the geologic hazard, and an evaluation of the safety of the proposed project, and identification of construction practices, monitoring programs and other mitigation measures necessary. A bibliography of scientific citations shall be included as necessary.
- C. The geotechnical report shall include a certification from the engineer preparing the report, including the engineer's professional stamp and signature, stating all of the following:
  - 1. The risk of damage from the project, both on- and off-site is minimal;
  - 2. The project will not materially increase the risk of occurrence of the hazard; and
  - 3. The specific measures incorporated into the design and operational plan of the project to eliminate or reduce the risk of damage due to the hazard.
  - 4. Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate.
- D. All mitigation measures, construction techniques, recommendations and technical specifications provided in the geotechnical report shall be applied during the implementation of the proposal. The engineer of record shall submit sealed verification at the conclusion of construction that development occurred in conformance with the approved plans.

Article V. FISH AND WILDLIFE HABITAT CONSERVATION AREAS

- 18.06.510 Purpose and Objectives
- 18.06.520 Identification
- 18.06.530 Classification
- 18.06.540 Determination Process
- 18.06.550 Designation
- 18.06.560 Fish/Wildlife Habitat Boundary Survey
- 18.06.570 Fish/wildlife habitat management and mitigation plan.
- 18.06.580 Management Recommendations and Standards

18.06.510 PURPOSE AND OBJECTIVES

It is the intent of Adams County to recognize the importance of protecting fish and wildlife habitat conservation areas while at the same time encouraging continued economic development of the County, including the continuation of agriculture. Implementation of this section is directed toward preserving resources by steering incompatible development away from these areas and/or by providing adequate and appropriate mitigation measures to development that alleviate negative impacts.

Various federal, state and private agencies and individuals currently manage established fish and wildlife habitat conservation areas within this county. In recognition of their expertise and

experience in local habitat management, Adams County supports their efforts to preserve and protect those critical fish and wildlife habitat conservation areas by acknowledging that cooperation and communication are essential to achieve common habitat conservation goals. The following objectives are the guiding factors in the application of this section to future development in Adams County:

- A. Identify and map categories of fish and wildlife habitat conservation areas in Adams County, based in part on information supplied by Washington Department of Wildlife's Priority Habitat and Species Program, and other sources.
- B. Cooperate with federal, state and private agencies, and individuals who have primary authority to manage specific fish and wildlife habitat conservation areas within certain parts of the county.
- C. Encourage preservation of adequate size blocks of land necessary for species survival and corridor areas that allow for migratory travel.
- D. Adams County recognizes that species of wildlife in this locality are in a state of continuing flux, and a prudent understanding of this phenomenon is vital in guiding decision-makers to balance conservation of wildlife species with promotion of wise, desirable growth.
- E. Development decisions will serve to protect local wildlife values and reflect the needs and desires of the public.
- F. The County recognizes the need for a degree of flexibility in weighing the significance of different areas of fish and wildlife habitat conservation. Specifically, the magnitude of protection for "Priority Habitat Areas" is anticipated to be more pronounced than that which addresses "Important Habitat Areas".

#### 18.06.520 IDENTIFICATION

According to WAC 365-190-080, Fish and Wildlife Habitat Conservation means "land management for maintaining species in suitable habitat within their natural geographical distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species and all times, but it does mean cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, intergovernmental cooperation and coordination may show that it is sufficient to assure a species will usually be found in certain regions across the state."

- A. Areas of Fish and Wildlife Habitat Conservation are defined as:
  - 1. Areas with which federal or state endangered, threatened and sensitive species of fish, wildlife or plants have a primary association;
  - 2. Habitats and species of local importance, which could include areas with state listed monitor or candidate species, or federally listed candidate species, or species with high recreational value (game, etc.) that have primary association;
  - 3. Naturally occurring ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat;

