

FERRY COUNTY CRITICAL AREAS ORDINANCE 2011-02

**AMENDING FERRY COUNTY RESOURCE LANDS AND
CRITICAL AREAS ORDINANCE #2009-05**

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ACRONYM LIST

The following acronyms are used in this document. Organizational affiliations in ()

| | |
|----------------|--|
| BMP | Best Management Practices |
| BOCC | Board of County Commissioners |
| CARA | Critical Aquifer Recharge Area |
| CTED | Department of Community, Trade and Economic Development (Washington State) |
| DOE | Department of Ecology (Washington State) |
| DNR | Department of Natural Resources (Washington State) |
| DRASTIC | A soil classification methodology with the following seven soil parameters: (D) water table depth, (R) net recharge, (A) aquifer media, (S) soil media, (T) topography, (I) impact of the vadose zone, (C) hydraulic conductivity. |
| FEMA | Federal Emergency Management Agency |
| FIA | Federal Insurance Administration |
| FIRM | Flood Insurance Rate Map |
| GMA | Growth Management Act |
| NRCS | Natural Resources Conservation Service (USDA) |
| NWI | National Wetland Inventory |
| OFM | Office of Financial Management (Washington State) |
| OHWM | Ordinary High Water Mark |
| PFC | Properly Functioning Conditions |
| PHS | Priority Habitats and Species |
| RCW | Revised Code of Washington |

FERRY COUNTY ORDINANCE 2011-02 CRITICAL AREAS ORDINANCE

Section 1.00 AUTHORITY

This ordinance is adopted pursuant the authority granted Ferry County under RCW 36.70, known as "Counties – Planning Enabling Act", and in accordance with RCW 36.70A, known as the Growth Management Act.

Section 2.00 PURPOSE

The purpose of this ordinance is to promote the general health, safety and welfare of county residents, public and private property and the natural environment inherent in Ferry County. The regulations included in this ordinance are designed to protect against loss of critical areas. This ordinance also implements the regulations of the Growth Management Act and the goals and 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.

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.

Bank Full Width – means:

- 1) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels

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 not 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).

Development of Critical Areas - Any regulated 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.

Fish and Wildlife Habitat Conservation Areas - Fish and wildlife habitat conservation areas are defined as land management areas for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it

- ii) 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
- iii) One thousand or more people for two or more consecutive days within a calendar year.

Examples of a transient water system might include a restaurant, tavern, motel, campground, state or county park, an recreational vehicle 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 a 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 high levels of human disturbances or substantial critical area impacts including high-intensity recreation such as golf courses, ball fields or master-planned resorts; feed lots; commercial or industrial uses other than "rural small scale business"; institutional uses; new subdivisions with lots less than 2.5 acres per residence and multi-family residential development.

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.

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 disturbances or minimal critical area impacts including open space; passive recreation such as unpaved trails, nature viewing areas, camping or fishing sites with no permanent structures; agriculture; and forest management.

Master Planned Resort – Major development as authorized under RCW 36.70A.360.

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.

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

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- 3) Rectifying the impact by repairing, rehabilitating or restoring the effected environment;
- 4) Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- 5) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- 6) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
- 7) Monitoring the impact and the compensation project and taking appropriate corrective measures. Mitigation for individual actions may include a combination of the above measures.

Moderate Intensity Land Use – Land uses which are associated with moderate levels of human disturbances or critical area impacts including more active recreation uses such as paved trails, small-scale tourism businesses, camp sites with permanent structures; single

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 include but are 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 include but are 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.

Primary Association Area – The area used on a regular basis by, or in close association with, or is necessary for the proper functioning of the habitat of an endangered, threatened or sensitive species. Regular basis means that the habitat area is normally, or usually known to contain an endangered, threatened or sensitive species. Regular basis is species and habitat dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.

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 of 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 may 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.

(breeding, rearing, escape cover, important travel corridors, streamside shade, foraging, spawning, etc.).

Rural Small Scale Business -- Those businesses which do not exceed 10,000 square feet per building for commercial use or 20,000 square feet per building per industrial use, do not require the extension of urban government services and maintain a rural character.

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.

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.

