

**FERRY COUNTY
RESOURCE LANDS AND
CRITICAL AREAS
ORDINANCE #2006-03**

**AMENDING INTERIM ORDINANCE 93-02
“DESIGNATE AND CLASSIFY
RESOURCE LANDS AND CRITICAL AREAS”**

March 20, 2006

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FERRY COUNTY
RESOURCE LANDS AND CRITICAL AREAS ORDINANCE #2006-03

AMENDING ORDINANCE #93-02 "DESIGNATE AND CLASSIFY
RESOURCE LANDS AND CRITICAL AREAS"

An ordinance adopting development regulations as required by RCW 36.70A.030 (7).

WHEREAS, RCW 36.70A.040, part of the Growth Management Act, requires that jurisdictions subject to the Act create development regulations to implement comprehensive plans.

WHEREAS, RCW 36.70A.020 (6) states that "Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions."

WHEREAS, RCW 36.70A.030 Definitions (7) states that "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70A.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city."

WHEREAS, RCW 36.70A.172 states "In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries."

WHEREAS, RCW 36.70A. 170 states that each county shall designate where appropriate (a) agricultural land that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products; (b) forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber; (c) mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals, and (d) critical areas.

WHEREAS, the measures adopted though this ordinance are designed to meet these requirements.

NOW, THEREFORE, BE IT ORDAINED by the Board of Ferry County Commissioners, as follows:

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**FERRY COUNTY ORDINANCE 2006-03
RESOURCE LANDS AND CRITICAL AREAS**

Section 1.00 AUTHORITY

This ordinance is adopted pursuant the authority granted Ferry County under RCW 35.63 and in accordance with RCW 36.70A, known as the Growth Management Act, and its amending legislation.

Section 2.00 PURPOSE

The purpose of this ordinance is to promote the general health, safety and welfare of County residents, maintain the natural character of the County, and to conserve and protect critical natural resources. This ordinance implements the policies of the Growth Management Act (RCW 36.70A) and the policies of the Ferry County Comprehensive Plan.

Section 3.00 DEFINITIONS

Above Ground Storage Tanks - See "underground storage tanks."

Administrator - The Planning Director, who shall be responsible for the administration and enforcement of the provisions of these regulations within the unincorporated territory of Ferry County.

Agricultural Land - Land primarily devoted to commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

Agriculture Land of Long-Term Commercial Significance - All agriculture lands that include the growing capacity, productivity, and soil composition of the 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.

Appeal - A request for a review of the Administrator's interpretation of any provision of this ordinance or a request for a variance.

Aquifer - A body of rock which transmits ground water in usable quantities to wells. (The "rock" may be sandstone, fractured basalt or granite, glacial sands or gravel, and river sands or gravel.)

Aquifer Recharge Area - Areas that, due to the presence of certain soils, geology, and surface water, act to recharge ground water by percolation.

Aquifer Susceptibility - The ease with which contaminants can move from the land surface to the aquifer based solely on the types of surface and subsurface materials in the area. Susceptibility usually defines the rate at which a contaminant will reach an aquifer unimpeded by chemical interactions with the vadose zone media.

Best Management Practices or BMPs - Those physical, structural, and managerial practices, and prohibitions of practices, that when used singly, or in combination, prevent pollution to groundwater and surface water.

Buffer - An area contiguous to a critical area that is required for the continued protection, functioning, and/or structural stability of a critical area.

Classified Forest Land (tax purpose) - A parcel of land that was designated as best suitability for timber growth. Ref RCW 84.33.130.

Creation of Wetland - The manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres.

Critical Aquifer Recharge Areas - Areas where an aquifer which is an essential source of drinking water is vulnerable to contamination that would create a significant hazard to public health. Vulnerability is the combined effect of susceptibility of the aquifer to contamination (rate at which the water filters down to the groundwater table) and the contaminant-loading potential (type and amount of substances that the water carries down with it, such as pesticides or petroleum byproducts). In general, areas of permeable soils and geology are likely to be aquifer recharge areas.

Critical Areas - Include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

Critical Habitat - Habitat necessary for the survival of endangered, threatened, rare, sensitive or monitored species.

Dangerous Waste - Solid waste designated in Chapter 173.303-070 through 173-303-130 WAC as dangerous or extremely hazardous waste. The words "dangerous waste" will refer to the full universe of wastes regulated by Chapter 173-303 (including dangerous and extremely hazardous waste).

Demolition Waste - Largely inert waste, resulting from the demolition or razing of buildings, roads, and other manmade structures. Demolition waste consists of, but is

limited to, concrete, brick, bituminous concrete, wood, masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process, and asbestos wastes are not considered to be demolition waste to this regulation (source: Chapter 173-304 WAC).

Designated Forest Land (tax purpose) - A parcel of land that was not originally defined as "Classified Forest Land" - meaning that this land is best suited for timber growth. However it may already have established timber growth and the property owner may define his property as "Designated Forest Land" for tax purposes. Ref. RCW 84.33.120.

Development of Resource Lands and Critical Areas - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the critical area.

Enhancement of Wetland - The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify or improve specific functions(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.

Erosion Hazard Areas - At least those areas identified by the U.S. Department of Agricultural National Resources Conservation Service as having a "severe" rill erosion hazard.

Exotic - Any species of plant or animal that is foreign to the planning area.

Extremely Hazardous Waste - Dangerous wastes designated in Chapter 173-303-070 through 173-303-103 WAC as extremely hazardous.

Feed Lot - A year round confined dense concentration of livestock for the purpose of intense feeding.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (Firm) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Forest Land of Long-Term Commercial Significance - All lands classified as forest lands under the open space tax program that is greater than or equal to 20 acres in size where a predominance of the land area is made up of grade 6 or better as determined by the Department of Revenue maps and is characterized by current resource use, and is located outside of urban growth boundaries.

Forest Practices - Any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber. This does not include the conversion of forested land to a use incompatible with growing timber.

Formation - An assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

Geological Hazardous Areas - Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

Ground Water - Water in a saturated zone or stratum beneath the surface of land.

Group A Public Water System - Defined as community and noncommunity water systems.

(a) Community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents. Examples of a community water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

(b) Noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

(i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year. Examples of a NTNC water system might include a school day care center, or a business, factory, motel, or restaurant with twenty-five or more employees on-site.

(ii) Transient (TNC) water system that serves:

(A) Twenty-five or more different people each day for sixty or more days within a calendar year;

(B) Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

(C) One thousand or more people for two or more consecutive days within a calendar year.

Examples of a TNC water system might include a restaurant, tavern, motel, campground, state or county park, an RV park, vacation cottages, highway rest area, fairground, public concert facility, special event facility, or church.

Habitat of Local Importance - Priority Fish and Wildlife Habitat Conservation Areas that include a seasonal range or habitat element which, if altered, may reduce the likelihood that species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding habitat, winter range and/or movement corridors. These might also include habitats that are of limited availability or high vulnerability to alteration, such as cliffs, talus and wetlands.

Hazardous Substances - Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in Chapter 173-303-090 or 173-303-100 WAC. The term hazardous substances does not include any of the following when contained in an underground storage tank from which there is not a release of: crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local laws.

High-Impact Use - A business establishment that is regulated due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses possess certain characteristics posing a substantial potential threat or risk to the quality of groundwater and surface waters within Category I Critical Aquifer Recharge Areas. High-impact uses shall include, but are not limited to, the following: (a) landfills; (b) Class V injection wells: Agricultural drainage wells; untreated sewage waste disposal wells; cesspools; Industrial process water and disposal wells; radioactive waste disposal; (c) radioactive disposal sites.

High Intensity Land Use - Land uses which are associated with moderate or high levels of human disturbances or substantial critical area impacts including multi-family residential development, active recreation, feedlots, commercial and industrial land uses, and new subdivisions at greater than 1 unit per 2.5 acres.

Hydric Soil - A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Infiltration - The downward entry of water into the immediate surface of soil.

Injection Well - There are five classes of injection wells, two of which are authorized within the state of Washington. Class I, III, and IV wells are prohibited. Class II wells are permitted under Chapter 173-218 WAC by the Washington State Department of Ecology in conjunction with the Washington State Department of Natural Resources. Class V wells generally do not require a permit; however, in some cases where these

wells may inject industrial or commercial waste fluids that would cause a violation of Washington's ground water quality standards, a permit may be issued by the Department of Ecology or the activity will be prohibited.

"Class I injection well" means a well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within ¼ mile of the well bore, and underground source of drinking water.

"Class II injection well" means a well used to inject fluids:

- (a) Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewater's from gas plants that are an integral part of production operations; unless those waters are classified as dangerous wastes at the time of injection.
- (b) For enhanced recovery of oil or natural gas; or
- (c) For storage of hydrocarbons that are liquid at standard temperature and pressure.

"Class III injection well" means a well used for extraction of minerals, including but not limited to the injection of fluids for:

- (a) In-situ production of uranium or other metals that have not been conventionally mined;
- (b) Mining of sulfur by Frasch process; or
- (c) Solution mining of salts or potash.

"Class IV injection wells" means a well used to inject dangerous or radioactive waste fluids.

"Class V injection wells" means all injection wells not included in Classes I, II, III, or IV. Class V injection wells are commonly known as drywells.

Isolated Wetlands - Those regulated wetlands which are outside of, and not contiguous to any 100 year flood plain of a lake, river, or stream, and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

Lake - A naturally or artificially created body of standing open water, 20 acres or greater, that persists throughout the year.

Landfill - A disposal facility or part of a facility at which solid and demolition waste is permanently placed in or on the land that is not a land-spreading disposal facility. (source: Chapter 173-304 WAC). In addition, "landfill" means all continuous land and structures and other improvements on the land used for the disposal of solid waste, pursuant to Chapter 173-351 WAC.

Landslide Hazard Areas - Areas subject to severe risk of landslide based on a combination of geologic, topographic, and hydrologic factors.

Large Quantity Generators - Those businesses that generate more than two thousand two hundred (2,200) pounds of dangerous waste per month. They accumulate more than two thousand two hundred (2,200) pounds of dangerous waste at any time. They generate

and accumulate more than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.

Low Intensity Land Use - Land uses which are associated with low levels of human disturbance or low critical area impacts, including, but not limited to, recreation, open space, agricultural or forest management land uses. A maximum of 1 residential unit per 2.5 acres is defined as low intensity.

Medium Quantity Generators - Those businesses that generate more than two hundred twenty (220) pounds, but less than two thousand two hundred (2,200) pounds of dangerous waste per month. They are limited to the accumulation of less than two thousand two hundred (2,200) pounds of dangerous waste at any time. They are limited to the generation of, and accumulation of, less than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.

Mine Hazard Areas - Areas directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, tailings dams, or airshafts. Mine hazards can also include steep and unstable slopes created by open mines.

Mineral Land of Long-Term Commercial Significance - Lands from which the extraction of aggregate and mineral resources can be anticipated, based on geologic, environmental, and economic factors, existing land uses, and land ownership. To be included are lands with long-term commercial significance for extraction of at least the following: sands, gravel, building stone, fossils, valuable metals, gemstones and other naturally occurring inorganic substances that are crystalline, or composed of crystalline materials, that are of value; and any areas for which permits for mining activity have been issued.

Minerals - Sand, gravel and valuable metals, gemstones and other naturally occurring inorganic substances that are crystalline, or composed of crystalline materials, that are of value.