4. Waters of the state;
  5. Lakes, ponds, streams and rivers planted with game fish by a governmental entity; (these include water bodies planted under auspices of a federal, state or local program, or which support important fish species as identified by Washington Department of Wildlife) or,
  6. Federal, state and private natural area preserves and natural resource conservation areas.
- B. The following species occur, but may not be not limited to, in different areas of Adams County, and are currently listed as threatened or endangered under the Federal Endangered Species Act or within the Washington Administrative Code Chapter 232-12:
1. Bald Eagle;
  2. Ferruginous Hawk;
  3. Sandhill Crane
  4. Northern Leopard Frog
  5. Ute Ladies' Tresses
- C. It is recognized that the list of Federal and State threatened and endangered species changes from time to time. The above list of species shall be continuously updated to reflect the federal and/or state listed threatened or endangered species, to the degree that Adams County is made aware of the updates by the applicable federal or state agency.
- D. The following federal and/or state candidate species and species of local importance occur in different areas of Adams County, and may be subject to the provisions of this Section where significant negative impacts from a project would occur to the habitat associated with and utilized by these species
1. Golden Eagle;
  2. Burrowing Owl;
  3. Loggerhead Shrike
  4. Sage Thrasher
  5. Washington Ground Squirrel
- E. Adams County allows for the nomination of "Species/Habitats of Local Importance", which process shall be included in the amendment process identified in 18.06.060. In order to nominate "Species/Habitats of Local Importance" as candidates for designation within the category of Important Habitat Areas, an individual or organization must:
1. Demonstrate a need for special consideration;
  2. Propose relevant management strategies considered effective and within the scope of this chapter;
  3. Provide species habitat location(s) on a map (scale 1:24,000).
- F. In order to accommodate the needs and desires of the people of Adams County, public input shall be required to include species and/or habitats in the "Important Habitat Area" classification identified in this Section. Where the habitats and species classified as "Priority Habitat Areas" are responsive, concurrently, with official changes in federal and/or state threatened or endangered listings/de-listings, to include or un-include species

and/or habitats in the “Important Habitat Areas” classification, these regulations must be amended through a formal process for nomination as described in this regulation.

#### 18.06.530 CLASSIFICATION

Fish and wildlife habitat conservation areas will be classified and designated by Adams County as follows, based on a variety of data sources as identified herein:

- A. Priority Habitat Areas – seasonal ranges and habitat elements with which federal and/or state listed endangered and threatened species (as identified in Section 18.06.520(B)) have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term;
- B. Important Habitat Areas- – habitat areas that are associated with and actively utilized by federal and/or state candidate species (as identified in Section 18.06.520(D)) and species designated as being of local importance according to the nomination process described in Section 18.06.

#### 18.06.540 DETERMINATION PROCESS

Adams County will review each development permit application to determine if the provisions of this Section will be applied to the project. In making the determination, the County may use any of the reference maps and/or inventories identified in (the General Provisions Section) of this regulation. The following progressive steps will occur upon a determination by the County that a fish and/or wildlife habitat conservation area may exist on a site proposed for a development permit.

- A. Step one: Adams County staff will determine if there are any possible fish and/or wildlife habitat conservation areas on-site. This determination shall be made following a review of information available, as well as a site inspection and/or a consultation with a qualified fish and/or wildlife biologist, if deemed necessary by the County. If no fish and/or wildlife habitat conservation area is determined to be present, this section shall not apply to the review of the proposed development.
- B. Step two: If it is determined by County staff that a fish and/or wildlife habitat conservation area may be present, a site inspection and consultation with federal and/or state wildlife agency personnel shall be conducted to more definitively determine if a fish and/or wildlife habitat conservation area exists on the site. If no, this section shall not apply to the review of the proposed development. If yes, the applicant shall submit a habitat boundary survey and a habitat management and mitigation plan, as provided for in this

#### 18.06.550 DESIGNATION

- A. If an area that is subject to a development permit application is determined to be a Priority Habitat Area after going through the determination process described herein, it shall be designated as such, and a habitat boundary survey and a habitat management and mitigation plan shall be developed as provided for in this section.