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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 5.01 FUNCTIONS

- 1) Flood Control
- 2) Stormwater, Sediment and Pollution Control
- 3) Surface Water Supply
- 4) Groundwater Recharge/Discharge
- 5) Fish and Wildlife Habitat
- 6) Recreation/Education/Open Space
- 7) Shoreline Anchoring and Erosion Control

Section 5.02 GOALS

- 1) Maintain and protect existing wetland areas in Ferry County to insure no net loss of wetland function or area.
- 2) 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 protecting 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 5.03 CLASSIFICATION

Wetlands will be rated (identified as to type and class and assigned to a category) using 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 publication utilizes data sources provided from Washington Department of Natural Resources, Washington Department of Fish and Wildlife, and also requiring data collected using the publication.

- 2) Filtering suspended solids, nutrients and harmful or toxic substances;
- 3) Moderating impacts of stormwater runoff;
- 4) Moderating system microclimate;
- 5) Protecting wetland wildlife habitat from adverse impacts;
- 6) Maintaining and enhancing habitat diversity and/or integrity; and
- 7) 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.

Ferry County has adopted Ecology's three-dimensional system of buffer widths, considering three factors:

- Wetland Category
- Intensity of proposed land use adjacent to the wetland
- Functional score for wildlife habitat.

The following standard buffer widths apply to all wetlands regulated by this ordinance.

| Wetland Standard Buffer (feet) Based on Habitat Score | | | |
|--|------------------------|-----------------------------|-------------------------|
| Wetland Category / Land-use Intensity | Low Habitat | Moderate Habitat | High Habitat |
| Category I / | | | |
| Low intensity | 50 | 75 | 100 |
| Moderate intensity | 75 | 110 | 150 |
| High intensity | 100 | 150 | 200 |
| Category II / | | | |
| Low intensity | 50 | 75 | 100 |
| Moderate intensity | 75 | 110 | 150 |
| High intensity | 100 | 150 | 200 |
| Category III / | | | |
| Low intensity | 40 | 75 | N/A |
| Moderate intensity | 60 | 110 | N/A |
| High intensity | 80 | 150 | N/A |
| Category IV / | | | |
| Low intensity | 25 | N/A | N/A |
| Moderate intensity | 40 | N/A | N/A |
| High intensity | 50 | N/A | N/A |

N/A indicates not applicable / a result that would not occur in the rating system.

- 1) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- 2) The dumping, discharging, or filling with any material;
- 3) The draining, flooding, or disturbing of the water level or water table;
- 4) The driving of pilings, with the exemption of fencing;
- 5) The placing of obstructions;
- 6) The construction, reconstruction, demolition, or expansion of any structure;
- 7) 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;
- 8) 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;
- 9) Agricultural activities that tend to degrade wetland quality, i.e. feed lots, excessive use of fertilizers; or
- 10) Recreational facility development.

Section 5.09 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.

- 1) Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;
- 2) Recreational activities provided the activity does not alter the area by changing existing topography, water conditions or water source;
- 3) 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;
- 4) Pre-existing and ongoing agricultural activities;
- 5) The maintenance (but not construction nor enlarging) of drainage ditches;
- 6) Education, scientific research, and use of nature trails;
- 7) Navigational aids and boundary markers;
- 8) Boat mooring buoys;
- 9) 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 re-established;
- 10) Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that

Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans (Version 1, Publication #06-06-011b, March 2006).

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.

Compensatory Mitigation / Replacement Ratios

Mitigation plans may include any or all of the following – creation, re-establishment, rehabilitation or enhancement. Replacement ratios shall be lower to higher based on the type of mitigation proposed. The lowest ratios shall apply to creation of a new wetland or re-establishment of a former wetland which no longer exists. Higher ratios shall apply to rehabilitation of an existing, degraded wetland. The highest ratios shall apply to enhancement of an existing functioning wetland. Enhancement improves some wetland functions but does not provide a net gain in wetland functional area.