Mining Operations - Mining of rock, stone, gravel, sand, earth and minerals.

Mitigation - Avoiding, minimizing or compensating for adverse impacts to wetlands and/or their buffers. Mitigation, in the following order of preference is:

- 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 effected environment;
- D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

- E. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- F. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
- G. Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above measures.

Native - Any wildlife species naturally occurring in the County for purposes of breeding, nesting, or foraging, excluding introduced species not found historically in Ferry County.

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

New Construction - Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Off Site - A location with a different legal property description than that containing the specified wetland or affected portion thereof.

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

On Site - Anywhere within the property having the same legal description as the specified wetland or affected portion thereof.

On Site Compensation - To replace wetlands at or adjacent to the site on which a wetland has been impacted by a regulated activity.

Open Space Forest Land (tax purpose) - A designation of parcel land related to timber growth not meaning after a "Forest Land" has been logged but in reference to open space. Ref. RCW 84.34.

Ordinary High Water Mark - The mark on streams which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation.

Permeability - The capacity of an aquifer or confining bed to transmit water. It is a property of the aquifer and is independent of the force causing movement.

Potable Water - Water that is safe and palatable for human use.

Practicable - Available and capable of being done after taking into consideration costs, existing technology and logistics in light of overall project purposes.

Pre-Existing and Ongoing Agricultural Activities - Agricultural uses and practices including but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment, maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the critical area than the original facility, and maintaining agricultural lands under production or cultivation. Agricultural products includes but is not limited to: Horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products. Agricultural equipment and agricultural facilities includes but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing agricultural products. Agricultural land means those specific land areas on which agriculture activities are conducted.

Preservation – Permanently securing lands (using full-fee acquisition or conservation easements) to protect the important features of an ecosystem in an “un-impacted” condition. Preservation is essential when a feature of the ecosystem provides a high level of functions, is rare, or otherwise non-replaceable. It does not cause a gain in acreage nor function on the landscape.

Priority Fish & Wildlife Habitat - Conservation areas that include a seasonal range or habitat element with which a priority species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are limited availability or high vulnerability to alteration, such as cliffs, talus and wetlands. The Washington Department of Fish and Wildlife's classification system of Priority Habitat will be used to identify these areas.

Priority Species - Species that are of concern due to their population status and their sensitivity to habitat manipulation. Priority species are designated by the Washington Department of Fish and Wildlife; Priority Habitat and Species Program, and may include endangered, threatened, sensitive, candidate, monitored, or game species.

Qualified Ground Water Scientist - A hydrogeologist, geologist, engineer, or other scientist who meets all the following criteria:

- Has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and
- Has sufficient training and experience in ground water hydrology and related fields as may be demonstrated by state registration, profession certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding ground water vulnerability.

Recharge - The process involved in the absorption and addition of water to ground water.

Resource Lands - Agricultural, Mineral and Forest land of long-term commercial significance.

Restoration of Wetland - The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland.

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

Riparian Area - Refers to a variable border width of moist soils and plants next to a body of water. Riparian areas provide habitat for fish and wildlife for the long term (e.g. breeding, rearing, escape cover, important travel corridors, streamside shade, foraging, spawning, etc.).

Seismic Hazard Areas - Areas subject to severe risks of damage as a result of earthquake induced ground shaking, slope failure, or soil liquefaction.

Soil Survey - The most recent National Cooperative Soil Survey for the local area or county by the Soil Conservation Service, United States Department of Agriculture.

Solid Waste - All putrescible and nonputrescible solid and semi-solid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction waste, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semi-solid materials that are not the primary products of public, private, industrial, commercial, mining, and agriculture operations. Solid waste includes, but is not limited to, sludge from wastewater treatment plants and septage, septic tanks, wood waste, dangerous waste, and problem wastes.

State Candidate - These species are under review by the Department of Fish and Wildlife for possible listing as endangered, threatened or sensitive. A species will be considered for State Candidate designation if sufficient scientific evidence suggests that

its status may meet criteria defined for endangered, threatened, or sensitive in WAC 232-12-297. Currently listed State Threatened or State Sensitive Species may also be designated as a State Candidate Species if their status is in question. State Candidate Species will be managed by the Department, as needed, to ensure the long-term survival of populations in Washington.

State Endangered - A species, native to the state of Washington, that is seriously threatened with extirpation throughout all or a significant portion of its range within the state. Endangered species are legally designated in WAC 232-12-014.

State Sensitive - A species, native to the state of Washington, that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or the removal of threats. Sensitive species are legally designated in WAC 232-12-011.

State Threatened - A species, native to the state of Washington that is seriously threatened with extirpation through all or a significant portion of its range within the state without cooperative management or the removal of threats. Threatened species are legally designated in WAC 232-12-011.

Stream - Water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-031 effective 7/1/05 and as listed under "water typing system." Streams also include natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, storm water runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.

Structure - A walled and roofed building including a gas or liquid storage tank that is principally above ground.

Underground Storage Tank or UST -

- (a) An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW; or means any one or combination of tanks (including underground pipes connected thereto) that are used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground.
- (b) The following UST systems, including any piping connected thereto, are excluded from regulation by this ordinance as "underground storage tank systems," but will be subject to regulation if the application meets other criteria as stated in Section 8.05.
 - (i) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
 - (ii) Any UST system whose capacity is one hundred ten (110) gallons or less;
 - (iii) Any UST system that contains a de minimis concentration of regulated

- substances;
- (iv) Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
- (v) Farm or residential UST systems of one thousand one hundred (1,100) gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e. not for resale);
- (vi) UST systems used for storing heating oil for consumptive use on the premises where stored;
- (vii) Septic tanks;
- (viii) Surface impoundments, pits, ponds, or lagoons;
- (ix) Stormwater or wastewater collection systems;
- (x) Flow-through process tanks;
- (xi) Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor; or
- (xii) Fresh water storage systems.

Urban Growth - Growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with primary use of such land for the production of food, other agricultural products, fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

Urban Governmental Services - Services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning service, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with non-urban areas.

Urban Growth Areas - Areas designated by a county and/or City pursuant to RCW 36.70A.110.

Variance - A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Volcanic Hazard Areas - Areas subject to pyroclastic flows, lava flows and inundation by debris flows, mud flows, or related flooding resulting from volcanic activity.

Vulnerability - The combined effect of susceptibility to contamination and the presence of potential contaminants.

Water Dependent - A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Water Table - That surface in an unconfined aquifer at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the aquifer just far enough to hold standing water.

Well - A bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension.

Wellhead Protection Area - The surface and subsurface area surrounding a well or well field that supplies a public water system through which contaminants are likely to pass and eventually reach the water well(s) as designated under the Federal Clean Water Act.

Wetland - Areas inundated or saturated by surface water or ground water 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 those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, 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 to mitigate conversion of wetlands, if permitted by the county or city. All areas meeting the definition of wetland are subject to the provisions of this ordinance.

Wetland Buffer - A vegetated area bordering a wetland that provides separation from the adjacent or surrounding area to help minimize disturbances resultant from human activity.

Wetland Specialist - Someone who is a certified Professional Wetland Scientist or a non-certified professional wetland scientist who 1) has one or more college degrees in science, 2) has at least 2 years full-time work experience in wetlands, and 3) has completed wetland-specific training programs.

RESOURCE LANDS

Section 4.00 FOREST LAND

Forest lands are to be classified to determine those lands in Ferry County that are lands of long-term commercial significance. Lands of long-term commercial significance will be classified by growing capacity, productivity, and soil composition of the 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 lands.

In classifying forest land, Ferry County will use the current Private Forest Land Grades of the Department of Revenue along with the Orthophoto Maps filed at the Ferry County Assessors Office. Forest practices are under the jurisdiction of the Department of Natural Resource under the auspices of the Washington Forest Practices Act. Ferry County has no authority to regulate forest practices. However, Ferry County has authority over current conversions with DNR. Ferry County will review forest practices within designated shorelines.

Section 4.01 GOALS

- A. Conserve and protect Forest Lands from activities that would adversely affect the primary use of forest land for commercial forest management.
- B. Minimize the loss of Forest Land acreage, functions, and values through a combination of land use and development regulation and non-regulatory means such as public education, technical assistance to land owners and tax incentives.
- C. Encourage and assist the restoration and enhancement of degraded forest lands.

Section 4.02 POLICIES

- A. Commercial forest lands will be identified and designated based on operational factors; surrounding land use; parcel size and public service levels that are conducive to long-term continuance in forest management.
- B. The primary land use activities in forest areas are commercial forest management, agriculture, mineral extraction, recreation and those subordinate uses that maintain, enhance or have no impact on the long-term management of designated commercial forest lands.
- C. Ferry County supports and encourages the maintenance of forest lands in timber and current use property tax classifications consistent with RCW 84.33 and 84.34.
- D. Ferry County encourages the continuation of commercial forest management by working with forest managers to identify and develop other incentives for continued forestry.

Section 4.03 CLASSIFICATION

Forest lands of long-term commercial significance are those lands outside of designated urban growth areas classified as Private Forest Lands Grades 1 through 6, within a majority of acreage and in parcels of twenty acres or greater, or of contiguous ownership totaling 20 acres.

The following lands are those designated under current use taxation programs as either: Designated Forest, Classified Forest or open space forest.

Class I Forest Lands

- A. Existing use demonstrated as commercial resource management; and

- B. In any one section of land (640 acres), where 100% of the land is for resource use only; and
- C. Lands that fall within grades 1 through 6 of the Private Forest Lands grades; and
- D. Minimum area meeting the criteria in sections A through C above is 640 acres in size.

Class II Forest Lands

- A. Existing use demonstrating as commercial resource management; and
- B. No more than 10% of the land is non-resource use; and
- C. Lands that fall within grades 1 through 6 of the Private Forest Lands Grades; and
- D. Minimum area meeting criteria in sections A through C above is 320 acres in size.

Class III Forest Lands

- A. Existing use demonstrated as commercial resource management; and
- B. No more than 25% of the land is non-resource use; and
- C. Lands that fall within grades 1 through 6 of the Private Forest Lands Grades; and
- D. Minimum area meeting criteria in sections A through C above is 80 acres.

Class IV Forest Lands

- A. Existing use demonstrated as commercial resource management; and
- B. Timber lands of any grade, greater than or equal to 20 acres, where the best use is for timber production.

Section 4.04 DESIGNATION AND PROTECTION MEASURES

All plats, short plats, development permits, and building permits issued for development activities within one thousand three hundred twenty feet (1320') of lands designated as agricultural lands of long-term commercial significance, forest lands of long-term commercial significance, or mineral resource lands of long-term commercial significance, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

Property owners who intend to use off-site water supply from adjacent Forest Lands, will be required to show legal access (i.e. easement/water rights) from the forest landowner, prior to platting or upon application for a building permit.

Access to residential properties through forest lands shall not traverse any lands unless it's the only feasible means of serving the property and legal access has been granted by the owner.

Property owners within or adjacent to Forest Lands will be notified at the time of platting, obtaining a building permit or a development permit that they will be liable for the cost of extinguishing any fires that they may cause.

Class I and II Forest Lands:

- A. Lands within Class I and II Forest Lands shall have no more than one single or multiple family dwelling per 20 acres.
- B. Lands within Class I and II Forest Lands shall not be divided into parcels less than 20 acres.