- B. If an area that is subject to a development permit application is determined to be an Important Habitat Area after going through the determination process described herein, it shall be designated as such, and habitat boundary survey and a habitat management and mitigation plan may be required as provided for in this section. Designation as either a Priority or Important Habitat Area is NOT intended to deny development opportunities; rather, it is aimed at either steering growth to more suitable areas where fish and wildlife values will not be unduly compromised, or developing appropriate and adequate mitigation measures to alleviate potential negative impacts.

18.06.560 FISH/WILDLIFE HABITAT BOUNDARY SURVEY

- A. If it is determined through the process identified herein that a Priority Habitat Area exists on a site that is the subject of a development permit application, a fish/wildlife habitat boundary survey and evaluation shall be conducted by a fish or wildlife biologist, as appropriate, who is knowledgeable of wildlife habitat within Adams County. The wildlife habitat boundary shall be field staked by the biologist and surveyed by a land surveyor for disclosure on all final plats, maps, etc.
- B. If it is determined through the process identified herein that an Important Habitat Area exists on a site that is the subject of a development permit application, a fish/wildlife habitat boundary survey and evaluation may be required if the proposal meets the definition of "Major Development" as described within this regulation, and if the proposal is determined to have a probable adverse impact on the habitat area. When required, all provisions of the habitat boundary survey and evaluation described in this section shall be followed.
- C. The director may waive the requirement for the survey for minor development if:
1. The proposed development is not within the extended proximity of the associated habitat;
  2. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and;
  3. The applicant provides voluntary deed restrictions that are approved by the County.
- D. The fish/wildlife habitat boundary and any associated buffer shall be identified on all plats, maps, plans and specifications submitted for the project.

18.06.570 FISH/WILDLIFE HABITAT MANAGEMENT AND MITIGATION PLAN.

A fish/wildlife habitat management and mitigation plan is required for all proposed developments determined to be within a "Priority Habitat Area". For those proposed developments determined to be within "Important Habitat Area", a fish/wildlife habitat management and mitigation plan may be required if it is determined by the County that the proposal will have probable adverse impacts on the habitat area.

- A. When required, a fish/wildlife habitat management and mitigation plan shall be prepared

by a biologist who is knowledgeable of wildlife habitat within Adams County.

- B. The fish/wildlife habitat management and mitigation plan shall demonstrate, when implemented, that the net loss of ecological function of habitat is minimal;
- C. Based on the best available science, the fish/wildlife habitat management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency actions for the continued maintenance of the habitat conservation area and any associated buffer.
- D. The fish/wildlife habitat management and mitigation plan shall include maps and narrative descriptions that address at least the following items:
  - 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
  - 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
  - 3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
  - 4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments.
- E. A plan by the applicant that explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:
  - 1. Use of any federal, state or local management recommendations which have been developed for the species or habitats in the area;
  - 2. Establishment of appropriate and adequate buffer zones;
  - 3. Preservation of critically important plants and trees;
  - 4. Limitation of access to the habitat conservation area;
  - 5. Seasonal restriction of construction activities;
  - 6. Establishment of a timetable for periodic review of the plan.
- F. A detailed discussion of on-going management practices which will protect the habitat conservation area after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs.
- G. The director may waive the requirement for the habitat management and mitigation plan for minor development if:
  - 1. The proposed development is not within the extended proximity of the associated habitat;
  - 2. There is adequate information available on the area proposed for development to determine the impacts of the proposed development and appropriate mitigating measures; and;
  - 4. The applicant provides voluntary deed restrictions that are approved by the County



#### 18.06.610 PURPOSE AND OBJECTIVES

It is the intent of Adams County to promote public health and welfare by instituting local measures to preserve naturally occurring wetlands that exist in this county for their associated value. These areas may serve a variety of vital functions, including, but not limited to: flood storage and conveyance, water quality protection, recharge and discharge areas for groundwater, erosion control, sediment control, fish and wildlife habitat, recreation, education and scientific research.

Protection measures should strive to spare identified value and function of wetlands that may be in jeopardy from new development proposals. However, these regulations shall not prohibit uses legally existing on any parcel prior to their adoption.

Adams County recognizes that various legal means and levels of government already address protection of wetlands. Effort will be made to avoid unnecessary duplication and to promote cooperation and coordination whenever possible.

