



**Columbia County Planning Commission**  
114 South 2<sup>nd</sup> Street, Dayton, Washington 99328  
Meeting Agenda  
Monday, January 14<sup>th</sup>, 2019 @ 5:30 PM

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Call to Order

Roll Call and Establish Quorum

Approval of Meeting Minutes

D December 10<sup>th</sup>, 2018

Public Hearings

D 5:35 pm – Ordinance 2019-01: Chapter 2.115

E 5:50 pm – Ordinance 2019-02: Title 18

New Business

D Planning Commission Elections

L 2019 elections will take place during first regular meeting in

February (2/11/2019)

E 2020 Comprehensive Plan Update

L Introduction of draft Critical Area Ordinance

Old Business

D 2020 Comprehensive Plan Update: Docket Items

L Review of updated Accessory Dwelling Unit standards

Support with FOF

L Review of updated Countywide Planning Policies

1. *Request for public hearing to be scheduled on January 28<sup>th</sup>, 2019 at 5:35 pm.*

L Review of new Comprehensive Plan Docketing Procedures

Support with FOF

Commissioner Reports

Director Report

Comments from the public and items not present on the agenda

D Fred Giacci

L Regarding LED/scrolling signage in the county

Adjournment

D Next meeting: Monday, January 28<sup>th</sup>, 2019 @ 5:30PM



**Columbia County Planning Commission**  
114 South 2<sup>nd</sup> Street, Dayton, Washington 99328  
Meeting Minutes  
Monday, December 10<sup>th</sup>, 2018 @ 5:30 PM

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- 1) Call to Order
  - a. Vice-Chair Jason Towery called to order the Regular Meeting of the Columbia County Planning Commission at 5:37pm.
- 2) Roll Call and Establish Quorum
  - a. Commission members: Jay Ball, Jason Towery, Swan Eaton  
Staff: Meagan Bailey  
Public: Kathryn Witherington, Port of Columbia
- 3) Approval of Meeting Minutes
  - a. November 26<sup>th</sup>, 2018
    1. Eaton motioned to approve the meeting minutes as presented, Ball seconded the motion; none opposed. Motion carries.
- 4) Public Hearing
  - a. 5:35 pm – Cooperative Park Master Plan
    1. Towery opened the public hearing at 5:38 pm. Witherington informed that the Port of Columbia is fully supportive of the amended Cooperative Park Plan, especially in regards to increased eligibility for grant funding that is available with this update. With no additional public comment, Towery closed the public hearing at 5:39 pm.
    2. Ball motioned for the Board of County Commissioners to adopt the amended Cooperative Park Master Plan as presented. Eaton second; none opposed. Motion carries. The amended Cooperative Park Plan will be referred to the Board of County Commissioners for adoption by resolution.

5) New Business

a. 2020 Comprehensive Plan Update: Docket Items

1. Review of updated Accessory Dwelling Unit standards (Docket #12)

1. Staff provided general overview of the proposed amendments. Suggested edits included the following:
  - a. 18.122.050(B)8 – The ADU shall be no more than 100 feet away from the primary residence
  - b. 18.122.050(B)9 – Travel trailers and recreational vehicles shall not be permitted as accessory dwelling units.
2. With the suggested amendments, the Planning Commission is supportive of the changes.
3. Staff will prepare formal Findings of Fact for support to be reviewed at the next regular meeting.

2. Review of updated Countywide Planning Policies (Docket #3)

1. Staff provided general overview of the proposed amendments.
2. No suggested edits were brought forth. The Planning Commission requested to table the item to allow for additional time in reviewing.
3. Staff will prepare formal Findings of Fact for support to be reviewed at the next regular meeting.

3. Review of new Comprehensive Plan Docketing Procedures (Docket #4)

1. Staff provided general overview of the proposed amendments. Currently there are no procedures in place to allow for annual applications for Comprehensive Plan amendments—the provisions are entirely new.

2. No suggested edits were brought forth. The Planning Commission requested to table the item to allow for additional time in reviewing.
3. Staff will prepare formal Findings of Fact for support to be reviewed at the next regular meeting.

6) Old Business

a. Final review on Chapter 2.115 edits

1. Conversation continued regarding the selection process for newly and re-appointed Planning Commission members. Staff has implemented general language to assist in offering guidance for selection process; support was received on this language addition by the majority of the Planning Commission members.
2. Ball motioned to schedule a public hearing on January 14<sup>th</sup>, 2018 at 5:35 pm regarding the proposed revisions to Columbia County Code Chapter 2.115. Eaton seconded the motion. None opposed. *A public hearing to take testimony for or against the proposed revisions to CCC 2.115 is scheduled for January 14<sup>th</sup>, 2018 at 5:35 pm.*

b. Final review on zoning amendments

1. Discussion continued regarding the proposed amendments to the zoning ordinance in regards to marijuana production. Eaton shared newfound information that she received from a colleague. These new concerns included: increase in black market product, increased chance of illegal activity when product is produced outdoors, and assumed risk to outdoor growers.
2. Ball responded that there is potential for the issue with indoor grow; Eaton responded that indoor grows generally costs more to get up to State code. Because there is less investment in outdoor grows, producers are more likely to risk loss by engaging in illegal activity.

3. Staff informed the Planning Commission of the upcoming expiration of the moratorium, and reminded the Planning Commission of current regulations, which allow for outdoor production with minimal regulation. Staff did inform the Planning Commission that contact will be made with the Prosecuting Attorney regarding these concerns, and the information will be provided at the next meeting.

4. Ball motioned to schedule a public hearing on January 14<sup>th</sup>, 2018 at 5:50 pm regarding the proposed amendments to Title 18 of the Columbia County Code. Eaton seconded that motion. Through vote by the Vice-Chair, Eaton opposed; Towery supported. *A public hearing to take testimony for or against the proposed revisions to CCC Title 18 is scheduled for January 14<sup>th</sup>, 2018 at 5:50 pm.*

7) Commissioner Reports

- a. None presented.

8) Director Report

- a. Staff informed the Planning Commission that Dena Martin would be leaving the Department, and that applications were being accepted for that position.
- b. A general status update regarding the Comprehensive Plan was provided.

9) Comments from the public and items not present on the agenda

- a. No comments.

10) Adjournment

- a. Ball motioned to adjourn the Regular Meeting of the Columbia County Planning Commission at 6:28 pm. Eaton seconded. Meeting adjourned.
- b. Next meeting: Monday, January 14<sup>th</sup>, 2018 @ 5:30 pm.