When losses to wetlands are unavoidable, compensation shall be applied on a case by case basis using the referenced guidance documents. The following ratios are intended as a starting point in determining mitigation requirements and are based on in-kind, same-site and category, prior to or concurrent with the alteration and having a high probability of success.

| | | |
|------------------------|-------|---------------------------------------|
| Category I –Forested | 6:1 | (units of replacement to 1 unit lost) |
| Category I – Other | 4:1 | |
| Category II – Forested | 4:1 | |
| Category II – Other | 3:1 | |
| Category III | 2:1 | |
| Category IV | 1.5:1 | |

However, the ratios may be decreased or increased up to a multiplier of four depending on other various factors involved in the mitigation plan. Some factors that may be considered could be the combination of replacement / enhancement, differing wetland categories involved, the demonstrated success of the compensatory mitigation chosen, the time frame involved in mitigation and the permanence of the compensation, among others.

Mitigation ratios for bogs shall be on a case by case basis using the referenced guidance documents.

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 6.02) 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 6.05.

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.

Section 6.03 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 6.04 EXEMPT ACTIVITIES IN CATEGORY I AND II

- 1) The following activities are exempt: Existing activities that currently and legally exist at the time of adoption of this section; and
- 2) All uses other than 6.05.

Section 6.05 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;

program and may require periodic changes based on the monitoring results, new technology, and/or best management practices.

Section 6.06 LEVEL 1 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 2 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 Management Practices to Protect Ground Water and Surface Water Quality (WSU, EM4885, April, 1995);
 - 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.

- 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, an independent reviewer, or any other parties it sees fit.

Section 7.00 FREQUENTLY FLOODED AREAS

Section 7.01 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 7.02 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 7.03 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 7.04 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

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

Section 9.00 FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Fish and wildlife habitat conservation areas are defined as land management areas for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not mean maintaining all individuals of all species at all times, but it does mean cooperative and coordinated land use planning is critically important.

To maintain viable populations of wildlife species, there must be adequate environmental conditions for reproduction, foraging, resting, cover, and dispersal of animals at a variety of scales across the landscape. Key factors affecting habitat quality include the presence of essential resources such as food, water, and nest building materials, the complexity of the environment, and the presence or absence of predator species and diseases. Ferry County protects habitat for fish and wildlife species using this ordinance and associated protection measures described below.

Ferry County has a very high proportion of federal, state and other publicly and tribally owned land. These lands are generally managed for the conservation of wildlife habitat. Consequently, one of Ferry County's approaches to protecting all wildlife habitat types is to depend on the management of these lands by the responsible agency; i.e. Colville Confederated Tribes, U.S. Fish and Wildlife, U.S. Forest Service, U.S. Bureau of Land Management, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, etc.

Section 9.01 CLASSIFICATION

The following six habitat areas shall be classified fish and wildlife habitat conservation areas.

- 1) Areas with which endangered, threatened and sensitive species have a primary association.**
 - a) Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status.
 - b) State designated endangered, threatened, and sensitive species are those fish and wildlife species native to Ferry County identified by the Washington Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the county without cooperative management or removal of threats. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species) and WAC 232-12-011 (state threatened and sensitive species). The state Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status.

- d) Notification to public or private groups in the affected area which may have an interest in the petition.
 - e) News media articles that have been published concerning the proposal.
 - f) Notices placed at public buildings or bulletin boards in the affected area.
- 2) Contain the signatures and addresses of all petitioners.

The Administrator will review submitted proposals for completeness. Complete proposals will be reviewed under Ferry County Ordinance No. 94-05 (the SEPA review). Copies will be forwarded to WDFW, DOE, DNR or other State and local agencies of expertise for comments and recommendations regarding accuracy of data, stated need and the effectiveness of proposed management and protection strategies.

Upon completion of the SEPA review, the Ferry County Board of County Commissioners shall hold a public hearing for proposals found to be complete, accurate, feasible, potentially effective and within the scope of this ordinance.

Any objection of a nomination for inclusion or removal may be substantiated by including, but not limited to, the following:

- Threat to the health, safety and welfare of the public
- Demonstrate harm
- No need for special consideration
- The current ordinances provide relevant feasible management strategies
- Substantial economic impact
- Petition containing signatures and addresses

Final approval by the Board of County Commissioners of nominations will become designated "Habitats and Species of Local Importance", and will be subject to the provisions of this ordinance. Habitats and species nominated and afforded protection under the category "Habitats and Species of Local Importance" shall then be subject to review under this ordinance.

Final approval by the Board of County Commissioners of nominations for removal shall remove those habitats and species identified from the protection afforded by this ordinance and they will no longer be designated Habitat and Species of Local Importance.