#### 18.06.620 CLASSIFICATION AND DESIGNATION

Wetlands shall be identified and delineated using the Washington State Wetlands Identification and Delineation Manual for Eastern Washington. Classification and rating of wetlands will be done using the Washington State Wetlands Rating System for Eastern Washington.

The following wetlands may not be further regulated by this section.

- A. (Section 18.06.630)
- B. Artificial Wetlands within the developed portion of the Columbia Basin Irrigation Project. (This is a federally managed irrigation system that intentionally created by design, engineering and land use contracts artificial wetlands. Conversion of ground and surface water conditions within the developed project boundary were anticipated and intended.)
- C. Areas that may meet the definition of “artificial wetlands” either intentional or unintentional as described herein that are managed and regulated by the United States Bureau of Reclamation.
- D. Wetland areas identified on the National Wetland Inventory (NWI) maps with an artificial designation when it can be shown that the area(s) noted was (were) intentionally created from a non-wetland site.

#### 18.06.630 DETERMINATION PROCESS

Adams County will review each development permit application under section 18.06.050 to determine if the provisions of this Section will be applied to the project. In making the determination, the County may use any of the reference maps and/or inventories identified in Article I of this chapter. The following progressive steps will occur upon a determination by the County that a wetland area may exist on a site proposed for a development permit.

- A. Step one: Adams County staff will determine if there are any possible wetland areas on-site. This determination shall be made following a review of information available, as well as a site inspection and/or a consultation with a qualified wetland biologist, if deemed necessary by the County. If no wetland area is determined to be present, this

section shall not apply to the review of the proposed development, unless wetlands are discovered to be present during project development.

Step two: If it is determined by County staff that vernal pools are present.

\*. If vernal Pools are determined to be present and if they are determined to be less than 2500 square feet cumulatively and do not lie in a mosaic with other nearby vernal pools. A permit may be approved without further studies or review provided;

- The developer maintains a setback equal to or greater than the development setback for a Category 3 Wetland. or
- The developer's application under (18.06.050) shows that the project is designed to avoid and/or minimize potential impacts.

Step three: If it is determined by County staff that wetland areas may be present, a site inspection and consultation with a qualified wetland biologist shall be conducted to more definitively determine if a wetland area exists on the site. If no, this section shall not apply to the review of the proposed development. If yes, the applicant shall conduct a wetland delineation using the Washington State Wetlands Identification and Delineation Manual for Eastern Washington (Ecology Publication #96-94), as amended, and the USACE Arid West Supplement to the 1987 Wetlands Delineation Manual, and shall submit a wetland management and mitigation plan, as provided for in this section.

\* If wetlands are present and if they are determined to be less than 2500 square feet cumulatively. (Based on delineation) A permit may be approved without a wetland management and mitigation plan provided:

- The developer maintains development setbacks for the category of wetland; or
- The developer's application under Section 18.06.050 has been reviewed under step two above and was determined to be designed consistent with the goals of this section to avoid and/or minimize potential impacts to the small isolated wetland.

#### 18.06.640 WETLAND MANAGEMENT AND MITIGATION PLAN

- A. As determined necessary as provided for in this section, a wetland management and mitigation plan shall be required when impacts to a wetland are unavoidable during project development.
- B. Seek to minimize potential impacts to non-regulated wetland areas, including those small vernal pools excluded from this Ordinance in Section 18.06.630(A).
- C. Wetland management and mitigation plans shall be prepared by a qualified biologist or wetland ecologist who is knowledgeable of wetland conditions within Adams County.
- D. The wetland management and mitigation plan shall demonstrate, when implemented, that there shall be no net loss of the ecological function or acreage of the wetland.
- E. The wetland management and mitigation plan shall identify how impacts from the proposed project shall be mitigated, as well as the necessary monitoring and contingency

actions for the continued maintenance of the wetland and its associated buffer. Monitoring shall be for a period necessary to establish that performance standards have been met. Generally plans shall include a (5) five-year monitoring plan unless a longer time line is required during the review process. Forested or scrub-shrub communities shall include a 10 ten-year monitoring plan unless a longer time is established during the review process.