Approved January 14<sup>th</sup>, 2018

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Bryan Martin, Columbia County Planning Commission Chair;      Date

Attest:

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Meagan Bailey, Planning Director



## ***Columbia County, WA Planning Staff Report Updates to Chapter 2.115: Planning Commission***

*Ordinance 2019-01*

To: Columbia County  
Planning Commission

For: Recommendation

From: Columbia County  
Planning Director

Date: January 14<sup>th</sup>, 2019

Categorically exempt from SEPA per WAC 197-11-800(19)

Public hearing: January 14<sup>th</sup>, 2019 @ 5:35 pm

Appeal Body: Hearing Examiner

Recommending Body: Department of Planning and Building

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### **Proposal:**

Being a request to amend Chapter 2.115: Planning Commission, of the Columbia County Code, to provide better procedural detail for the appointment and reappointment of Planning Commission members.

### **Background:**

Chapter 2.115 of the Columbia County Code provides the guidelines which the Planning Commission members operate under. Missing within the code were procedures for appointment and reappointments, processes for soliciting new interest from members of the public during reappointment and appointment periods, and criterion for selecting Planning Commission members. The new language within the ordinance provides guidance on the above mentioned deficiencies, as well as clarifies some minor areas of procedural confusion.

### **Findings of Fact:**

1. The proposals are staff-generated by the Columbia County Planning and Building Department.
2. The proposed amendments are necessary to fairly appoint and reappoint Planning Commission members.
3. The proposed amendments offer newfound opportunity for new members of the public to be involved during reappointment and appointment periods.
4. The proposed amendments provide more guidance and direction to the Planning Director for advertisement requirements and appointment/reappointment schedules.
5. Updating Chapter 2.115 of the Columbia County Code further improves compliance with the Planning Enabling Act, Chapter 36.70 RCW.

6. The ordinance amendments are exempt from Department of Commerce review as they are procedural, and no development regulation amendments are proposed within this ordinance (RCW 36.70A.106).
7. The ordinance amendments are exempt from SEPA review as they are procedural, and no development regulation amendments are proposed within this ordinance (WAC 197-11-800(19)).
8. Notice of public hearing was advertised within the Paper of Record on December 20<sup>th</sup>, 2018 – 25 days prior to the date of the scheduled hearing.

**Discussion:**

Ordinance 2019-01 is hereby referred to the Columbia County Planning Commission to hold the public hearing as advertised and to:

1. Recommend adoption of the ordinance as presented to the Board of County Commissioners; or,
2. Recommend adoption of the ordinance with revisions to the Board of County Commissioners; or,
3. Withhold recommendation and continue review of the draft ordinance at the next regular meeting.

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Meagan Bailey, Planning Director

## Chapter 2.115

### PLANNING COMMISSION

Sections:

2.115.010 Planning commission rules and procedures.

**2.115.010 Planning commission rules and procedures.**

The board of commissioners hereby affirms the continuance of the planning agency and commission in its duties under the Planning Enabling Act, Chapter 36.70 RCW. The board of county commissioners hereby adopts the following rules of composition, organization and operation of the planning commission:

A. The commission shall consist of five numbered member seats with a minimum of one seat from each county commissioner district. The remaining two seats shall serve as “float seats” to fill any district, not to exceed three members from one district.

B. Planning commission members shall be residents of Columbia County and eligible to vote in the county. The selection of planning commission members shall be made from individuals who have an interest in environmental affairs, planning, land use, and residential and commercial development as evidenced by training, work experience, education or general actions. The intent of the selection process shall be to evenly represent the areas stated above. This selection process is applicable to all appointment requests, whether request is made as a reappointment or a new appointment.

C. Length of term of service shall be four years.

D. Terms shall be staggered so that no more than two member seat terms shall expire in any year. Following the adoption of the ordinance codified in this section, the board of county commissioners shall reappoint, by minute action, the current planning commission members so that their terms, and those of any vacant seats, are consistent with this section. The planning director may recommend a staggered reappointment in the event two or more seats are to expire within one calendar year. Recommendation will be brought to the board of county commissioners, with final reappointment and terms by minute motion.

E. Members shall be appointed by formal minute motion by the county commissioner representing the district from which the seat shall be filled.

F. Vacancies shall be filled to complete the unexpired term of the vacant seat in a manner that keeps the distribution established in subsection (A) of this section. Appointments shall be made from a list submitted by the county commissioner representing the district from which the seat shall be filled.

G. Whereas a member’s seat is expiring, the expiring term shall be advertised to solicit for applications to fill said seat. If the current member request reappointment, their request shall be presented at the same time new applications are presented to the BOCC. Appointments shall be made from a list submitted by the county commissioner representing the district from which the seat shall be filled

H. Members may be removed from the planning commission by the chairman of the board of county commissioners with the approval of the board, following a public hearing for inefficiency, neglect of duty, misfeasance in office, or malfeasance in office. The secretary shall report regularly on the attendance record of members.

I. The Columbia County planning director shall serve as secretary to the planning commission.

J. The board of county commissioners approves the “Planning Commission Rules of Procedure” as iterated in adopted resolution as codified in this section, subject to adoption by the planning commission.



## ***Columbia County, WA Planning Staff Report Updates to Title 18: Zoning***

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*Ordinance 2019-02*

To: Columbia County  
Planning Commission

For: Recommendation

From: Columbia County  
Planning Director

Date: January 14<sup>th</sup>, 2019

SEPA DNS issued under WAC 197-11-340(2)

Public hearing: January 14<sup>th</sup>, 2019 @ 5:50 pm

Appeal Body: Hearing Examiner

Recommending Body: Department of Planning and Building

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### **Proposal:**

Being a request to amend various chapters and section of Title 18: Zoning of the Columbia County Code.

### **Background:**

As a fully planning jurisdiction (RCW 36.70A.130 (1)), Columbia County has adopted various development regulations relating to Land Uses. Through reasonable use, deficiencies within codes are discovered, as is the case with these draft revisions to Title 18: Zoning. The recommended changes to the zoning code are described as follows:

#### **Short Term Rentals**

Through discussion and review of the Columbia County Code, it was recognized that regulations pertaining to Short Term Rentals were missing entirely. Given this deficiency, staff began reviewing neighboring jurisdictions regulations as they relate to short term rentals, commonly known as Air B&B's, to gather examples for consideration. Through compilation, discussion, and continued revisions, final draft revisions have been compiled to include the following summary as they relate to short term rentals:

- A new definition has been added that clearly defines "Short Term Rentals"
- A new line item has been added under the Use Matrix to identify which zones this use may occur in
- The language under Conditional Uses – Administrative Approvals has been modified to include Short Term Rentals
- A new chapter has been drafted relating specifically to the requirements, application process, and development standards of opening/operating a short term rental facility

As a whole, these revisions were reviewed and supported numerous months ago by the Planning Commission, and have been waiting final hearing with the other Title 18

amendments that were in the works (below).