Any decision of the Board of County Commissioners may be appealed to the Superior Court.

- 3) **Naturally occurring ponds under 20 acres that provide fish or wildlife habitat.** This category does not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds and landscape amenities. This category does include artificial ponds intentionally created from dry areas as part of mitigation.

managed by the Washington State Department of Natural Resources. There are currently no designated State Department of Natural Resources natural area preserves or natural resource conservation areas within Ferry County. However, there are two areas set aside for the protection of wildlife. One is the Sherman Creek Game Reserve managed by the State Department of Fish and Wildlife. The other is the Hellgate Game Reserve within the boundary of the Colville Indian Reservation. Also, Grizzly Mountain Wilderness on the Colville Indian Reservation is an area of natural resource conservation.

Section 9.02 DESIGNATION

Habitat areas that meet the above classification criteria are designated as fish and wildlife habitat conservation areas and are subject to the provisions of this ordinance and shall be managed with the Best Available Science on a site by site basis.

Section 9.03 PROTECTION REQUIREMENTS

1) Standard Buffer Widths

It is the goal of this Ordinance to provide buffers that will provide maintenance for fish and wildlife habitat functions. To ensure adequate protection of existing fish and wildlife habitat conservation areas, the buffer requirements shall apply to all development proposals that require approval under existing or subsequently adopted Ferry County regulations, even when a lesser standard might be approved by another agency.

The following buffers shall be required:

| | |
|---------------|----------|
| Type 1 Waters | 150 feet |
| Type 2 Waters | 150 feet |
| Type 3 Waters | 100 feet |
| Type 4 Waters | 50 feet |
| Type 5 Waters | 50 feet |

2) Activities Not Regulated

Uses and activities, which are consistent with the purpose and functions of the buffer, shall be allowed within the buffer. Activities should not impact the functions or value of the buffer beyond its ability to recover. The following shall be permitted within a buffer:

- 1) Ongoing activities associated with legal and established land uses including maintenance, repair, rebuilding, 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 new maintenance road;
- 2) Existing and on-going agriculture activities;

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. For any agricultural activity below, see Section 4.00 for current regulations.

- 1) Creation of new lots through land subdivision;
- 2) The construction, reconstruction, demolition or expansion of any structure;
- 3) The destruction or alteration of buffer areas through clearing, excavating, grading, paving, dumping, filling, intentional burning, vegetation removal or landscaping that would alter the functions and values of the buffer 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. This does not include residential drilled or dug ground water wells;
- 5) Recreational facility development;
- 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 access road/driveway. Roads shall be kept to a minimum. Whenever possible, roads within buffer areas shall not run parallel with the water body and where crossings are necessary, shall cross buffer areas as near right angles as possible;
- 9) Equestrian/pedestrian/bike trails and associated facilities may be permitted in buffer 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 parking will not be permitted within the buffer 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; or
- 11) Where no other practical alternative exists to the excavation for the placement of wells, tunnels, utilities, or on site septic systems in a buffer area. Wells and on site septic systems shall be in conformance with local and state requirements.

Buffer vegetation disturbances within the buffer area shall be re-established 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.

4) Increase of Standard Buffer Widths

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

5) Buffer Width Reduction

- 1) The buffer width may be reduced on a site-by-site basis when it is determined that a smaller area is adequate to protect the functions and values based on site-specific characteristics.

9) Mapped Habitat Areas

Development proposals within a mapped habitat area for Endangered, Threatened and Sensitive (ETS) species or within 1000 feet of a validated point observation for ETS species may be subject to additional requirements pursuant to Section 9.04 below.

This section does not in any way limit or affect those activities and uses specifically exempted from regulation under Section 9.03(3).

Section 9.04 MAPPED HABITAT AREAS AND MAPPED SPECIES OBSERVATIONS REVIEW

The approximate location and extent of Fish and Wildlife Habitat Conservation Areas for Endangered, Threatened and Sensitive species are shown on the County's critical area map titled "Fish and Wildlife Habitat Conservation Areas of Ferry County". This map is to be used as a guide for the county and may be updated as more detailed data become available. This map is a reference and does not provide a final critical area designation. The Washington Department of Fish and Wildlife provides data on known locations of state-listed species through its Priority Habitats and Species (PHS) program.