- F. The wetland management and mitigation plan shall contain a report that includes, but is not limited to, the following information:
1. Location maps, regional 1:24,000 and local 1:4,800;
  2. A map or maps indicating the boundary delineation of the wetland; the width and length of all existing and proposed structures, utilities, roads, easements; wastewater and stormwater facilities; adjacent land uses, zoning districts and comprehensive plan designations;
  3. A description of the proposed project including the nature, density and intensity of the proposed development and the associated grading, structures, utilities, stormwater facilities, etc., in sufficient detail to allow analysis of such land use change upon the identified wetland;
  4. A detailed description of vegetative, faunal and hydrologic conditions, soil and substrate characteristics, and topographic features within and surrounding the wetland;
  5. A detailed description of vegetative, faunal and hydrologic conditions, soil and substrate characteristics, and topographic features within any compensation site;
  6. A detailed description of the proposed project's effect on the wetland, and a discussion of any federal, state or local management recommendations which have been developed for the area;
  7. A discussion of the following mitigation alternatives as they relate to the proposal. The mitigation alternatives shall be proposed in a manner that considers the following in order of priority from a through d.:
    - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
    - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
    - c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
    - d. Compensating for the impact by replacing, enhancing or providing substitute resources or environments.
  8. A plan by the applicant which explains how any adverse impacts created by the proposed development will be mitigated, including without limitation the following techniques:
    - a. Establishment of buffer zones;
    - b. Preservation of critically important plants and trees;
    - c. Limitation of access to the wetland area;
    - d. Seasonal restriction of construction activities;
    - e. Establishment of a monitoring program within the plan;

- f. Drainage and erosion control techniques.
  - 9. A detailed discussion of on-going management practices which will protect the wetland after the project site has been fully developed, including proposed monitoring, contingency, maintenance and surety programs;
  - 10. All reports will be provided in an electronic format (word processor) and all geographic entities (maps etc.) will be provided in a geo-coded format for use in GIS systems (ArcView, MapInfo, AutoCad etc.).
- G. Mitigation ratios shall be used when impacts to wetlands cannot be avoided. As identified below, the first number specifies the acreage of replacement wetlands and the second number specifies the acreage of wetlands altered. The mitigation ratios by wetland category are as follows:
- 1. Wetland Category I- 6:1
  - 2. Wetland Category II- 3:1
  - 3. Wetland Category III- 2:1
  - 4. Wetland Category IV- 1.5:1.0
- H. Wetlands enhancement as mitigation.
- 1. Impacts to wetlands may be mitigated by enhancement of existing wetlands. Applicants proposing to enhance wetland must produce a critical area report that identifies how enhancement will increase the functions of the 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.
  - 2. The ratios identified in (G), above, shall be double the required acreage where the enhancement proposal would result in minimal gain in the performance of wetland functions and/or result in the reduction of other wetland functions currently being provided in the wetland.

18.06.650 MANAGEMENT RECOMMENDATIONS AND STANDARDS

The following management recommendations and standards will apply to development proposals determined to be located within wetland areas, as defined and described herein:

- A. Wetlands shall be protected, based on their quality established from the rating system, and from alterations, which may create adverse impacts. The greatest protection shall be provided to Category I and II Wetlands.
- B. Alteration shall NOT mean best management practices for agriculture which by design could not be considered a change in land use, including but not limited to, improved chemical application or practice, which are intended to improve crop production and enhance areas adjacent to wetlands.
- C. Activities conducted by public agencies to control mosquitoes in compliance with state and federal laws shall be exempt from Adams County wetland regulations.