### **Marijuana Regulations**

On July 16<sup>th</sup>, 2018, the Board of Columbia County Commissioners signed into effect Ordinance 2018-04 – a moratorium ordinance pertaining to any/all marijuana production, processing, and retail sales in Columbia County. RCW 35A.63.220 requires a public hearing to be scheduled, advertised, and held pertaining to the moratorium within 60 days. As such, notice of public hearing was advertised within the Paper of Record on August 16<sup>th</sup>, 2018, with a hearing date of September 4<sup>th</sup>, 2018 at 10:30 am. Numerous members of the public were present to voice various concerns regarding marijuana within Columbia County. Following public comment, the Board of County Commissioners adopted Resolution 2018-34, formally adopting Findings of Fact supporting the marijuana moratorium per RCW 36.70A.390. The moratorium is to remain in effect for six months from the ordinance adoption date – expiring January 16<sup>th</sup>, 2019.

The marijuana moratorium was utilized to allow adequate time for staff to offer much needed improvement to the existing marijuana regulations. This six-month moratorium was to be review other jurisdiction codes and regulations as they pertain to recreational marijuana, work with the Planning Commission to draft new regulations, and combine public goals/interest and research to create a more functional ordinance.

The entire Chapter has been reorganized, and improved upon; however, the following general comments summarize the draft ordinance amendments for marijuana:

- Recreational and medical marijuana regulations have been broken out into separate sections
- Restrictions on locating marijuana uses to disallow placement within the UGA's
- Additional regulations were added and clarified on outdoor production, whereas production can take place indoors and outdoors, *if* all applicable development criterion can be met
- Language was added to mandate additional setbacks from neighboring uses to ensure no direct or indirect impact on existing land owners
- Marijuana retail, processing, and production is limited at three per use type, with spatial separation of one use per Commissioner district (pending State approved and issued license)

As a whole, the draft ordinance provides much more detail and guidance for development of recreational marijuana activities within Columbia County. Ensuring these regulations are codified further protects Columbia County from liability issues, and offers additional support to protect landowners from land use nuisances and potential civil lawsuits.

### **Findings of Fact:**

1. The proposals are staff-generated by the Columbia County Planning and Building Department.
2. The proposed amendments are necessary to regulate the development and permitting of Short Term Rentals within Columbia County.
3. The proposed amendments are necessary to regulate land use in regards to recreational marijuana within Columbia County.
4. The proposed amendments further protect Columbia County from potential liability issues in regards to the marijuana standards.

5. Adding provisions regulating Short Term Rentals allows opportunity to improve life safety standards in these developments.
6. Request for expedited review with the Department of Commerce was submitted on December 11, 2018 (RCW 36.70A.106).
7. Confirmation of receipt of Request for Expedited Review was received by the Department of Commerce on December 11, 2018.
8. Approved Expedited Review was received from the Department of Commerce on January 7<sup>th</sup>, 2019.
9. A SEPA checklist was completed and a DNS was issued for the ordinance amendments.
10. The DNS was advertised within the paper of record on December 20<sup>th</sup>, 2018 with a comment close date of January 4<sup>th</sup>, 2019.
11. Notice of the DNS was submitted to the SEPA Register on December 11<sup>th</sup>, 2019 with a comment close date of January 4<sup>th</sup>, 2019.
12. No comments regarding the SEPA DNS were received.
13. Notice of public hearing was advertised within the Paper of Record on December 20<sup>th</sup>, 2018 – 25 days prior to the date of the scheduled hearing.

**Discussion:**

Ordinance 2019-02 is hereby referred to the Columbia County Planning Commission to hold the public hearing as advertised and to:

1. Recommend adoption of the ordinance as presented to the Board of County Commissioners; or,
2. Recommend adoption of the ordinance with revisions to the Board of County Commissioners; or,
3. Withhold recommendation and continue review of the draft ordinance at the next regular meeting.

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Meagan Bailey, Planning Director

**Title 18**  
**ZONING**

*SPECIFIC UPDATES*

18.10.010 Definitions.

*NEW* “Short Term Rental” is where bedrooms or an entire residential dwelling unit are rented to overnight guests for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month; commonly known as *Air B&B’s*.

18.15.045 Use Matrix.

*NEW*

Use	A-1	A-2	A-3	AR-1	AR-2	C-1	LI-1	HI-1	R-1	W-1
Short Term Rentals	C	C	C	C	C					

18.80.070 Administrative Approvals.

A. Use permit applications for projects that the planning director finds to be minor in scale or with limited potential impacts, localized in nature, such as abandoned and existing home sites, three-acre rock quarries, commercial communication towers, temporary portable sawmill operations, Short Term Rentals veterinary clinics, minor amendments to existing CUPs and similar uses that the planning director may determine that the decision on an application for a use permit will be made through an administrative process.

*NEW CHAPTER*

Chapter 18.126 Short Term Rentals

Sections:

- 18.126.010 Purpose.
- 18.126.020 Definitions.
- 18.126.030 General requirements.
- 18.126.040 Application requirements.
- 18.126.050 Development standards.
- 18.126.060 Operating without permit and nuisance complaints.
- 18.126.070 Appeal.

**18.126.010 Purpose.**

A. The purpose of this chapter is to establish regulations for the operation of short-term rentals within the Columbia County. It does not apply to hotels, motels, and bed and breakfasts.

B. The provisions of this chapter are necessary to promote tourism and economic development while simultaneously preventing unreasonable burdens on services and impacts on residential neighborhoods posed by short-term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential and agricultural uses.

**18.126.020 Definitions.**

The definitions set forth in this section shall apply to short-term rental properties.

A. “Authorized agent” is a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.

B. “Event” means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.

C. “Local contact” means a person identified by the owner who is available to respond twenty-four hours a day, seven days a week, to any complaint involving the short-term rental.

D. “Owner” means the person that owns and holds legal and/or equitable title to the property.

E. “Principal residence” means the residence where the owner personally resides two hundred seventy-five or more days each calendar year.

F. “Short-term rental” means temporary lodging for charge or fee at a dwelling for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.