Class III and IV Forest Lands:

- A. Lands within Class III Forest lands shall have no more than one single or multiple family dwelling per 10 acres.
- B. Lots will be designed to ensure that the residences or other occupied structures are constructed and controlled by the residents.
- C. Lands within Class III Forest Lands shall not be divided into parcels less than 10 acres.

Section 5.00 AGRICULTURAL LAND**Section 5.01 GOALS**

To preserve and protect agricultural practices on lands of long-term commercial significance. To encourage the continuation of present agricultural practices and continue all available tax incentives for those who may contemplate and practice agriculture in the future.

To conserve agricultural lands in Ferry County. There are lands in Ferry County which don't meet Prime farmland and Unique farmland, but are useful and necessary to Ferry County which therefore need to be protected and promoted.

To promote development on non-prime farmlands and conserve prime farmlands for open space, continued agricultural use, or available for lease for agricultural use.

Section 5.02 CLASSIFICATION

Ferry County is a forested mountainous county with varied growing seasons. The prime croplands of Ferry County are devoted to: hay, grains, orchards and seed crops. The remaining agricultural resource land in Ferry County is used in timber, grazing or mining. The timber and mining are addressed in sections 4.00 and 6.00.

Ferry County will employ the United States Department of Agriculture - Natural Resources Conservation Service's Land-Capability Classification System (Agricultural Handbook No. 210) as a tool to classify agricultural lands of long-term significance, as well as past growing history.

Section 5.03 NATURAL RESOURCES CONSERVATION SERVICE LAND-CAPABILITY CLASSES (CLASSES I- VIII)

The following are excerpts from United States Department of Agriculture – Natural Resources Conservation Service's Land-Capability Classification System (Agricultural Handbook No. 210). The classifications are not copied in their entirety.

CLASS I:

Soils in Class I have few limitations that restrict their use. Soils in this class are suited to a wide range of plants and may be used safely for cultivated crops, pasture, woodland and wildlife. The soils are nearly level and erosion hazards (wind or water) are low. They are deep, generally well drained, and easily worked. They hold water well and are either fairly well supplied with plant nutrients or highly responsive to an input of fertilizer.

The soils in Class I are not subject to damaging overflow. They are productive and suited to intensive cropping. The local climate must be favorable for growing many of the common field crops.

In irrigated areas, soils may be placed in Class I if the limitations of the arid climate has been removed by relatively permanent irrigation works. Such irrigated soils (or soils potentially useful under irrigation) are nearly level, have deep rooting zones, have favorable permeability and water-holding capacity, and are easily maintained in good tilth. Some of the soils may require initial conditioning including leveling to the desired grade, leaching of a slight accumulation of soluble salts, or lowering of the seasonal water table. Where limitations due to salts, water table, overflow, or erosion are likely to recur, the soils are regarded as subject to permanent natural limitations and are not included in Class I.

CLASS II:

Soils in Class II have some limitations that reduce the choice of plants or require moderate conservation practices. Soils in Class II require careful soil management, including conservation practices to prevent deterioration or to improve air and water relations when the soils are cultivated. The limitations are few and the practices are easy to apply. The soils may be used for cultivated crops, pasture, range, woodland or wildlife food and cover.

Limitations of soils in Class II may include single or in combination the effects of (1) gentle slopes, (2) moderate susceptibility to wind or water erosion or moderate adverse effects of past erosion, (3) less than ideal soil depth, (4) somewhat unfavorable soil structure and workability, (5) slight to moderate salinity or sodium easily corrected but likely to recur, (6) occasional damaging overflow, (7) wetness correctable by drainage but existing permanently as a moderate limitation, and (8) slight climatic limitations on soil use and management.

CLASS III:

Soils in Class III have severe limitations that reduce the choice of plants or require special conservation practices, or both. Soils in Class III have more restrictions than those in Class II and when used for cultivated crops, pasture, woodland, range or wildlife food and cover.

Limitations of soils in Class III restrict the amount of clean cultivation; timing of planting, tillage, and harvesting; choice of crops; or some combination of these limitations. The limitations may result from the effects of one or more of the following: (1) moderately steep slopes; (2) high susceptibility to water or wind erosion or severe adverse effects of past erosion; (3) frequent overflow accompanied by some crop damage; (4) very slow permeability of subsoil; (5) wetness or some waterlogging after drainage; (6) shallow depths to bedrock, hardpan, fragipan, or claypan that limit the rooting zone and the water storage; (7) low moisture-holding capacity; (8) low fertility not easily corrected; (9) moderate salinity or sodium; or (10) moderate climatic limitations.

CLASS IV:

Some soils in Class IV have very severe limitations that restrict the choices of plants, require very careful management, or both. The restrictions in use for soils in class IV are greater than those in Class III and the choice of plants is more limited. When these soils are cultivated, more careful management is required and conservation practices are more difficult to apply and maintain. Soils in Class IV may be used for crops, pasture, woodland, range, or wildlife food and cover.

Soils in Class IV may be well suited to only two or three of the common crops or the harvest produced may be low in relation to inputs over a long period of time. Use for cultivated crop is limited as a result of the effects of one or more permanent features such as (1) steep slopes, (2) severe susceptibility to shallow soils, (3) severe effects of past erosion, (4) shallow soils, (5) low moisture-holding capacity, (6) frequent overflows accompanied by severe crop damage, (7) excessive wetness with continuing hazard of waterlogging after drainage, (8) severe salinity or sodium or (9) moderately adverse climate.

CLASS V:

Soils in Class V have little or no erosion hazard but have other limitations impractical to remove or limit their use largely to pasture, range, woodland, or wildlife food and cover.

Soils in Class V have limitations that restrict the kind of plants that can be grown and that prevent normal tillage of cultivated crops. They are nearly level but some are wet, are frequently overflowed by streams, are stony, have climatic limitations, or have some combination of these limitations. Examples of Class V are (1) soils of the bottom lands subject to frequent overflow that prevents the normal production of cultivated crops, (2) nearly level soils with a growing season that prevents the normal production of cultivated crops, (3) level or nearly level stony or rocky soils, and (4) ponded areas where drainage for cultivated crops is not feasible but where soils are suitable for grasses or trees.

Because of these limitations cultivation of the common crops is not feasible but pastures can be improved and benefits from proper management can be expected.

CLASS VI:

Soils in Class VI have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife food and cover.

CLASS VII:

Soils in Class VII have very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland or wildlife.

CLASS VIII:

Soils and landforms in Class VIII have limitations that preclude their use for commercial plant production and restrict their use to recreation, wildlife, or water supply or to aesthetic purposes.

Ferry County will consider the above Classes I and II as Prime Farmland described below.

Prime Farmland: Those lands that have soils suited to a wide range of plants and may be used safely for cultivated crops, pasture, range, woodland, and wildlife. The soils are nearly level and erosion hazard (wind and water) is low. They hold water well and are either fairly well supplied with plant nutrients or highly responsive to inputs of fertilizer.

Ferry County will consider Classes III, IV and V as Unique Farmlands as described below.

Unique Farmland: Those lands other than prime farmland that are used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods.

Ferry County will consider Classes VI and VII as Farmlands of Local Significance. These may also include Category III and IV wetlands.

Section 5.04 DESIGNATION

All plats, short plats, development permits, and building permits issued for development activities on, or within one thousand three hundred twenty feet (1320') of, lands designated as agricultural lands of long-term commercial significance, forest lands of long-term commercial significance, or mineral resource lands of long-term commercial significance, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of

commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

The tax status of Open Space/agriculture is applied to lands in Ferry County that are above 20 acres and show income from agricultural practices. There are exceptions to the 20 acre minimum, if substantial income can be shown from less acreage. This provides substantial incentive to the landowner to keep land in Open Space/agriculture.

The 'Open Range Law' is in effect in most of Ferry County, therefore those moving into the area need to be aware that livestock may be grazing on or near their property. If a landowner objects to livestock on their land, they can find the Open Range Law under RCW 16.24. Legal fencing is addressed under RCW 16.60.

Ferry County shall give priority to agricultural lands of long-term commercial significance when considering urban growth area boundaries.

Ferry County encourages Natural Resource Conservation Service best management practices of the riparian zones when grazing livestock.

The type of farming performed in Ferry County has typically been non-aggressive (low usage of pesticides and fertilizers). For this reason Ferry County has decided against requiring buffers between agricultural lands and new development. If the type of farming should change in the future, the decision against buffers shall be reviewed through administrative and public process.

Property owners who intend to use off-site water supply from adjacent Agricultural Lands, will be required to show legal access (i.e., easement/water rights) from the Agricultural landowner, prior to platting or upon application for a building permit.

Access to residential properties through agricultural lands shall not traverse any land unless it is the only feasible means of serving the property and legal access has been granted by the owner.

Section 6.00 MINERAL LANDS

Section 6.01 GOALS

To conserve mineral lands for productive economic use by identifying and designating mineral resource lands of long-term commercial significance and to minimize loss of paleontological information.

Section 6.02 CLASSIFICATION

Ferry County has a unique geologic history. Epithermal precious-metal deposits in the Eocene Sanpoil Volcanics in the Republic graben have been targeted by several mineral exploration companies. More than 2.5 million ounces of gold have been produced from epithermal deposits in the Republic area since 1896. Exploration continues and new ore deposits continue to be discovered.

The ancient lakebeds of the Eocene Klondike Mtn. Formation overlie the heavily mineralized Sanpoil Volcanics. These sediments have yielded many fossils of plants, fish, and insects and are known as the world's richest source of Eocene temperate climate plant fossils. Outcrops in Republic have produced many previously unknown plant taxa and contain valuable evidence of past environmental conditions and plant adaptations.

Since the fossil bearing lake sediments were deposited in the Republic Graben's lowlands, it is reasonable to assume that additional fossils exist in graben. It is likely that increased exposure of the Klondike Mtn. formation by development and mineral exploration will reveal new fossil locations.

Ferry County will be using Washington Department of Natural Resources' geological maps as tools to designate mineral resource lands of long-term commercial significance on a case-by-case basis.

Section 6.03 DESIGNATION

All plats, short plats, development permits, and building permits issued for development activities on, or within one thousand three hundred twenty feet (1320') of, lands designated as agricultural lands of long-term commercial significance, forest lands of long-term commercial significance, or mineral resource lands of long-term commercial significance, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

In order to minimize loss of important scientific information, Ferry County strongly encourages property owners and developers to submit all fossils found to the Stonerose Interpretive Center in Republic, The Thomas Burke Washington State Museum, at the University of Washington in Seattle, or other qualified paleontological facilities for evaluation.

All exploration, extraction, mining reclamation, and processing operations in Ferry County shall comply with Ferry County Mining Ordinance #90-02, and State and Federal mining reclamation laws.

Property owners who intend to use off-site water supply from adjacent Mineral Lands, will be required to show legal access (i.e., easement/water rights) from the mineral landowner, prior to platting or upon application for a building permit.

Access to residential properties through mineral lands shall not traverse any land unless it's the only feasible means of serving the property and legal access has been granted by the owner.

Ferry County will use USGS Quadrangle Geological Survey Bulletins for the Ferry County area as tools to identify mineral resource lands of long-term commercial significance.

CRITICAL AREAS

Section 7.00 WETLANDS

A definition of a wetland as provided by the Growth Management Act:

"Wetland" or "wetlands" are areas inundated or saturated by surface water or ground water 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 those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, 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 to mitigate conversion of wetlands, if permitted by the county or city. All areas meeting the definition of wetland are subject to the provisions of this ordinance.