- D. Activities and construction necessary on an emergency basis to prevent threats to public health and safety may be allowed if reasonable justification warrants cause for a waiver. These activities should avoid impacts to the extent practicable, and mitigation for unavoidable wetland impacts shall be required upon remedy of the emergency.
- E. The county will coordinate wetland preservation strategy and effort with appropriate state and federal agencies, and private conservation organizations, to take advantage of both technical and financial assistance, and to avoid duplication of efforts.
- F. A wetland buffer area of adequate width shall be maintained between wetlands and adjacent new development to protect the function and integrity of wetlands, Based on the table below except where subsection h may apply. Extension or reduction in required buffer widths may be imposed according to these factors. Standard buffer widths are:

**Categories**

Land Use Intensity	I	II	III	IV
Major Development	250 ft	200 ft	125 ft	50 ft
Minor Development	125 ft	100 ft	75 ft	25 ft

Table 1-1. Types of proposed land use that will be considered a major and minor development.

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Adams County Zoning Use Designations *
Major	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Urban</li> <li>• Industrial</li> <li>• Institutional</li> <li>• Moderate-intensity open space (parks with biking, jogging, etc.)</li> <li>• Retail sales</li> <li>• Residential (subdivisions with less than one lot per 5 acres.</li> <li>• Conversion to high-intensity agriculture (dairies, nurseries, greenhouses, and raising and maintaining animals in a confined area, etc.)</li> <li>• High-intensity recreation (golf courses,</li> </ul>

	<p>ball fields, etc.)</p> <ul style="list-style-type: none"> <li>• Paved trails (when SEPA is required)</li> </ul>
Minor	<p>Conversion to moderate-intensity agriculture (orchards, hay fields, etc.)</p> <ul style="list-style-type: none"> <li>• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</li> <li>• Paved trails (no SEPA required)</li> <li>• Unpaved trails</li> </ul> <p>• Utility corridor without a maintenance road and little or no vegetation management.</p>
<p>* Adams County will use its Zoning Code land-use chart (ACC. Title 17, and Environmental Code ACC. Title 18. All projects not exempt from SEPA may be considered a Major Development Regardless of this chart.</p>	

G. The size of reduction allowed through averaging should be limited to no more than 25% , and a buffer width of at least 25 feet should be maintained at all points. A narrower buffer may not be wide enough to fully protect wetland functions. Buffer averaging should not be combined with any other option for reducing buffer widths. SMA approved permits may be considered as viable mitigation to permit limited disturbances within buffers.

H. Standard buffer widths may be modified by the County for a development proposal by averaging buffer widths based on a report submitted by the applicant and prepared by a qualified professional approved by the director (e.g. wetland biologist), and shall be allowed where the applicant demonstrates all of the following

1. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;
2. The designated wetland contains variations in sensitivity due to existing physical characteristics;
3. The width averaging will not adversely impact the designated wetland's functional value;
4. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging

I. Activities or uses, which would strip the shoreline of vegetative cover, cause substantial

erosion or sedimentation or affect aquatic life, should be prohibited.

- J. Construction of structural shoreline stabilization and flood control works should be minimized. New developments should be designed to preclude need for such works and should be compatible with shoreline characteristics and limitations.
- K. Wetland alteration shall not cause significant adverse impact to wetland ecosystems or surrounding areas, unless impacts are unavoidable and necessary to feasibility of the project.
- L. Encourage development of an education program promoting the value of Adams County's wetlands, and that promotes private stewardship of wetland areas. Landowners should not be penalized for creating wetland sites on private property by the addition of new regulatory responsibilities.

**SECTION 4** Ordinance to be transmitted to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Community, Trade and Economic Development as required by law.

**SECTION 5** Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**SECTION 6** Effective Date: Ordinance No. O-02-08 shall take effect immediately upon its passage and shall be codified in Adams County code as shown.

**NOW THEREFORE, BE IT HEREBY RESOLVED THAT THE ADAMS COUNTY COMMISSIONERS adopt this ordinance, effective as set forth herein.**

**ADOPTED** this 25<sup>th</sup> day of August, 2008

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, WASHINGTON  
s/Jeffrey W. Stevens, Chairman  
s/Rudy Plager, Vice-Chairman  
s/Roger L. Hartwig, Commissioner

ATTEST:  
s/Linda Reimer, MMC  
Clerk of the Board

Approved as to form:  
s/Randy J. Flyckt, Prosecuting Attorney