G. “Renter” means the individual(s) paying monies to reside at the short-term rental unit.

**18.126.030 General requirements.**

No owner or property within unincorporated Columbia County may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without an approved Conditional Use Permit. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.

**18.126.040 Application requirements.**

An application to operate a short term rental within the unincorporated areas of Columbia County must comply with the requirements as outlined in CCC Chapter 18.80.

**18.126.050 Development standards.**

A. One designated parking space must be provided specifically for the renter and cannot be used by the authorized agent, local contact, and/or the owner during the entire length of stay by the renter.

B. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on site or within the public right-of-way related to short-term rentals.

C. Owner must have property insurance and liability coverage for the short-term rental.

D. If the unit is not an owner occupied short-term rental, then a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints.

E. Functioning carbon monoxide detectors and smoke detectors shall be kept in operating order and installed as required by the International Residential Code (IRC).

F. Functioning fire extinguisher(s) shall be installed within the short-term rental. Number and location will be determined based on the size of the structure during the application and permitting process.

G. If the short-term rental property has a pool then the pool must be fenced meeting the requirements of the IRC.

**18.126.060 Operating without permit and nuisance complaints.**

A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within unincorporated Columbia County without first obtaining a Conditional Use Permit. If a short-term rental is found to be renting, offering for rent, or advertising for rent without a Conditional Use Permit, the property is subject to the provisions in Title 19: Code Enforcement

B. Nuisance complaints will be processed as follows, within any time period for the life of the Conditional Use Permit:

- A. First complaint—citation with applicable fee.
- B. Second complaint—citation with applicable fee.
- C. Third complaint—citation with applicable fee and immediate revocation of Conditional Use Permit by the Planning Director.

**20.139.090 Appeal.**

Decisions regarding short-term rentals may be appealed to the Hearing Examiner per CCC 18.05.080 (K.3): Procedures for Hearings on an Appeal from Planning Director Decision.

*ENTIRELY REVISED CHAPTER*

Chapter 18.150 Marijuana

Sections:

- 18.150.010 Purpose
- 18.150.020 Authority
- 18.150.030 Definitions
- 18.150.040 Applicability
- 18.150.050 Recreational Marijuana Production, Processing and Retail Sales – Conditional Use
- 18.150.060 Recreational Marijuana Standards
- 18.150.070 Medical Marijuana Standards
- 18.150.080 No Non-Conforming Uses
- 18.150.090 Violations

**18.150.010 Purpose**

The purpose of this chapter is to establish zoning regulations that provide for state licensed recreational and medical marijuana land uses consistent with Washington State law, including but not limited to Chapters 46.61, 69.50 and 69.51 RCW, and Chapter 69.51A RCW, Medical

Cannabis, and Chapter 314-55 WAC, adding local standards to address potential public health, safety and welfare considerations.

#### **18.150.020 Authority**

Section 69.50.500 RCW states that it is “the duty of the state board of pharmacy, the department of health, the state liquor control board, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of Chapter 69.50 . . .”, including those specific to medical marijuana. The implementing rules of Chapter 314-55 WAC defer to the roles of those enforcement agencies adding, however, that “[t]he issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances, including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.” WAC 314-55-020(aa). While an approved license does not circumvent local ordinances, the state will also not deny a license based solely on noncompliance with local land use regulations. Therefore, it is incumbent upon Columbia County to adopt the ordinance codified in this section as the county’s policies and procedures with respect to marijuana as allowed.

#### **18.150.030 Definitions**

- A. Unless the context clearly requires otherwise, the definitions of CCC 18.10.010 apply herein.
- B. Definitions from RCW 69.50.101 and WAC 315-55-010, as further amended, are adopted herein for the purpose of this chapter only.

#### **18.150.040 Applicability**

No part of this chapter is intended to or shall be deemed to conflict with federal law, including, but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., and the Uniform Controlled Substances Act (Chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation.

#### **18.150.050 Recreational Marijuana Production, Processing and Retail Sales – Conditional Use**

- A. Zones wherein recreational marijuana land use is conditionally allowed:
  - 1. Recreational marijuana production land uses may only be allowed subject to conditional use permit approval in A-1, A-2, and A-3 areas identified by the Columbia County Zoning Ordinance Title 18, and whereas the land is not within a designated Urban Growth Area as adopted within the official zoning map.
  - 2. Recreational marijuana processing may only be allowed subject to conditional use approval in LI-1 and HI-1 areas identified by the Columbia County Zoning Ordinance Title 18, and whereas the land is not within a designated Urban Growth Area as adopted within official the zoning map.
  - 3. Recreational marijuana retail sales may only be allowed subject to conditional use approval in C-1 Commercial zone areas identified by the Columbia County Zoning Ordinance Title 18, and whereas the land is not within a designated Urban Growth Area as adopted within the official zoning map.
- B. The Determinations on conditional uses shall be made utilizing the hearing by the hearing examiner pursuant to chapter 18.80 and decision made on conditional uses for

- marijuana production, processing and/or retail sales shall be afforded substantial weight on review.—
- C. Approval of the required conditional use permit shall be only for one year and must be renewed annually.
  - D. Recreational marijuana production, processing, and retail sales land use may be allowed if, among other factors, they meet the stated purpose and general intent of the zone in which the uses are proposed to be located and share characteristics common with and not be of greater intensity, density or generate more environmental impact than those uses listed in the land use zone in which they are to be located.
  - E. Recreational marijuana production, processing and retail sales land use are subject to and must comply with all currently adopted codes and ordinances.
  - F. Where there is a conflict of designations between the land use ordinance and the Comprehensive Plan, the land use ordinance designation shall prevail.
  - G. Buildings where cannabis is grown, stored, or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
  - H. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.
  - I. For signage, marijuana retail, processing and production businesses shall be subject to the substantive requirements of chapter 314-55-155 WAC. No off-premises signage is permitted.
  - J. The Hearing Examiner may revoke conditional use permits based on a finding that the provisions of this section have not been met per CCC 18.08.080(H)3.

#### **18.150.060 Recreational Marijuana Standards**

In addition to all requirements set forth in Title 18, and in addition to any special conditions of approval applied to a recreational marijuana conditional use permit, the following standards shall apply:

- A. Marijuana Production
  - 1. Where marijuana production is proposed indoors, it must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors, and shall include the following improvements:
    - i. The proposed use or facility must be licensed by the state of Washington and must at all times be in compliance with the laws of Washington State including but not limited to Chapter 314-55 WAC; and,
    - ii. Marijuana plants, products, and equipment utilized for production shall not be visible from outside the building; and,
    - iii. Ventilation and air filtration systems must be installed to ensure no odor escapes the structure; and,
    - iv. Black-out curtains shall be utilized to ensure no light pollution from growing lights affects neighboring landowners; and,
    - v. Any/all buildings utilized for production must meet a setback of at least two times the minimum required per Title 18; and,
    - vi. Existing structures that do not meet the setback requirement cannot be utilized as a marijuana production space; and,
    - vii. The land utilized for processing must be a stand-alone property, with no other uses existing on the parcel/ lot.