Protection of habitat for species that may be introduced in the future through federal or state re-introduction, transplanting, transporting programs or migration from other areas will be coordinated with the county.

- 1) For any development proposal the Planning Director will consult current maps from the WDFW / PHS program, showing documented point locations or mapped polygon areas for ETS species. The mapped polygon areas already include the appropriate buffer for the particular species. Also consulted will be records for any locally nominated or removed habitats and species of local importance in accordance with Section 9.01(2)(a).
- 2) If the development proposal lies within a mapped polygon area, or within 1000 feet of a documented point location for an ETS species or within a mapped area for Habitats and Species of Local Importance, the Planning Director shall forward to the landowner, or the landowner's agent, all available information pertaining to the mapped location. This will include information provided by the WDFW documenting the date and circumstances of a point location, and any WDFW statement demonstrating best available science for the observation. In the case of polygon mapping, the Planning Director will refer the landowner to the WDFW for management recommendations and/or published information presenting the best available science for that species or habitat type.
- 3) Should the landowner, or the landowner's agent, or the Planning Director have questions regarding any WDFW mapping, the Planning Director will forward an inquiry to the WDFW requesting interpretation or clarification of data in the PHS database.

- 1) The application of this section would deny all reasonable economic or beneficial use of the property;
- 2) There is no other reasonable configuration or placement of the proposed development with less impact on the buffer;
- 3) 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
- 4) Any alterations permitted to the critical area or buffer shall be the minimum necessary to allow for reasonable use of the property.

Section 10.03 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins on a regulated activity within any critical area or critical area buffer. 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 10.04 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 qualified professional of the classification and delineation of the critical areas in compliance with this Ordinance; and
- 9) If applicable, a mitigation and monitoring plan providing for no net loss of critical areas functions and values, the requirements of this Ordinance, and the referenced guidance documents.

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 10.06 FEES

Fees for variances and appeals shall be as established by resolution of the Board of County Commissioners.

Section 10.07 DESIGNATION OF ADMINISTRATOR

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

Section 10.08 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

- 1) Permit Review - Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- 2) 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.
- 3) Review all development permits to determine if the proposed development is located in the riparian area or a wetland or its associated buffer zone.
- 4) Review all variance applications and submit to the Planning Commission.
- 5) If wetlands class designation/delineation data has not been provided in accordance with Section 5.10, the Administrator shall obtain, review and make reasonable use of any data available from Local, State, Federal or other sources.

Section 10.09 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 10.10 DENIAL OF VARIANCE OR REASONABLE USE EXCEPTION

Within twenty (20) days of the Administrator's issuance of a written denial of an application for variance or reasonable use exception, 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

Section 10.14 CIVIL REMEDY

This ordinance may be enforced by civil action for injunctive, declaratory or other such relief as necessary to insure compliance. The court may impose a civil penalty of up to \$5,000.00.

Section 10.15 CRIMINAL PENALTY

Any person convicted of violating this ordinance shall be guilty of a misdemeanor.

Section 10.16 COLVILLE TRIBE

Ferry County has regulatory authority over Fee lands within the Colville Reservation as provided in Brendale v. Yakima Indian Reservation (492 U.S. 408 [1989]).

Section 10.17 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 10.18 SUPPORTING DOCUMENTS

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

- ix) In the revegetation or landscaping of disturbed or developed areas and in any enhancement of habitat or buffer 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 shall be used.

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.

- 3) 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 10.00 of this ordinance.

- Section 101(14), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 1980;
- WAC 365.190.080, Minimum guidelines to classify agriculture, forest, mineral lands and critical areas, 03-15-91;
- Supreme Court of the State of Washington, Docket # 76339-9 "Swinomish Indian Tribal Community v. Western Washington Growth Management Hearings Board", September 13, 2007;
- WAC 365-195-900, Background and Purpose, 05-03-01;
- WAC 365-195-910, Criteria for Obtaining Best Available Science, 08-27-00;
- WAC 365-195-915, Criteria for Including Best Available Science in Developing Policies and Development Regulations, 08-27-00;
- WAC 365-195-920, Criteria for Addressing Inadequate Scientific Information, 08-27-00;
- WAC 365-195-900-925, Criteria for Demonstrating "Special Consideration" Has Been Given to Conservation or Protection Measures to Preserve or Enhance Anadromous Fisheries, 08-27-00;