The official identification and delineation method is the state designed method specific to Washington. It is titled "Washington State Wetlands Identification and Delineation Manual (Washington Department of Ecology Publication #96-94 dated March 1997).

Section 7.01 FUNCTIONS

- A. Flood Control
- B. Stormwater, Sediment and Pollution Control
- C. Surface Water Supply
- D. Groundwater Recharge/Discharge
- E. Fish and Wildlife Habitat
- F. Recreation/Education/Open Space

G. Shoreline Anchoring and Erosion Control

Section 7.02 GOALS

A. Maintain and protect existing wetland areas in Ferry County to insure no net loss of wetland function or area.

B. To recognize that while the loss of wetlands is undesirable, there may be certain cases where property rights conflict with the County's goal of preserving wetlands. In those cases, wetland impacts may be permitted provided that there is appropriate mitigation which may include restoration, enhancement, creation or off-site compensation for any net loss of wetland functions and values.

Section 7.03 CLASSIFICATION

Wetlands are identified according to the methodology described in the following publication: "Washington State Wetland Rating System for Eastern Washington" issued by the Washington State Department of Ecology (Publication #04-06-15 August 2004.)

This manual utilizes data sources provided from Washington Department of Natural Resources, Washington Department of Fish and Wildlife, and also requiring data collected using the manual.

The "Wetland 4-Tier Rating System" from the "Washington State Wetland Rating System for Eastern Washington" (Ecology Publ. #04-06-15 dated August 2004) will be used by Ferry County to make a determination of category.

CATEGORY I:

Category I wetlands are those that score over 70 points on the rating system. They generally 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. Alkali wetlands, Natural Heritage Wetlands, bogs, mature and old-growth forested wetlands with slow growing native trees, and wetlands that perform many functions very well are all Category I wetlands.

CATEGORY II:

Category II wetlands are those that score between 51-69 points on the rating system. They generally are 1) forested wetlands in the flood plains of rivers, or 2) mature forested wetlands containing fast growing trees, or 3) relatively undisturbed vernal pools present within a mosaic of other wetlands, or 4) wetlands with a moderately high level of functions, or 5) a wetland identified by the State Department of Natural Resources as containing "sensitive" plant species.

CATEGORY III:

Category III wetlands are those that score 30-50 points on the rating system. They generally are 1) vernal pools that are isolated, and 2) wetlands with a moderate level of functions.

CATEGORY IV:

Category IV wetlands have the lowest levels of functions and are often heavily disturbed. They score less than 30 points on the rating system.

Section 7.04 DESIGNATION

Ferry County will be using the National Wetland Inventory Maps and the Tri-County Wetlands Maps as preliminary tools for designating the location of a wetland. Final determination will be based on the Washington State Wetlands Identification and Delineation Manual (Ecology Publ. #96-94 dated March 1997).

Section 7.05 PROTECTIVE BUFFER ZONES

Buffer areas surrounding wetlands are essential to maintenance and protection of wetland functions and values. Buffer areas protect wetlands from degradation by:

- A. Stabilizing soil and preventing erosion;
- B. Filtering suspended solids, nutrients and harmful or toxic substances;
- C. Moderating impacts of stormwater runoff;
- D. Moderating system microclimate;
- E. Protecting wetland wildlife habitat from adverse impacts;
- F. Maintaining and enhancing habitat diversity and/or integrity; and
- G. Supporting and protecting wetlands plant and animal species and biotic communities.

A wetland buffer area of adequate width will be maintained between regulated activities and the wetland, to protect the integrity of the wetland.

- | | |
|--------------------------|---|
| A. Category I wetland: | 200' high intensity land use
100' low intensity land use |
| B. Category II wetland: | 100' high intensity land use
50' low intensity land use |
| C. Category III wetland: | 75' high intensity land use
35' low intensity land use |
| D. Category IV wetland: | 40' high intensity land use
25' low intensity land use |

The minimum buffer width stated in this section shall be increased when the County finds, based upon a site specific wetland analysis, that impacts on the wetland from a proposed development can only be mitigated by a greater buffer width:

1. When the wetland is used by salmonoids, plant and/or animal species proposed or listed by the federal government or State as an endangered, threatened, rare, candidate, sensitive or monitored; or has critical or outstanding potential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees, and the increased buffer is necessary to protect such habitat; or
2. When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or
3. When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or
4. When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:
 - a. the minimum buffer for that particular wetland; or
 - b. 25 feet beyond the point where slope becomes 25 percent or less, not to exceed 100' beyond the minimum buffer.

Section 7.06 REGULATED ACTIVITIES:

A permit shall be obtained from the Ferry County Planning Department as per section 12.02 ESTABLISHMENT OF DEVELOPMENT PERMIT, prior to undertaking the following activities in a regulated wetland or its buffer unless authorized by Section 7.07.

- A. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- B. The dumping, discharging, or filling with any material;
- C. The draining, flooding, or disturbing of the water level or water table;
- D. The driving of pilings, with the exemption of fencing;
- E. The placing of obstructions;
- F. The construction, reconstruction, demolition, or expansion of any structure;
- G. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules;
- H. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetland water sources, including quantity, or the introduction of pollutants;
- I. Agricultural activities that tend to degrade wetland quality, i.e. feed lots, excessive use of fertilizers; or
- J. Motorized recreation.

Section 7.07 NON-REGULATED ACTIVITIES:

The following uses shall be allowed within a wetland buffer to the extent that they are not prohibited by any other chapter or law and provided they do not disturb the natural functions of the wetland. Forest practices are under the jurisdiction of the Department of

Natural Resource under the auspices of the Washington Forest Practices Act. Ferry County has no authority to regulate forest practices. However, Ferry County has authority over current conversions with DNR. Ferry County will review forest practices within designated shorelines.

- A. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;
- B. Outdoor recreational activities, including fishing, bird watching, hiking, boating, horseback riding, swimming, canoeing, bicycling and non-motorized recreation;
- C. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water sources;
- D. Pre-existing and ongoing agricultural activities;
- E. The maintenance (but not construction nor enlarging) of drainage ditches;
- F. Education, scientific research, and use of nature trails;
- G. Navigational aids and boundary markers;
- H. Boat mooring buoys;
- I. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored.
- J. Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope or size of the original structure, facility, or improved area and does not include the construction of a maintenance road.

Section 7.08 DETERMINATION OF WETLAND BOUNDARIES AND CATEGORY:

Determination of wetland boundaries and category will ultimately be the responsibility of the property owner, to be determined from a field survey by a wetland specialist applying the wetland definition and category types using the methods found in Section 7.00 and 7.03. When, in the opinion of the County, sufficient information is available from the County's wetland inventory, the requirement for a full or partial delineation and category determination may be waived.

The following actions are exempt from the requirement of hiring a professional Wetland Biologist/Consultant for determination of Classification/Delineation of wetlands as per this section.

1. Single family dwelling unit

These exemptions may require Classification/Delineation steps for identification of wetland categories and their associated buffers. In the event of these exemptions, the

landowner will consult the Planning Department for classification and delineation at the time of permit application at no additional fees other than the actual cost of the permit.

Ferry County, when requested by the applicant, in conjunction with the exemptions listed above, may perform the delineation in lieu of direct action by the applicant. Ferry County may use hydrology, soils, plant species, and other data, and consult with biologists, hydrologists, soil scientists, or other experts as needed to perform the delineation. The county shall be promptly reimbursed for all expenses incurred for performing delineation, except those exempt activities which will be provided for by the County for the cost of the Development Permit.

Where the applicant has provided a determination of wetland boundary, Ferry County shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the County may attempt to set mutually agreeable boundaries; or when such an attempt is unsuccessful, shall, at the applicants expense, obtain competent expert services from professionals approved by Ferry County to render a final delineation.

Section 7.09 WETLAND MITIGATION

Wetland alteration shall not cause significant adverse impacts to wetland ecosystems or surrounding areas, unless the impacts are unavoidable and necessary to the feasibility of the project. In such cases, the resultant impacts shall be offset through the deliberate restoration, creation, or enhancement of wetlands or other mitigation acceptable to the County utilizing standards developed by Washington Department of Ecology and Washington State Department of Fish and Wildlife.

The level of impacts will be determined by "mitigation sequencing". This is a process to avoid, minimize, rectify or compensate losses, in that order. It entails: redesign the project to avoid losses; change the project size or shape to minimize its impact; fix (rectify) impacts of a temporary nature after the development is complete; and finally, compensate for losses that were truly unavoidable. The preferred order of compensation is restoration of lost wetlands, creation of new wetlands, enhancement of degraded wetlands, and preservation of existing high quality wetlands, or some combination.

In the event of a conflict between Ferry County's Shoreline Management Program and wetland regulations, the more restrictive regulations will apply.

Replacement Ratios

When losses to wetlands are unavoidable, compensation shall be applied in the following manner by wetland category. The following tables will be used for restoration or creation of wetlands:

Category I - 4:1 (units of replacement to 1 unit lost)

Category II – 3:1
Category III – 2:1
Category IV – 1.5:1

If the approved mitigation involves enhancement of degraded wetlands or includes preservation the above ratios will be multiplied by 4.

Prior to any development that would result in wetland loss, or issuance of a development permit or authorization, the proposed mitigation shall be submitted as per the requirements in Section 12.03.

Section 8.00 AQUIFER RECHARGE AREAS

Section 8.01 GOALS

The goal of the Aquifer Recharge Area is to designate areas and adopt development regulations for the purpose of protecting areas within Ferry County which are critical to maintaining ground water recharge and quality. The Growth Management Act, Chapter 36.70A RCW; Water Pollution Control Act, Chapter 90.48 RCW; Water Resources Act of 1971, Chapter 90.54 RCW; Regulation of Public Ground Waters, Chapter 90.44 RCW; and the Ground Water Quality Standards, Chapter 173-200 WAC require that these actions be taken to protect ground water quality and quantity such that it's use as potable water can be preserved for current and future uses.

Ferry County chooses to protect ground water quality in addition to the fact that the Growth Management Act requires counties to adopt development regulations to protect areas with a critical recharging effect on aquifer's use for potable water. The Department of Ecology has provided guidelines as to how the county is to identify and protect these areas. For an aquifer to be vulnerable and to require protection from a proposed land use, three conditions must be present:

1. Susceptibility to pollution as the aquifer is recharged;
2. Source of pollution;
3. Use of the aquifer for potable water.

It is the goal of this ordinance to designate areas where the three components of critical aquifer vulnerability occur, and to regulate activities so that pollution of the aquifer is avoided.

Susceptibility

The aquifer underlying a particular location in the county may be more or less "susceptible" to pollution. Susceptibility is essentially the likelihood that a pollutant could be carried down into the aquifer along with the water that recharges the aquifer. Susceptibility is a function of geology (the types and depths of soil and other geological formations lying between the surface and the ground water). The degree of susceptibility

is expressed as an index number and categorized as very low, low, moderate, high, or very high susceptibility.

For northern Ferry County, susceptibility was determined through a comprehensive 1992 research study by the Eastern Washington University Department of Geology. They used the method called DRASTIC (defined below in Section 8.02 Classification). This classification method resulted in a set of maps identifying "susceptibility index" for each land area in the north part of the County. Areas which have an index in the moderate, high, or very high range will be considered to be "Susceptible". That is, if a pollution source were to be placed over the aquifer, it would be moderate to highly likely that the pollution could reach the aquifer.