2. Outdoor production is permitted where the following conditions can be met:
    - i. 500' setback from any adjacent property line and/or county road;
    - ii. Obstruction of all outdoor grow by use of a sight-obscuring fence of at least 8 feet in height with engineering design and building permit issuance for said fence; and,
    - iii. Marijuana plants, products, and equipment utilized for production shall not be visible from behind the fence or wall; and,
    - iv. The land utilized for processing must be a stand-alone property, with no other uses existing on the parcel/ lot.
    - v. The use must be licensed by the State of Washington and must at all times be in compliance with the laws of Washington State including but not limited to Chapter 314-55 WAC.
  3. No more than three marijuana producers shall be allowed within the County, with spatial separation by one marijuana producer per Commissioner District.
- B. Marijuana Processing
1. Marijuana processing must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors, and shall include the following improvements:
    - i. The proposed use or facility must be licensed by the state of Washington and must at all times be in compliance with the laws of Washington State including but not limited to Chapter 314-55 WAC; and,
    - ii. Marijuana plants, products, and equipment utilized for processing shall not be visible from outside the building; and,
    - iii. Ventilation and air filtration systems must be installed to ensure no odor escapes the structure; and,
    - iv. Black-out curtains shall be utilized to ensure no visibility from outside the building; and,
    - v. Any/all buildings utilized for processing must meet a setback of at least two times the minimum required per Title 18; and,
    - vi. Existing structures that do not meet the setback requirement cannot be utilized as a marijuana processing space; and,
    - vii. The land utilized for processing must be a stand-alone property, with no other uses existing on the parcel/ lot.
  2. Marijuana processing must take place at least 500' away from any neighboring residential dwelling unit and/or residential zones per the Columbia County zoning map.
  3. No more than three marijuana processors shall be allowed within the County, with spatial separation by one producer per Commissioner District.
- C. Marijuana Retail
1. Retailers must ensure that the business does not unnecessarily disrupt neighboring land use through sufficient customer parking, retail space to accommodate anticipated customers inside the retail store, and discouragement of loitering before or after retail transaction.
  2. Marijuana retail must take place within a fully enclosed secure indoor facility, and shall include the following improvements:

- i. The proposed use or facility must be licensed by the state of Washington and must at all times be in compliance with the laws of Washington State including but not limited to Chapter 314-55 WAC; and,
  - ii. Any/all buildings utilized for processing must meet a setback of at least two times the minimum required per Title 18; and,
  - iii. Existing structures that do not meet the setback requirement cannot be utilized as a marijuana processing space.
3. No more than the allowed number of retailer licenses shall be permitted per the Washington State Liquor and Cannabis Board.

#### **18.150.070 Medical Marijuana Standards**

This chapter shall not supersede rights and obligations under Washington law for individuals medically authorized users to grow marijuana for their use on private property, or designate individual parties to do so on their behalf pursuant to RCW 69.51A. Unless otherwise specified by state law, facilities associated with the production, processing, transporting, and delivering of cannabis for medical use, including but not limited to collective gardens, must adhere to the following requirements.

- A. The use or facility must be licensed by the State of Washington and must at all times be in compliance with all the laws of Washington State, including, but not limited to the provisions of Chapter 69.51A RCW.
- B. Licensees must maintain documentation demonstrating that all required federal, state, and local taxes, fees, fines, and penalties have been paid and that there are no past due obligations.
- C. All facilities and uses must be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
- D. Buildings where cannabis is grown, stored, or dispensed must be equipped with ventilation/air filtration systems so that no doors are detectable off premises.
- E. No medically authorized user shall grow more than the number of marijuana plants specified on their recognition card up to a maximum of six medically authorized marijuana plants.
- F. No more than 15 medically authorized marijuana plants may be grown, processed or possessed in a housing unit with multiple medically authorized marijuana user residents.
- G. No portion of these activities may be seen by normal unaided vision, or smelled from a public place or private housing residence.
- H. Subject to applicable federal, state, and local laws, any owner, lessor, or leasing agent may request or require disclosure of a renter or lessee's desire to produce or process marijuana within a rented or leased dwelling unit.
- I. Production or processing of marijuana or marijuana infused products or storage or growing of plants in residence, pursuant to RCW 69.51A, that can be readily seen by normal unaided vision, or readily smelled, from a public place or private residence shall constitute a nuisance for enforcement purposes.

#### **18.150.080 No Non-Conforming Uses**

No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer, that was engaged in that activity prior to the enactment of this ordinance shall be deemed

to have been legally established use under the provisions of Columbia County Code and that use shall not be entitled to claim legal non-conforming status.

**18.150.090 Violations**

Any violations of this chapter may be enforced as set forth in Columbia County Code Title 19, Code Enforcement; 69.50 RCW; 314-55 WAC, or other applicable regulation or law.

Enforcement and prosecution authority contained herein is nonexclusive to any and all other available enforcement and prosecution available at law.

**RULES OF PROCEDURE  
COLUMBIA COUNTY PLANNING COMMISSION**

**I. NAME:**

The official name shall be The Columbia County Planning Commission herein after referred to as the Commission.

**II. MEETINGS:**

1. **Regular Meetings:** The regular meetings of the Columbia County Planning Commission will be held the 2<sup>nd</sup> Monday of the month at 5:30 pm, with the 4<sup>th</sup> Monday of the month reserved for additional meetings. All meetings will be held at the Columbia County Planning Department Office unless otherwise directed by the Chair or Secretary. All meetings shall be open to the public.
2. **Special Meetings:** Special meetings shall be at the call of the Chair or by request of at least a majority of the Commission Members.
3. All regular and special meetings shall be in conformance with the Open Public Meetings Act (RCW 42.30).
4. If no matters over which the Commission has jurisdiction are pending for the next regularly scheduled meeting, the meeting may be cancelled at the notice of the Chair.
5. Except as modified by these rules of procedure, the latest edition of Roberts Rules of Order shall govern the conduct of all meetings.