Section 4.02:

- WAC 365-195-905, Criteria for Determining Which Information is the Best Available Science, 08-27-00;

Section 4.04:

- Tri-County Wetland Map, July, 1991;
- National Wetland Inventory Map, 1987;

Section 5.00:

- Washington State Department of Ecology, Washington State Wetlands Identification and Delineation Manual, Publication #96-94, March 1997;

Section 5.03:

- Washington State Department of Ecology, Washington State Wetland Rating System for Eastern Washington, Publication #04-06-15, August 2004;

Section 5.04:

- Washington State Department of Ecology, Washington State Wetlands Identification and Delineation Manual, Publication #96-94, March 1997;

Section 5.08:

- RCW 76.09, Forest Practices, 1999;

Section 5.11:

- Washington State Department of Ecology, et al, Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 1, Publication #06-06-011a, March 2006);

- WDOE, Electroplating, #91-0129;
- WDOE, Empty Pesticide Container Disposal, #92-br-008;
- WDOE, Frequently Asked Questions Concerning Solvent and Cleaner Disposal; #96-422;
- WDOE, Guidance for Remediation of Petroleum Contaminated Soils, #91-030, November, 1995;
- WDOE, Management Requirements for Special Waste, #96-1254;
- WDOE, Managing Hazardous Waste for Radiator Shops, #92-br-009;
- WDOE, Managing Hazardous Waste for Transmission Shops, #93-br-010;
- WDOE, Managing Hazardous Waste for Tire Dealers, #93-br-015;
- WDOE, Prevention of Storm Water Pollution at Log Yards-Best Management Practices, #95-053;
- WDOE, Release Detection, #93-012;
- WDOE, Selecting Best Management Practices for Stormwater Management, WQ-R-93-011;
- WDOE, Tank Owners and Operators Guide to Using Ground Water Monitoring for UST, #930012;
- Washington State University, Irrigation Management Practices to Protect Ground Water and Surface Water Quality, EM4885, April, 1995;

Section 6.07:

- WAC 173-200, Water Quality Standards for Ground Waters of the State of Washington, 10-31-90;
- WAC 173-303, Dangerous Waste Regulation, 10-05-07;
- WAC 246-290, Public Water Supplies, 07-03-07;

Section 7.02:

- Ferry County Flood Ordinance 2002-01, January 7, 2002;
- Flood Insurance Rate Maps, May 2, 2006;

Section 7.04:

- Ferry County Flood Ordinance 2002-01, January 7, 2002;

Section 8.02:

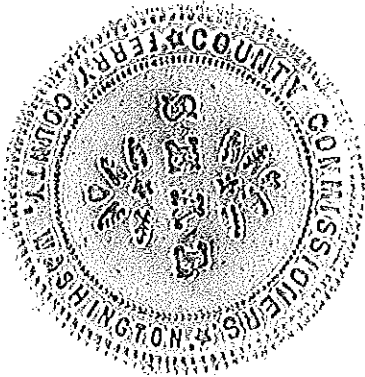
- Ferry County Soil Survey Maps;
- Department of Natural Resources Geological Survey Maps;
- Washington Department of Ecology Geologic Hazard Ratings System;
- Washington Department of Community, Trade and Economic Development, Classification of Risk to Structural Development;

Section 9.00:

- WAC 365-190-080(5), Minimum guidelines to classify agriculture, forest, mineral lands, and critical areas, - Critical Areas, Fish and wildlife conservation areas, 04-15-91;

APPROVED this 25th day of July, 2011.

**FERRY COUNTY BOARD OF COMMISSIONERS
FERRY COUNTY, WASHINGTON**



Brad L. Miller

Brad L. Miller, Chairman

Robert L. Heath

Robert L. Heath, Vice Chairman

Brian Dansel

Brian Dansel, Member

ATTEST:

Teri Kinney

601 Debbie Bechtol, Clerk of the Board

APPROVED AS TO FORM:

Michael Sandona

Michael Sandona, Prosecuting Attorney