The above Eastern Washington University study was only completed for the north part of the county. Due to this fact, for fee property within the bounds of the Colville Indian Reservation, Planning will consult Appendix Two and Three of the Department of Ecology Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances (defined below in Section 8.02) to determine if the land has a high susceptibility.

Pollution source

Certain types of development activities are recognized to bring with them a potential to create ground water pollutants. These activities are listed in Section 8.05.

This does not mean that every undertaking of these activities will cause pollution. Many techniques of construction and operation are available to prevent pollution. These are known as Best Management Practices. In most cases there are already regulations in place through State and/or Federal agencies which require that activities with potential to pollute ground water must be developed and restricted in such a manner that pollution is avoided.

Potable Use of the Aquifer

This essentially means all groundwater per Chapter 173-200 WAC. However, there will be cases when (enough information is present) that will be declared as non-potable and meet those qualifications per 173-200 WAC.

Review

The Ferry County Planning Department is responsible to review any proposal for a new development activity to determine whether the three conditions for critical aquifer vulnerability may apply. If it is determined that they may apply, then a Critical Aquifer Recharge permit may be required in conjunction with other required development permits.

Specifically, for Northern Ferry County, Planning will consult the maps prepared through the DRASTIC study to determine if the land has a susceptibility index above the threshold for moderate susceptibility. For fee property within the bounds of the Colville

Indian Reservation, Planning will consult Appendix Two and Three of the Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances to determine if the land has a high susceptibility.

If so, then Planning will determine whether the proposed type of development is one of those listed as polluting potential.

If the activity is a type which requires pollution-control permitting by a state or federal agency, a state or federal permit will be issued in conjunction with all the requirements of this section.

If Planning has established that a permit to develop in the aquifer area is required then it will be processed per Sections 8.06 and 8.07.

Section 8.02 CLASSIFICATION

In Northern Ferry County, classification is based on the DRASTIC method for mapping hydrogeologic conditions and pollution potential. The DRASTIC method outlines seven parameters: depth to water table (D), net recharge (R), aquifer media (A), soil media (S), topography (T), impact of the vadose zone (I), and hydraulic conductivity (C). These parameters identify a range that shall be used to determine the relative susceptibility to contamination of an area.

1. Sites identified by this Section as having a medium, high, or very high susceptibility rating shall be subject to the protection measures of this Section. Group A public water system protective radius are also protected under this Section.
2. Category 1 is the highest priority critical aquifer recharge area. Category 1 are those areas having a high or very high susceptibility rating. High susceptibility rating are those areas that have a rating of 177 through 180 and very high susceptibility rating are those that have a rating of 181 and above on the Aquifer Recharge Maps on file in the Planning Department. Also the 100' protective radius around Group A water wells and the 200' protective radius around Group A water springs are classified as Category 1.
3. Category 2 is the primary critical recharge area. This consists of those areas having a medium susceptibility rating. Medium susceptibility rating are those areas that have a rating of 114 through 176 on the Aquifer Recharge Maps on file in the Planning Department.

Due to the fact that a DRASTIC study was not completed for the south half of the county, classification on fee property within the bounds of the Colville Indian Reservation is based on ratings of susceptibility using the basic parameters presented in Appendix Two and Three of a July, 2000 Department of Ecology Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances, Publication #97-30 prepared by Kirk V. Cook, RPG Hydrogeologist. This guidance document uses overall

permeability, geologic matrix, infiltration, and depth to water to estimate susceptibility. Each of the major parameters used to estimate susceptibility has been evaluated and rated.

- (1) Sites identified by this evaluation as having a high susceptibility shall be subject to the protection measures of this Section.
- (2) High susceptibility rating are those areas that have a rating of 8-12.

Section 8.03 DESIGNATION

- (1) Ferry County has designated aquifer recharge areas based on aquifer maps in a December 1992 report titled Evaluation of Groundwater Pollution Susceptibility in Northern Ferry County, Washington using the DRASTIC Method produced by Eastern Washington University Geology Department Professor, John Buchanan. Any geographic area designated by the DRASTIC classification as having a high or medium susceptibility rating shall be designated a Critical Aquifer Recharge Area. In addition, the 100' protective radius around a Group A Public Water Well System and the 200' protective radius around a Group A Public Water Spring System will be designated a Critical Aquifer Recharge Area. Since the above Eastern Washington University study was only completed for the north part of the county, designation for fee property within the bounds of the Colville Indian Reservation will be done on a case-by-case basis using the ratings of susceptibility for aquifers as described in Appendix Two and Three of a July, 2000 Department of Ecology Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances, Publication #97-30 prepared by Kirk V. Cook, RPG, Hydrogeologist.
- (2) A map or maps maintained by the Ferry County Planning Department shall set forth such areas.

Section 8.04 EXEMPT ACTIVITIES IN CATEGORY I AND II

The following activities are exempt:

- (1) Existing activities that currently and legally exist at the time of adoption of this section;
- (2) All uses other than 8.05.

Section 8.05 CONDITIONALLY PERMITTED ACTIVITIES IN CATEGORIES I AND II

- (1) The following activities are conditionally allowed in both Category I and II and require a Critical Aquifer Recharge Area permit. For those activities that are permitted and regulated by the State or Federal Government, their site evaluation permit will be issued in conjunction with all the requirements of this Section.
 - (a) Above- and below-ground storage tanks (tanks and pipes used to contain an accumulation of regulated substances (see Section 3.00))
 - (b) Facilities that conduct biological research

- (c) Boat repair shops
- (d) Aircraft servicing
- (e) Chemical research facilities
- (f) Dry cleaners
- (g) Gasoline service stations
- (h) Pipelines
- (i) Printing and publishing shops (that use printing liquids)
- (j) Below-ground transformers and capacitors
- (k) Sawmills (producing over ten thousand (10,000) board feet per day)
- (l) Solid waste handling and processing
- (m) Vehicle repair, recycling, and auto wrecking
- (n) Funeral services
- (o) Furniture stripping
- (p) Motor vehicle service garages (both private and government)
- (q) Photographic processing
- (r) Chemical manufactures and reprocessing
- (s) Creosote and asphalt manufacture and treatment
- (t) Electroplating activities
- (u) Petroleum and petroleum products refining, including reprocessing
- (v) Wood products preserving
- (w) Golf course
- (x) Regulated waste treatment, storage, disposal facilities that handle hazardous material
- (y) Medium quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste)
- (z) Large quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste)
- (aa) Feed lots
- (bb) Mining Operations
- (cc) Landfills
- (dd) Class II injection wells
- (ee) Class V injection wells
- (ff) Radioactive sites
- (gg) Wastewater treatment facility
- (hh) Oil or gas production and gathering operations

- (2) The permitting fee for a Critical Aquifer Recharge Area permit is \$50.00. A State Environment Policy Act (SEPA) checklist will also need to be completed. The SEPA fee is \$100.00.
- (3) To receive a Critical Aquifer Recharge Area permit, the applicant must demonstrate, through a Level I site evaluation report, how they will integrate necessary and appropriate best management practices to prevent degradation to groundwater. The applicant must also meet existing local, state, and federal laws and regulations. A Level I site evaluation report shall be completed and submitted

to the planning department. Review and approval shall be by the Planning Commission, pursuant to Section 8.06.

(4) Alternately, the applicant may process a Level 2 site evaluation report and develop and implement a monitoring program that consists of the following:

- (a) Demonstrate, through a Level 2 site evaluation report, how they will prevent degradation to groundwater. The applicant must also meet existing local, state and federal laws and regulations. A Level 2 site assessment report shall be completed and submitted to the planning department. Review and approval shall be by the Planning Commission, pursuant to Section 8.07; and
- (b) Develop and implement a monitoring program with quarterly reporting to the planning department. The planning department will evaluate the monitoring program and may require periodic changes based on the monitoring results, new technology, and/or best management practices.

Section 8.06 LEVEL I SITE EVALUATION REPORT/APPROVAL CRITERIA

(1) The site evaluation report shall be done by the applicant, and will meet all local, state, and federal rules and regulations. The report will identify appropriate best management practices and show how they will prevent degradation of groundwater. All necessary technical data, drawings, calculations, and other information to describe application of the best management practice must be supplied. If unable to provide all the information required, or if the applicant preferred, the applicant may hire a licensed hydrogeologist at their own expense and do a Level II Evaluation Report. Examples of best management practices include, but are not limited to, the following guidance documents:

- (a) Dry Cleaning Hazardous Waste Do's and Don't (WDOE, 91-012c);
- (b) Electroplating (WDOE, 91-0129);
- (c) Guidance for Remediation of Petroleum Contaminated Soils (WDOE, 91-030);
- (d) Empty Pesticide Container Disposal (WDOE, 92-br-008);
- (e) Managing Hazardous Waste for Radiator Shops (WDOE, 92-br-009);
- (f) Managing Hazardous Waste for Transmission Shops (WDOE, 93-br-010);
- (g) Managing Hazardous Waste for Tire Dealers (WDOE, 93-br-015);
- (h) Tank Owners and Operators Guide to Using Ground Water Monitoring for UST Release Detection (WDOE, 93-012);
- (i) A Guide for Lithographic Printers (WDOE, 94-139);
- (j) A Guide for Photo Processors (WDOE, 94-138);
- (k) A Guide for Screen Printers (WDOE, 94-137);
- (l) Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycling Facilities (WDOE, 94-146);
- (m) Prevention of Stormwater Pollution at Log Yards—Best Management Practices (WDOE, 95-053);

- (n) Best Management Practices for Auto Dealerships—Auto Wastes and Containers (WDOE, 95-405A);
 - (o) Best Management Practices for Auto Dealerships—Waste Processes (WDOE, 95-405B);
 - (p) Irrigation Best Management Practices to Protect Ground Water and Surface Water Quality (WDOE, 96-013);
 - (q) Frequently Asked Questions Concerning Solvent and Cleaner Disposal (WDOE, 96-422);
 - (r) Management Requirements for Special Waste (WDOE, 96-1254);
 - (s) Drycleaners (WDOE, F-HWTR-93-541); and
 - (t) Selecting Best Management Practices for Stormwater Management (WDOE, WQ-R-93-011).
- (2) The report will also identify how the applicant will follow the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC, in the event hazardous material is released onto the ground or into groundwater.
 - (3) The report will include site specific hydro geologic information to support a conclusion of no degradation to groundwater. Hydrogeologic information may be available from existing U.S. Geological Survey Reports; U.S. Department of Agriculture, Natural Resources Conservation Service (Soil Survey of North Ferry Area, Washington, 1979; Ferry County; the Northeast Tri-County Health District; and from local purveyors.
 - (4) The report will be reviewed by the Planning Commission or a consultant hired by the County, at the applicant's expense, for this review. The County may consult with the Northeast Tri-County Health Department; State of Washington Departments of Health or Ecology, independent reviewer, or any other parties it sees fit.
 - (5) The Planning Commission can require a Level 2 Site Evaluation Report, at the owner's expense, for major projects that cannot address the issues by just using best management practices.