**II. ELECTION OF OFFICERS:**

1. The officers of the commission shall consist of a Chair, a Vice-Chair and a Secretary. The Chair and Vice Chair shall be elected from the appointed members of the Board. The Secretary shall be the County Planning Director.
2. The term of office for the Chair and Vice Chair shall be one year.
3. The election of officers shall take place at the first regular meeting of February of each year or, if canceled, at the next regular meeting for which a quorum is present. The term of office for each officer shall run until the subsequent election. The Vice Chair shall automatically assume the position of Chair without election unless this person will not be able to serve the length of the term, in which case election of a new Chair shall take place as well as election of a Vice Chair. No member may assume the position of Chair for more than two

consecutive terms unless no other Commission member accepts a nomination. If for any reason Commission officers are not elected at the scheduled regular meeting the existing officers shall continue to serve until an election is held.

4. Vacancy of an office caused by resignation or removal of any officer during the term of office shall be filled for the remaining term of office by the vote of the majority of the Board. The Vice-Chair would replace the Chair, and the Vice-Chair would be replaced by vote of the members of the Commission.

#### IV. ABSENCE OF MEMBERS:

1. In the event a member is absent for three consecutive regular meetings or for 25 percent of the regular and special meetings within a 12-month period without being excused by the Chair, the member's record shall be forwarded by the Chair to the Columbia County Board of Commissioners for review and possible action.
2. The Secretary shall keep a record of attendance and shall submit it to the Chair semi-annually.

#### V. QUORUM:

1. A quorum of the Commission shall consist of three or more members being present.
2. The Commission shall conduct no business unless a quorum is present at the meeting.
3. All votes taken by the Commission shall be by voice or roll call at the discretion of the Chair.
4. As a courtesy any member who does not plan to attend a particular meeting will notify the Secretary as soon as it is known. If enough members have notified the Secretary and a quorum would not be present, the Secretary shall notify the Chair.

#### VI. OFFICERS:

1. The Chair shall preside over the Commission meetings and exercise all of the powers usually incident to the office retaining, however, to him or herself as a member of the Commission, the full right to have his own vote recorded in all deliberations of the Commission.

**COLUMBIA COUNTY CRITICAL AREAS CODE**

**CHAPTER 16.10**

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1 **16.10.100 General Provisions**

2 (1) Purpose, Goals, and Applicability

3 (a) Purpose. The purpose of this ordinance is to:

4 (i) Define, identify, and protect critical areas as required by the GMA  
5 of 1990 (Chapter 17, Laws of 1990) through the application of the  
6 best available science.

7 (ii) The County shall regulate uses, activities, and development within,  
8 adjacent to, or likely to affect one or more critical areas.

9 (2) Applicability.

10 (i) This ordinance shall apply to land, land uses and development  
11 activity, and structures and facilities in the unincorporated areas of  
12 Columbia County, whether or not a permit or authorization is  
13 required. No action shall be undertaken by any person, firm,  
14 partnership, corporation, group, governmental agency, or other  
15 entity that owns, leases, or administers land within Columbia  
16 County that results in the alteration of a wetland, critical recharge  
17 area, fish and wildlife conservation area or geologically hazardous  
18 area as defined by this ordinance except in conformance with this  
19 ordinance.

20 (ii) The County shall not approve any permit or otherwise issue any  
21 authorization to alter the condition of any land, water, or  
22 vegetation, or to construct or alter any structure or improvement in,  
23 over, or on a critical area or associated buffer, without first  
24 assuring compliance with the requirements of this ordinance.

25 (iii) Approval of a permit or development proposal pursuant to the  
26 provisions of this ordinance does not discharge the obligation of  
27 the applicant to comply with the provisions of this ordinance.

28 (iv) Unless otherwise indicated in this ordinance, the applicant shall be  
29 responsible for the initiation, preparation, submission, and expense  
30 of all required reports, assessment(s), studies, plans,  
31 reconnaissance(s), peer review(s) by qualified consultants, and  
32 other work prepared in support of or necessary to review the  
33 application.

34 (b) Goals

35 (i) Protect members of the public and public resources and facilities  
36 from injury, loss of life, or property damage due to landslides and  
37 steep slope failures, erosion, seismic events, or flooding.

- 1                   (ii)    Maintain healthy, functioning ecosystems through the protection of  
2                                    unique, fragile, and valuable elements of the environment,  
3                                    including ground and surface waters, wetlands, and fish and  
4                                    wildlife and their habitats, and to conserve the biodiversity of plant  
5                                    and animal species.
  
- 6                   (iii)   Direct activities not dependent on critical areas resources to less  
7                                    ecologically sensitive sites and mitigate impacts to critical areas by  
8                                    regulating alterations in and adjacent to critical areas.
  
- 9                   (iv)    Prevent cumulative adverse environmental impacts to water  
10                                   quality, wetlands, and fish and wildlife habitat and maintain  
11                                   ecological functions.
  
- 12           (3)    Authority and Interpretation.
  
- 13                   (a)    Authority.
  
- 14                            (i)    As provided herein, the County Planning Director and/or the  
15                                    hearing body are given the authority to interpret and apply, and the  
16                                    responsibility to enforce this ordinance to accomplish the stated  
17                                    purpose.
  
- 18                            (ii)   Columbia County may approve, deny, or approve with conditions  
19                                    any permit application for a regulated activity or other land use  
20                                    proposed for development within a critical area and/or associated  
21                                    buffer area in order to comply with the requirements of this  
22                                    ordinance.
  
- 23                   (b)    Interpretation. In the interpretation and application of this ordinance, the  
24                                    provisions of this Title shall be:
  - 25                                    (i)    Considered to be the minimum requirements necessary;
  - 26                                    (ii)   Liberally construed to serve the purpose of this Title; and
  - 27                                    (iii)   Deemed to neither limit nor repeal any other provisions under state  
28                                    statute.
  
- 29           (4)    Relationship to Other Regulations and Permits
  
- 30                   (a)    These critical area regulations shall apply as an overlay and in addition to  
31                                    zoning and other regulations adopted by Columbia County.
  
- 32                   (b)    These critical area regulations shall apply concurrently with review  
33                                    conducted under the State Environmental Policy Act (SEPA), as locally  
34                                    adopted. Any conditions required pursuant to this ordinance shall be

1 included in the SEPA review and threshold determination or shall be  
2 added as conditions of approval to any permit issued by Columbia County.