Section 8.07 LEVEL 2 SITE EVALUATION REPORT/APPROVAL CRITERIA

A licensed hydrogeologist will determine whether the proposed activity will have any adverse impacts on groundwater in Critical Aquifer Recharge Areas based upon the requirements of the Safe Drinking Water Act and the Wellhead Protection Area Program, pursuant to Public Water Supplies, Chapter 246-290 WAC; Water Quality Standards for Ground Waters of the State of Washington, Chapter 173-200 WAC; and Dangerous Waste Regulations, Chapter 173-303 WAC.

- (1) The Level 2 site evaluation report will include the following:
 - (a) Identification of the proposed development plan, along with potential impacts (e.g., on-site septic systems and other on-site activities) that may adversely impact groundwater quality underlying or down gradient of the project or project area;
 - (b) Drawing in an appropriate scale (1;2,400 or 1 inch to 200 feet) showing the location of abandoned and active wells, springs, and surface water bodies within one thousand (1,000) feet of the project or project area; and
 - (c) A description of the geologic and hydrologic characteristics of the subject property including the following:
 - (i) Lithologic characteristics and stratigraphic relationships,
 - (ii) Aquifer characteristics including recharge and discharge areas, depth to and static water-flow patterns, and an estimate of groundwater-flow velocity,
 - (iii) Contaminant rate and transport including probable migration pathways and travel time of potential contaminant release from the site through the unsaturated zone to the aquifer(s) and through the aquifer(s), and how the contaminant(s) may be attenuated within the unsaturated zone and the aquifer(s),
 - (iv) Appropriate hydro geologic cross-sections which depict lithology, stratigraphy, aquifer, units, potential or probable contaminant pathways from a chemical release, and rate of groundwater flow, and
 - (v) Existing groundwater quality, a plan for monitoring groundwater to detect changes and the corrective actions that will be taken if monitoring results indicate contaminants from the site have entered the underlying aquifer(s).
- (2) The report will be reviewed by the Planning Commission or a consultant hired by the County, at the applicant's expense, for this review. The County may consult with the Northeast Tri-County Health Department; State of Washington Departments of Health or Ecology, independent reviewer, or any other parties it sees fit.

Section 9.00 FREQUENTLY FLOODED AREAS

Section 9.01 GOALS

Ferry County aims to promote the public health, safety and general welfare of its citizens, and to minimize public and private losses due to flood conditions in specific areas.

Section 9.02 POLICIES

The Ferry County Flood Ordinance 2002-01 adopted in accordance with the Federal Emergency Management Agency, will continue to be used by the Planning Dept. staff to designate frequently flooded areas.

The Federal Emergency Management Agency supplied Ferry County with Flood Insurance Rate Maps. Ferry County will be using these maps as tools to determine areas of special flood hazard.

Section 9.03 CLASSIFICATION

Class I:

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

Class II:

Area of special flood hazard: Land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Section 9.04 DESIGNATION

Class I: Activities allowed in the floodway are described in section 5.3 of Ferry County Flood Ordinance 2002-01.

Class II: Building in areas of special flood hazard will require a Development Permit as stated in section 4.0 of Flood Ordinance 2002-01. Any building performed in the areas of special flood hazard will be built according to standards spelled out in section 5.0 of Flood Ordinance 2002-01.

Section 10.00 GEOLOGICALLY HAZARDOUS AREAS

Section 10.01 GOALS

A. Avoid potential disasters which damage homes and property, degrade water quality and quantity, and increase flood hazards. Determine characteristics in soil, slope and geology that will indicate areas where development should be prohibited, restricted or controlled.

B. Prevent or control hazards such as open mine workings, portals, shafts and other open holes that may present significant risk of harm to individuals, wildlife and livestock. Where these features may adversely affect water quality, mitigate the conditions.

Section 10.02 CLASSIFICATION

Geologically hazardous areas can be caused by many different conditions. The following categories will be described under the sub-title of Geologically Hazardous Areas, and will be classified on a case-by-case basis with the assistance of the Ferry County Soil Survey Maps, Department of Natural Resources Geological Survey Maps, and other available information.

- 1) Erosion Hazard Areas
- 2) Landslide Hazard Areas
- 3) Seismic Hazard Areas
- 4) Mine Hazard Areas
- 5) Volcanic Hazard Areas

Geologically Hazardous Areas

The Washington Department of Community Development's classification system of risk to structural development as follows in its entirety shall be used as needed. Given the possibility that a geologic activity will happen in a hazard area, the "risk" is an estimate of how much danger will be posed by the activity.

GH1 - Areas where adequate information indicates that no significant geological hazard is present or where it is judged that there is little likelihood for its presence.

GH2 - Areas where adequate information indicated that significant geological hazard is present or where it is judged that there is a high likelihood for its presence.

GH3 - Areas containing a geological hazard the significance of which cannot be evaluated from available data.

GH4 - Areas where available information to evaluate a geological hazard is inadequate.

The Washington Department of Ecology's Geologic Hazard Rating system will be used to identify the level of risk for those areas identified as GH2:

Low Risk: Standard foundation systems and site preparation techniques are expected to result in an acceptable level of risk.

Intermediate Risk: Standard foundation systems and site preparation techniques may be acceptable, but only with confirmation by a geotechnical report.

High Risk: Standard foundation systems and site preparation techniques are unlikely to be acceptable. A geotechnical report is required for recommendation of special foundation designs and site preparation techniques.

1a. Erosion Hazard Areas:

Erosion problems related to development fall into three classes:

- 1) Natural erosion processes that can be powerful enough to dislocate big chunks of land;
- 2) Exposure of soil during construction, including road construction, making it susceptible to water and wind erosion and;
- 3) Increased runoff, because of the increase in impermeable surfaces in development area or because of the removal or destruction of vegetation, causing concentration of water in places where it can cause erosion, typically by forming rills, gullies or deepening ravines.

Runoff management is essential in erosion control. Erosion may cause problems at the source and/or at the destination.

1b. Landslide Hazard Areas:

- 1) Areas with all three of the following characteristics:
 - a) Slopes greater than 15%; and
 - b) Impermeable soils (typically silt and water-expansive clay) frequently interbedded with permeable soils. These clays can destabilize a slope very quickly with sufficient hydration. Such clays are common in Ferry County as a byproduct of weathering of volcanic rocks. The quantity of water-expansive clay will be the key point. In such case, consulting with an experienced Geotechnical Engineer for rock mechanics of slopes may be required for questionable development; and
 - c) Springs or groundwater seepage; or
- 2) Any area which has shown movement during the Holocene epoch (from 10,000 years to present) or which is underlain by mass wastage debris of that epoch; or
- 3) Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting; or
- 4) Areas that have snow avalanche potential; or
- 5) Slopes that are parallel or sub-parallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials; or
- 6) Areas located in canyons; or
- 7) Areas on active alluvial fans, presently subject to or potentially subject to inundation by debris flows or catastrophic flooding; or
- 8) Any area with a slope of forty percent or steeper and with a vertical relief of ten or more feet, except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least ten feet of vertical relief.

1c. Seismic Hazard Areas:

- 1) Areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction or soil faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington.

1d. Mine Hazard Areas:

1) Mining in Ferry County has resulted in an extensive network of abandoned mines. All mine operations present a hazard to people, wildlife, and livestock. Stabilization of newer mine openings may actually make these areas safer during a seismic event than that of an unstabilized slope. Because of the strong mining heritage in Ferry County, many mine openings and other mine-related hazards exist. Such hazards include, but not limited to; portals, shafts, open stopes, steep slopes caused by mining activities, impoundments, dumps, stockpiles, abandoned mine buildings and facilities, abandoned workings and surface drill holes.

1e. Volcanic Hazard Areas:

1) The potential risk from volcanic hazards for any particular area is generally related to how far the area is from a volcanic vent. At the present time Ferry County has no volcanic vents within a large radius.

Section 10.03 DESIGNATION

Ferry County will be utilizing the U.S. Soil Conservation Service and other agencies existing surveys. These surveys along with the soils surveys will be tools used by the Planning Department to assist in judging the possible risk that may exist on a case-by-case basis.

Section 11.00 FISH AND WILDLIFE CONSERVATION AREA

Section 11.01 GOALS

To preserve and protect priority habitats and species in Ferry County. To incorporate cooperative, coordinated and reasonable land use planning in relation to the priority habitats and species in our county.

For priority species unique to the Colville Tribe, please contact the Colville Tribe Fish and Wildlife Department.

Section 11.02 CLASSIFICATION

The DCD guidelines do not require local governments to use any particular system for classifying fish and wildlife habitat conservation areas. The following areas are defined as fish and wildlife habitat conservation areas as per WAC 365.190:

1. Areas with which endangered, threatened, and sensitive species have a primary association;

The Washington Department of Wildlife Priority Habitats and Species quad overlay maps will be used to identify the above locations.

2. Habitats and species of local importance;

These habitats may be identified by the Washington Department of Wildlife and/or the County and/or the Colville Tribe and/or the private landowner as recommended, and are to be included within the category of Priority Habitat.

3. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

These ponds would fall under Ferry County Wetlands Regulations classified according to the quality of vegetation and wildlife present. Additionally, natural ponds greater than .5 acre would fall under waters of the state (see #4 below).

Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds (of less than three years duration) and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.

4. Waters of the State;

Waters of the State are identified in WAC 222-16-031 effective 7/1/05 (old water class system), Forest Practices classification system, as Water Types 1, 2, 3, 4 and 5 according to domestic use, use by substantial numbers of anadromous fish or resident game fish, and significance for the protection of downstream water quality will be used in its entirety as follows, as required, as Priority Fish and Wildlife Habitat Conservation Areas.

Type 1 Water: All waters inventoried as "shorelines of the state" under Chapter 90.58 RCW. These waters are protected by the Ferry County Shorelines Master Program.

Type 2 Water: Segments of natural waters which are not classified as Type 1 Water and have a high use and are important from a water quality standpoint; for

a) Domestic water supplies, b) Public recreation, c) Fish spawning, rearing, migration or wildlife uses; or d) Have significant value to protect water quality.

Type 3 Water: a) Domestic use, b) Public recreation, c) Fish spawning, rearing, migration or wildlife uses; or d) Have moderate value to protect water quality.

Type 4 Water: Shall mean segments of natural waters which are not classified as Type 1, 2 or 3. Their significance lies in their influence on water quality downstream in Type 1, 2 or 3 waters. These may be perennial or intermittent.

Type 5 Water: Shall mean all segments of natural waters within the bankfull width of the defined channels that are not Type 1, 2, 3, or 4 Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 Water. Type 5

Waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 Waters.

Ferry County will use DNR's Water Type Maps consistent with WAC 222-16-031 as a tool to determine water types.

All water types and classifications within the exterior boundaries of the Colville Reservation are unique to the reservation and differ from that of the state. When classifying waters within the exterior boundaries of the Colville Reservation, Please contact the Colville Tribe Fish and Wildlife Department.

5. Lakes, ponds, streams, and rivers planted with game fish by a governmental or Tribal entity.

The Washington Department of Fish and Wildlife and Washington Rivers Information System Maps will be a reference to locate lakes, ponds, streams and rivers planted with game fish by governmental entities. The Colville Tribe will be consulted concerning the lakes, ponds, streams and rivers on Tribal Lands.

6. State Natural Area Preserves and Natural Resource Conservation Areas.

The Washington Department of Fish and Wildlife has supplied Ferry County with detailed reference tools; the Management Recommendations for Washington's Priority Habitats and Species, and the Priority Habitats and Species & Nongame Data Systems Quad overlay maps which are accompanied by a PHS Data release.

The Washington Rivers Information Systems maps, the National Wetlands Inventory maps, the Shoreline Master Plan and the Washington State Forest Practice Board Water Type maps will give Ferry County the tools to protect the waters of the state, wetlands and riparian habitats and species.

Section 11.03 DESIGNATION

A. Ferry County will utilize the "Ferry County Shorelines Master Program" when reviewing Development Permits and activities within Washington State Water Types.

B. The Ferry County Planning Department will monitor development in areas that will affect wildlife. Recommendations shall be offered on a case-by-case basis to ensure the preservation and protection of priority habitat and species.

Section 11.04 RIPARIAN AREA PROTECTION

Riparian area is not identified as a type of area requiring critical area protection under WAC 365-190. However, riparian area serves as a protective buffer to waters of the state. The requirement that critical area protection be based on best available science indicates the inclusion of riparian area as a critical area.

Section 11.04.01 PURPOSE AND GOALS

The purpose of this Section is to recognize and protect the valuable functions of riparian areas as new development projects and changes of land use occur in the County. The term "Riparian Area" refers, generally, to the border of moist soils and plants next to a body of water. Riparian areas provide habitat for fish and wildlife for the long term (e.g. breeding, rearing, escape cover, important travel corridors, streamside shade, foraging, spawning, etc.). Riparian vegetation helps prevent erosion, slows flood waters and helps filter contaminants, aids in water storage and release, and aids in aquifer recharge.

In implementing standards and regulations for riparian protection, Ferry County is guided by the following goals:

1. Protect the biological, physical and chemical components of water quality for the benefit of aquatic and terrestrial resources as well as human uses.
2. Ensure that natural stream and lake shoreline functions are maintained to the extent possible.
3. Implement the standards with minimal interference or impact to private property.
4. Encourage non-regulatory methods for riparian protection whenever practical, through education and incentives.
5. To achieve these goals consistent with the Comprehensive Plan.

Section 11.04.02 ACTIVITIES NOT REGULATED UNDER THIS SECTION

The following uses are allowed within a riparian area to the extent that they are not prohibited by any other applicable law or ordinance or approved habitat management plan, and provided they are conducted so as to respect the values and functions of the riparian area.

1. Ongoing activities associated with legal and established land uses including maintenance, repair, or operation of existing legal structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the size of the original structure, facility, or improved area and does not include the construction of a maintenance road.
2. Existing and ongoing agricultural activities.
3. Education and use of nature trails.
4. The maintenance of drainage ditches.
5. The maintenance or construction of floating docks, boat mooring, or buoys.
6. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife.
7. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the riparian area by changing existing topography, water conditions or water sources.
8. Noxious weed control using best management practices as recommended by the Ferry County Weed Board.

9. Diseased vegetation removal and vegetation removal within 30' of existing structure for the purpose of fire separation.
10. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests or other related activities. In every case, riparian area impacts shall be minimized and disturbed areas shall be immediately restored.
11. Those activities under the regulation of the Forest Practices Act on which County cannot condition a forest practice application.
12. Recreational activities, including, but not limited to: an informal soft path no more than three feet wide, fishing, bird watching, hiking, hunting, boating, horseback riding, skiing, swimming, canoeing, and bicycling provided the activity does not alter the riparian area by changing existing topography, water conditions or water sources.
13. Maintenance, reconstruction, repair or operation of existing private access road/driveways, streets, highways, roads, trails, landscape areas, or utilities.
14. Emergencies that threaten public, health and safety and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of these regulations. The Ferry County Planning Department shall be notified of impacts to the riparian area following resolution of the emergency situation so appropriate mitigations/restoration measures may be pursued.
15. Riparian alterations for view corridors are allowed with emphasis placed on limbing and with selective timber removal minimized to the extent possible. Proposed alterations shall be the minimum to afford views within the area and shall minimize shrub vegetation removal and ground disturbance while maintaining the large mature trees.

Section 11.04.03 REGULATED ACTIVITIES

The following activities should generally be sited outside of riparian areas.

If a proposed land use includes special conditions which require the placement or conduct of these activities within the riparian area, then a development permit will be required, with the intent of minimizing impact to the values and functions of the riparian area, and providing for mitigation for impacts which may not be avoidable.

A permit shall be obtained from the Ferry County Planning Department as per Section 12.02 ESTABLISHMENT OF A DEVELOPMENT PERMIT prior to undertaking the following activities unless authorized by Section 11.04.02. The Director, if necessary, may also require a Habitat Management and Mitigation Plan pursuant to Section 11.04.10. This section does not require any permit in addition to those otherwise required by county ordinances. Uses and activities in which no permit or approval is required by any other county ordinances remain subject to the standards and requirements of this section. This section does not exempt uses and activities from any State or Federal permits that may be required.

1. Creation of new lots through land subdivision.
2. The construction, reconstruction, demolition, or expansion of any structure.
3. The destruction or alteration of riparian areas through clearing, excavating, grading, paving, dumping, filling, harvesting, shading, intentional burning, vegetation removal or landscaping that would alter the functions and values of the riparian area, unless part of a project which has been permitted or a project which is non-regulated under this Section.
4. The draining, flooding, or disturbing of the water level or water table.
5. Motorized recreation.
6. Feed lots (Feed lots do not include ordinary winter feeding).
7. Road, expansion of existing corridor road or bridge.
8. Road, new public or private/single family private access road/driveway. Roads shall be kept to a minimum. Whenever possible, roads within riparian areas shall not run parallel with the water body and where crossings are necessary, shall cross riparian areas at as near right angles as possible.
9. Equestrian/pedestrian/bike trails and associated facilities may be permitted in riparian areas but should be set back 50 feet from the ordinary high water mark if possible and shall be a maximum of 14 feet in width. The trails shall be left as soft paths and all parking will not be permitted within the riparian area.
10. Bulkheads or retaining walls, where no other practical alternative exists, may be allowed. Beach nourishment and bio-engineered erosion control projects are considered a normal protective bulkhead. Construction of bulkheads necessary for the placement of a single family home shall be in conformance with the Shoreline Master Program for Ferry County.
11. Where no other practical alternative exists to the excavation for the placement of wells, tunnels, utilities, or on site septic systems in a riparian area. Wells and on site septic systems shall be in conformance with the local and state requirements.
12. Riparian vegetation disturbances within the riparian area shall be revegetated within one growing season with native vegetation or as recommended by local sources, such as the Ferry Conservation District, the Natural Resource Conservation Service or the Washington State University Ferry County Cooperative Extension Office.
13. Scientific Research

Section 11.04.04 CLASSIFICATION

The point of measurement for the riparian area begins at the ordinary high water mark on each bank and is measured horizontally from this point. No development, except as outlined in the provisions of this section, is allowed in this area.

Riparian area apply to the following areas:

- A. Areas adjacent to Type S, F, Np, and Ns streams, lakes and ponds as defined in WAC 222-16-030, Forest Practices Act. The DNR maps utilizing the designation

Type S, F, Np and Ns for Ferry County are not complete, therefore Ferry County will use Type 1 through 5 as specified in WAC 222-16-031 effective 7/1/05, and

- B. Shorelines of the State as defined in RCW 90.58, the Shoreline Management Act (SMA) and The Shoreline Master Program of Ferry County.

Section 11.04.05 RIPARIAN AREA WIDTHS:

<u>Stream Type</u>	<u>Riparian Area Width</u>
1	200 feet High Intensity Land Use 100 feet Low Intensity Land Use
2	200 feet High Intensity Land Use 100 feet Low Intensity Land Use
3	100 feet
4	50 feet
5	50 feet

If a dispute arises concerning a water type, the Department of Natural Resources (DNR) will be notified. DNR regulations include procedures for those contesting DNR's water typing errors or omissions.

Section 11.04.06 INCREASED STANDARD RIPARIAN AREA WIDTH

The standard riparian area width may be increased when the County finds, on a case-by-case basis on high intensity uses, that a larger area is necessary to protect the riparian area functions and values.

Section 11.04.07 REASONABLE USE EXCEPTION

If an applicant for a development proposal demonstrates to the satisfaction of the Planning Commission that application of these regulations would deny reasonable use of the subject property, reasonable economic development of the property will be allowed if the applicant also demonstrates all of the following:

- A. the application of this section would deny reasonable use of the property;
- B. there is no other reasonable configuration or placement of the proposed development with less impact on the riparian area;
- C. the proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this ordinance; and
- D. any alterations permitted to the riparian area shall be the minimum necessary to allow for reasonable use of the property.

Section 11.04.08 LAND DIVISION

In order to avoid the creation of non-conforming lots, each new lot shall contain at least one building site that meets the requirements of this Riparian Area Protection Section. In long plats, riparian areas may be dedicated as permanent open space tracts, functioning as Fish and Wildlife Habitat Conservation Areas.

Section 11.04.09 NON-CONFORMING STRUCTURES AND IMPROVEMENTS

Existing and ongoing structures and improved areas within the riparian area which are legally existing at the time of the adoption of this ordinance are hereby declared to be non-conforming and shall be subject to the following:

Structural modification of, addition to or replacement of any structure legally established before the adoption of this ordinance which do not meet the building setback or riparian area requirements are permitted under 11.04.03 if no portion of the modification, addition or replacement extends farther into the riparian area. All development adjacent to both "Shorelines" and "Shorelines of State-wide Significance" shall be subject to the provisions in the Ferry County Shorelines Master Program.

This section does not in any way limit or affect those activities and uses specifically exempted from regulation under Section 11.04.02.

Section 11.04.10 HABITAT MANAGEMENT AND MITIGATION PLAN

Habitat management and mitigation plans may be required along with a SEPA checklist for any of the above regulated activities that will impact fish and wildlife conservation areas with state endangered, threatened, and sensitive species, or species of local importance, or when the county finds, on a case-by-case basis on high intensity uses, that a larger area is necessary to protect the riparian area.

The Habitat Management and Mitigation Plan shall be approved or denied in writing by the Administrator within 60 days of receipt of application and shall contain but not be limited to the following information:

A. A map (s) prepared at an easily readable scale, showing:

1. The location of the proposed site;
2. The relationship of the site to surrounding topographic and built features;
3. The nature and density of the proposed use or activity;
4. Proposed building locations and arrangements;
5. A legend which includes:
 - a. A complete and accurate legal description. The description shall include the total acreage of the parcel;

- b. Title, scale and north arrow; and
 - c. Date
6. Existing structures, improvements and landscape features including the name and location of all water bodies;
7. Location of habitat for priority species, including nesting, roosting and den sites, winter range areas, riparian zones and migration corridors.

B. A report which contains:

1. A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such a land use change upon identified critical wildlife habitat including the proposed amounts of excavation, grading, and vegetation disturbance.
2. An analysis of the effect of the proposed use or activity upon fish and wildlife species and their habitats.
3. A plan which explains how the applicant will avoid, minimize or mitigate adverse impacts to fish and/or wildlife habitats created by the proposed use or activity. Mitigation measures within the plan may include, but are not limited to:
 - a. Establishment of riparian areas;
 - b. Preservation of critically important plants and trees;
 - c. Limitation of access to habitat area;
 - d. Seasonal restriction of construction activities;
 - e. Clustering of development and preservation of open space;
 - f. Signs marking habitats or habitat protection areas;
 - g. Title notice or plat dedication warning statements;
 - h. Conservation easements;
 - i. Preserve native plant species which serve as food and shelter from climatic extremes and predators and structure and cover for reproduction and rearing of young for critical wildlife; and
 - j. In the revegetation or landscaping of disturbed or developed areas and in any enhancement of habitat or riparian area the use of native species or species as recommended by local sources, such as the Ferry Conservation District, the Natural Resource Conservation Service, the Washington State University Ferry County Cooperative Extension Office, or by the Washington State Department of Fish and Wildlife.