3 (c) This ordinance does not discuss or regulate land use or construction  
4 activity in flood plains, one of the five designated critical areas. In order  
5 to avoid duplicating regulations in this ordinance, development of and the  
6 protection of flood plains is addressed in the Columbia County Flood  
7 Plain Ordinance. Please refer to the Columbia County Flood Damage  
8 Prevention ordinance, CCC Chapter 16.15 when proposing use of or  
9 alteration, additions or modifications to flood hazardous areas.

10 (d) Other official ordinances, regulations, and plans have a direct impact on  
11 the development of land in Columbia County. These include, but are not  
12 limited to, the Columbia County Zoning Ordinance, Comprehensive Plan,  
13 Shorelines Program, Columbia County Road Standards, etc. The numbers  
14 and types of ordinances varies from time to time. Whenever provisions of  
15 these or other official regulations overlap or conflict with provisions of  
16 this Critical Areas Ordinance, the more restrictive provisions, to the extent  
17 lawful, shall govern and the critical area regulations will be met as a  
18 minimum. It is not intended that this ordinance repeals, abrogates, or  
19 impairs any existing regulations, easements, covenants, or deed  
20 restrictions.

21 (e) This ordinance does not require any permit in addition to those otherwise  
22 required by County ordinances. Uses and activities in a critical area or  
23 buffer for which no permit or approval is required by any other County  
24 ordinance remain subject to the performance standards and other  
25 requirements of this ordinance.

26 (f) Compliance with the provisions of this ordinance does not constitute  
27 compliance with other federal, state, and local regulations and permit  
28 requirements that may be required (for example, Shoreline Substantial  
29 Development Permits, Hydraulic Project Approval permits, U.S. Army  
30 Corps of Engineers [USACE] Section 404 permits, and National Pollutant  
31 Discharge Elimination System permits). The applicant is responsible for  
32 complying with these requirements apart from the process established in  
33 this ordinance.

34 (5) Maps.

35 (a) Columbia County maintains a map illustrating the general location of  
36 critical areas to provide information to the public and to aid in the  
37 administration of this ordinance. The maps are not regulatory in nature.  
38 The critical area map, along with U.S. Soil Conservation Service maps,  
39 and USGS Quad maps, are used to identify the possible extent of critical  
40 areas existing within the County. The maps in conjunction with site visits  
41 and other information will be used as a basis for requiring field

- 1 investigations such as wetland reports, fish and wildlife management  
2 plans, geo-technical studies, drainage plans, etc. In event a conflict  
3 between the information shown on the maps and information shown as a  
4 result of field investigation, the latter shall prevail.
- 5 (b) Specific information may be provided by the applicant that indicates  
6 characteristics of a critical area are not present on the site or that a  
7 proposal is not located within nor will it impact a critical area. In addition,  
8 there may be critical areas not designated on the map that exhibit  
9 characteristics of a critical area. It is the intent of this ordinance to require  
10 all areas that meet the characteristics of a critical area to meet the  
11 requirements of this ordinance.
- 12 (c) Additions or changes to the maps shall be made when additional  
13 information is available and they shall be updated periodically. Omission  
14 of a site from the map will not exempt the site from complying with the  
15 provisions of this ordinance. When an interpretation is needed as to the  
16 existence of a critical area, the County Planning Director shall make such  
17 determination according to the criteria and characteristics contained in this  
18 ordinance and if uncertain, he/she shall consult with an agency or agencies  
19 of expertise and follow their recommended course of action.
- 20 (6) Jurisdiction – Critical Areas
- 21 (a) The County shall regulate all uses within, adjacent to, or likely to affect,  
22 one or more critical areas, consistent with best available science and the  
23 provisions herein.
- 24 (b) Critical areas regulated by this ordinance include:
- 25 (i) Wetlands
- 26 (ii) Critical aquifer recharge areas
- 27 (iii) Frequently flooded areas
- 28 (iv) Geologically Hazardous Areas as designated
- 29 (v) Fish and Wildlife Habitat Conservation Areas
- 30 (c) All areas within unincorporated Columbia County meeting the definition  
31 of one or more critical area, regardless of any formal identification, are  
32 hereby designated critical areas and are subject to the provisions of this  
33 ordinance.
- 34 (d) Protection of Critical Areas: Any action taken pursuant to this ordinance  
35 shall result in maintaining or increasing the functions and values of the  
36 critical areas associated with the proposed action, as determined by the

1 best available science. All actions and developments shall be designed  
2 and constructed in accordance with Mitigation Sequencing, per  
3 Section 19.01.110 (2), to avoid, minimize, and restore all adverse impacts.  
4 Applicants must first demonstrate an inability to avoid or reduce impacts  
5 before restoration and compensation of impacts will be allowed. No  
6 activity or use shall be allowed that results in functions or values  
7 degradation of critical areas without mitigation.

8 (7) Authorizations Required. Prior to fulfilling the requirements of this section,  
9 Columbia County shall not grant any approval or permission of permits to alter  
10 the condition of any land, water, or vegetation, or to construct or alter any  
11 structure or improvement including, but not limited to, the following:

12 (a) Building Permit

13 (b) Conditional Use Permit

14 (c) Binding Site Plan

15 (d) Short Subdivision

16 (e) Subdivision

17 (f) Zoning Variance

18 (g) Rezone

19 (h) Any other adopted permit or required approval not expressly exempted by  
20 this section.

21 (8) Best Available Science

22 (a) Protection for Functions and Values and Anadromous Fish: Critical area  
23 reports and decisions to alter critical areas shall rely on the best available  
24 science to protect the functions and values of critical areas. Special  
25 consideration must be given to conservation or protection measures  
26 necessary to preserve or enhance anadromous fish and their habitat, such  
27 as salmon, steelhead and bull trout.

28 (b) Best Available Science To Be Used Must Be Consistent With Criteria:  
29 The best available science is that scientific information applicable to the  
30 critical area prepared by local, state or federal natural resource agencies, a  
31 qualified scientific professional or team of qualified scientific  
32 professionals, that is consistent with criteria established in WAC 365-195-  
33 900 through WAC 365-195-925.

34 (c) Absence of Valid Scientific Information: Where there is an absence of  
35 valid scientific information or incomplete scientific information relating to

1 a critical area, leading to uncertainty about the risk to critical area function  
2 of permitting an alteration of or impact to the critical area, the County  
3 Planning Director shall:

- 4 (i) Take a “precautionary or a no-risk approach,” that strictly limits  
5 development and land use activities until the uncertainty is  
6 sufficiently resolved; and
- 7 (ii) Require an effective adaptive management program that relies on  
8 scientific methods to evaluate how well regulatory and non-  
9 regulatory actions protect the critical area. An adaptive  
10 management program is a formal and deliberate scientific approach  
11 to taking action and obtaining information in the face of  
12 uncertainty. An adaptive management program shall:
- 13 (A) Address funding for the research component of the adaptive  
14 management program;
- 15 (B) Change course based on the results and interpretation of  
16 new information that resolves uncertainties; and
- 17 (C) Commit to the appropriate timeframe and scale necessary  
18 to reliably evaluate regulatory and non-regulatory actions  
19 affecting protection of critical areas and anadromous  
20 fisheries.