Review comments by a habitat biologist from the Washington State Department of Fish and Wildlife will be considered.

The Washington State Department of Fish and Wildlife shall respond in writing to the Administrator with review comments or a request for additional time for review within 14 days from the date of mailing of a draft Habitat Management and Mitigation Plan. The Administrator may grant an additional 7 days for an agency to provide review comments. If review comments or a

request for additional time to provide review comments is not received in the prescribed time frame, the State review comments on the Habitat Management and Mitigation Plan shall not be considered.

The Administrator shall have the authority to approve or deny Habitat Management and Mitigation Plans or require additional information based upon criteria within this attachment and review comments from relevant agencies. The Administrator shall base his/her decision on written findings of fact and conclusions. The Administrator's written decision shall be forwarded to the Washington State Department of Fish and Wildlife, other agencies or tribal entities which provided comments to the Department and to any other agency/individual(s) who request a copy of the written decision.

C. Mitigation shall be completed prior to granting of final occupancy, or the completion of final approval of any development activity for which mitigation measures have been required.

Any person aggrieved by the Administrator's decision can file an appeal subject to the provisions as stated in Section 12.00 of this ordinance.

Section 12.00 ADMINISTRATION

Section 12.01 VARIANCES

A permit for a variance provides the opportunity for a landowner to make reasonable use of his property when adherence to the requirements of these regulations discriminate against the individual. A variance may be granted an individual property owner when the Planning Commission finds that all of the following are met:

- A) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same designated area;
- B) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same designated area under the terms of this ordinance, and prevent an otherwise reasonable use of the property;
- C) That special conditions and circumstances do not result from actions of the applicant;

D) That granting the variances requested would not confer on the applicant any privilege that is denied by this ordinance to other lands, structures, or buildings in the same designated area;

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

F) The variance granted is the minimum necessary to accommodate the use;

G) The use will not conflict with local or state health regulations;

H) The granting of the variance is consistent with the general purpose and intent of this ordinance, of the Ferry County Comprehensive Plan and adopted development regulations; and

I) In granting of the variance, the county may prescribe such conditions, safeguards or mitigation measures necessary to secure protection of critical areas from adverse impacts.

A variance approval shall be good for five years from the date of approval.

Section 12.02 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins on a regulated activity within any critical area. The permit shall be for all construction including filling and dredging and other regulated activities as defined in this ordinance. Construction shall not begin until issuance of the required development permit, and must be conducted in compliance with the terms of such permit. A development permit will be applied for from the Ferry County Planning Department along with other State or Federal permits that may be required for such construction. A State Environmental Policy Act (SEPA) checklist may be required for development in a critical area.

Section 12.03 APPLICATION FOR DEVELOPMENT PERMIT

Application for a development permit shall be made on forms furnished by the administrator. The application shall include at least the following information:

1. The location of the proposed site;
2. Existing structures, improvements and landscape features including the name and location of all water bodies;
3. The relationship of the site to surrounding topographic and built features;
4. Soil types and conditions, vegetation, and if available photographs showing pertinent information;

5. A description of the nature, density and intensity of the proposed use or activity in sufficient detail to allow analysis of such a land use change upon identified critical areas including the proposed amounts of excavation, grading, and vegetation disturbance;
6. Specifications for proposed building locations, construction and materials, filling, dredging, grading, storage of materials, water supply and sanitary facilities;
7. Data showing that the functions and values of the critical area will not be substantially decreased by the proposed development; and
8. Certification by a registered professional Wetlands Biologist/Consultant to classify and delineate the wetlands area by means and definitions as outlined in Section 7.00 within all proposed long plats and construction development associated with high intensity land uses; and
9. A mitigation plan to reconstruct additional wetlands in place of the developed wetland area per ratios as listed in Section 7.09.

Prior to any development that would result in wetland loss, or issuance of a development permit or authorization, the proposed mitigation shall be submitted as per the requirements in Section 12.03 in the form of a plan using standard scientific format. The plans will include baseline information, goals and objectives, performance standards against which to measure success, a construction plan, a monitoring program to measure the results, and a contingency clause in case of failure to meet the standards. A performance bond to assure implementation may also be required by the County.

Assessment Relief

The County Assessor shall consider wetland regulations in determining the fair market value of land. Any landowner of an undeveloped wetland who has dedicated an easement or other legal restriction regarding wetland protection shall have that portion of land assessed consistent with those restrictions. Such land shall also be exempt from special assessments.

The Administrator may request additional information needed to decide if the permit should be issued.

Section 12.04 APPROVAL

Within thirty (30) days following the filing of a complete application the Administrator shall approve, or disapprove, the application for a permit. The Administrator shall base his/her decision on whether the application meets the purpose and goals of this ordinance. If approved the Administrator shall promptly issue a variance, or permit; if not he/she shall promptly notify the applicant in writing of the specific reasons for disapproval. Authorization to conduct development activities shall terminate five years after the effective date of the development permit. Provided, the administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date. Development adjacent to

Shorelines of the State will be subject to the guidelines and timeframe in the Ferry County Shoreline Master Program.

Section 12.05 FEES

Fees for variances and appeals shall be \$50.00. The fee for a development permit of a regulated activity within a critical area shall be \$50.00. A State Environmental Policy Act (SEPA) checklist may be required for development in a critical area. The SEPA fee is \$100.00.

Section 12.06 DESIGNATION OF ADMINISTRATOR

The Administrator of this ordinance shall be the Ferry County Planning Director, or his designee.

Section 12.07 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

- A. Permit Review - Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- B. Review all development permits to determine that the necessary permits have been obtained from those Local, State, or Federal governmental agencies from which prior approval is required.
- C. Review all development permits to determine if the proposed development is located in the riparian area or a wetland or its associated buffer zone.
- D. Review all variance applications and submit to the Planning Commission.
- E. If wetlands class designation/delineation data has not been provided in accordance with Section 7.08, the Administrator shall obtain, review and make reasonable use of any data available from Local, State, Federal or other sources.

Section 12.08 DISAPPROVAL OF APPLICATION

Within twenty (20) days of the Administrator's issuance of a written disapproval of permit application or other determination made under this ordinance, the applicant or interested party adversely affected by the determination may file a written notice of appeal with the Ferry County Planning Commission. Failure to file the notice of appeal within twenty (20) days serves to waive the right of appeal. "Interested party" is defined to include any public officer or agency and any person who owns a substantial interest in property directly affected by the determination.

Section 12.09 DENIAL OF VARIANCE

Within twenty (20) days of the Administrator's issuance of a written denial of a variance application, the applicant or interested party adversely affected by the determination may file a written notice of appeal with the Ferry County Board of County Commissioners. Failure to file the notice of appeal within twenty (20) days serves to waive the right of

appeal. "Interested party" is defined to include any public officer or agency and any person who owns a substantial interest in property directly affected by the determination.

Section 12.10 DISAPPROVAL OF APPLICATION APPEAL PROCEDURE

With receipt of the notice of appeal the Ferry County Planning Commission shall request, and the Administrator shall provide, a copy of his/her complete file to the Planning Commission. The Planning Commission shall then set a date and time for a public hearing on the appeal. The Planning Commission shall give all parties, including the Appellant and Administrator; thirty (30) days advance notice of the date, time and place of the public hearing on the appeal. The hearing shall be recorded.

The Planning Commission shall consider all information submitted by the Administrator and Appellant, together with any other evidence it deems relevant. The Planning Commission must consider the same requirements as stated in this ordinance for the individual permit. It shall then affirm or reverse the Administrator's decision, or remand the matter for further investigation or action by the Administrator. The Ferry County Planning Commission may attach such conditions, as it deems consistent with the purpose of this ordinance to the granting of variances or approval of permits.

Section 12.11 VARIANCE APPEAL PROCEDURE

With receipt of the notice of appeal the Ferry County Board of County Commissioners shall request, and the Planning Administrator shall provide, a copy of his/her complete file to the Board. The Board of County Commissioners shall then set a date and time for a public hearing on the appeal. The Board of County Commissioners shall give all parties, including the Appellant, Administrator, and the Planning Commission; thirty (30) days advance notice of the date, time and place of the public hearing on the appeal. The hearing shall be recorded.

The Board of County Commissioners shall consider all information submitted by the Administrator and Appellant, together with any other evidence it deems relevant. They must consider the same variance requirements as stated in Section 12.01. It shall then affirm or reverse the Planning Commission's decision, or remand the matter for further investigation or action by the administrator or the Planning Commission. The Ferry County Board of Commissioners may attach such conditions, as it deems consistent with the purpose of this ordinance to the granting of variances or approval of permits.

Section 12.12 VIOLATION

Any person who knowingly commences a regulated activity in a riparian area or a regulated wetland or its buffer without a valid permit, or any person who knowingly commences a regulated activity beyond the stated conditions of the person's permit or variance, shall be in violation of this ordinance.

Section 12.13 PENALTY

Any person who violates this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by not more than 90 days in jail, or a \$1,000.00 fine, or both such jail and fine. Also, the court may impose a civil penalty of up to \$5,000.00 for each violation.

Section 12.14 CIVIL REMEDY

This ordinance may be enforced by civil action for injunctive, declaratory or other such relief as necessary to insure compliance.

Section 12.15 COLVILLE TRIBE

Ferry County has regulatory authority over Fee lands within the Colville Reservation as provided in Brendale v. Yakima Indian Reservation. The exact nature of Ferry County's regulatory authority is subject of ongoing negotiations with the Colville Confederated Tribes. Pending completion of the negotiations, Ferry County through the Planner and Administrator shall consult with representatives of the Colville Confederated Tribes in an effort to coordinate implementation of this Ordinance.

Section 12.16 SEVERABILITY

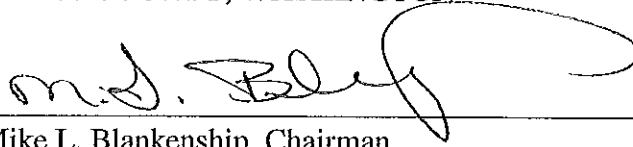
If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provisions to other persons or circumstances is not affected.

Section 12.17 SUPPORTING DOCUMENTS

Reference to regulations, maps, or documents from agencies other than Ferry County apply to this ordinance only if dated prior to adoption of this ordinance.

APPROVED this 20th day of March, 2006.

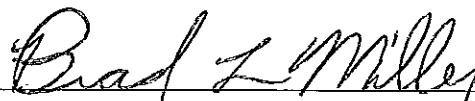
FERRY COUNTY BOARD OF COMMISSIONERS
FERRY COUNTY, WASHINGTON



Mike L. Blankenship, Chairman

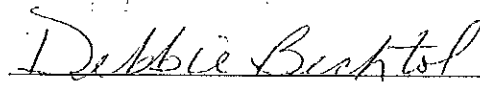


Ronald L. Bacon, Member



Brad L. Miller, Member

ATTEST:



Joy Osterberg, Clerk of the Board