21 (d) Best available science may include the following:

- 22 (i) Critical area maps
- 23 (ii) Maps and reference documents in the Southeast Washington  
24 Coalition’s Shoreline Master Program (SMP) Inventory,  
25 Characterization, and Analysis Report, as applicable
- 26 (iii) U.S. Geological Survey (USGS) topographic quadrangle maps
- 27 (iv) Washington State Department of Natural Resources Geologic  
28 Hazard, Mine Hazard Area, and Water Type map
- 29 (v) U.S. Bureau of Land Management Mine Hazard Area map
- 30 (vi) Aerial photographs
- 31 (vii) Soil Survey of Columbia County, Washington, by the  
32 U.S. Department of Agriculture, Soil Conservation Service
- 33 (viii) National Wetland Inventory maps

- 1 (ix) Washington Department of Fish and Wildlife (WDFW) Priority  
2 Habitats and Species maps, and Management Guidelines.
- 3 (e) The Critical Area Maps include all of the following:
  - 4 (i) Federal Emergency Management Agency (FEMA) 100-year flood  
5 map(s)
  - 6 (ii) Geologically Hazardous Map(s)
  - 7 (iii) Critical Aquifer Recharge Map(s)
  - 8 (iv) Wetland Map(s)
  - 9 (v) Other maps as appropriate
- 10 (f) Applicability of reference maps: In some cases, the Critical Area Maps  
11 identified herein display general locations and approximate boundaries of  
12 potential critical areas. Further field determination and analysis may be  
13 necessary for specific development proposals to establish exact location,  
14 extent, and nature of critical areas. Fish and Wildlife Habitat  
15 Conservation Areas are identified using the references, maps, and criteria  
16 established in Section 19.01.160, Fish and Wildlife Habitat Conservation  
17 Areas.
- 18 (9) General Review Process.
  - 19 (a) The County shall follow the process outlined below:
    - 20 (i) Verify the information submitted by the applicant for the  
21 applicable permit.
    - 22 (ii) Evaluate the project area and vicinity for critical areas.
    - 23 (iii) Determine whether the proposed project is likely to impact the  
24 functions or values of critical areas.
    - 25 (iv) Determine if the proposed project adequately addresses the impacts  
26 and avoids impacts to the critical area associated with the project.
  - 27 (b) Minimum Standards. Any proposed activity shall be conditioned as  
28 necessary to mitigate impacts to critical areas and conformity to the  
29 performance standards required by this section, subject to the Reasonable  
30 Use Exception of Section 19.01.100 (13) above. Any project that cannot  
31 adequately mitigate its impacts to critical areas or meet the performance  
32 standards required by Section 19.01.120 through 160 shall be denied.
  - 33 (c) Critical areas present, but no impact – waiver.

- 1 (i) If the Planning Director (Director) determines that there are critical  
2 areas within or adjacent to the Area of Project Review, but the  
3 proposed activity is unlikely to degrade the functions or values of  
4 the critical area, the Director may waive the requirement for a  
5 report or other applicable information (with written approval or  
6 other assistance from a federal, state, or local resource agency). A  
7 waiver may be granted if there is substantial evidence that all of  
8 the following requirements will be met:
- 9 (A) There will be no alteration of the critical area or buffer.
- 10 (B) The development proposal will not impact the critical area  
11 in a manner contrary to the purpose, intent, and  
12 requirements of this ordinance.
- 13 (C) The proposal is consistent with other applicable regulations  
14 and standards.
- 15 (ii) In making the determination, the Director will consider best  
16 available science, as applicable, and the Critical Area Maps.
- 17 (d) Critical Areas Present and Potential Impact Likely. If the Director  
18 determines that the proposed project is within, adjacent to, or is likely to  
19 impact a critical area, the Director shall:
- 20 (i) Notify the applicant that a Critical Area Report, State  
21 Environmental Policy Act (SEPA) checklist, or other applicable  
22 information must be submitted prior to further review of the  
23 project and indicate each of the critical area types that should be  
24 addressed.
- 25 (ii) Require a Critical Area Report or other applicable information  
26 from the applicant that has been prepared by a qualified  
27 professional. Additional information and requirements may be  
28 obtained within each section.
- 29 (iii) Review and evaluate the Critical Area Report and other applicable  
30 information to determine whether the development proposal  
31 conforms to the purpose and performance standards of this  
32 ordinance.
- 33 (iv) Assess potential impacts to the critical area and determine if they  
34 are necessary and unavoidable.
- 35 (v) Determine if any mitigation proposed by the applicant is sufficient  
36 to protect the functions and values of the critical area and public  
37 health, safety, and welfare concerns consistent with the goals,  
38 purposes, objectives, and requirements of this ordinance.

- 1 (vi) A summary of this analysis and the findings shall be included in  
2 any decision on the underlying permit(s). Critical area review  
3 findings may result in: no adverse impacts to critical area(s), a list  
4 of applicable critical area(s) protection conditions for the  
5 underlying permit(s), or denial of permit based upon unavoidable  
6 impacts to critical area(s) ecological functions and values.
- 7 (10) Critical Area Report Requirements
- 8 (a) Incorporating the best available science. The report shall use scientifically  
9 valid methods and studies in the analysis of data and field reconnaissance  
10 and reference the source of science used. The report shall evaluate the  
11 proposal and all probable impacts to critical areas in accordance with the  
12 provisions of this ordinance.
- 13 (b) Minimum report contents. At a minimum, the report shall contain the  
14 following:
- 15 (i) Resume of the principal author(s), which disclose(s) their technical  
16 training and experience and demonstrates their stature as a  
17 qualified professional; the study shall be performed by a  
18 professional who is licensed or qualified as an expert in the Critical  
19 Resources at issue.
- 20 (ii) Identification and characterization of the Critical Area and  
21 associated buffers.
- 22 (iii) Assessment of any potential hazards associated with the proposed  
23 development.
- 24 (iv) Assessment of the impacts of the development proposal on any  
25 Critical Area.
- 26 (v) Mitigation plan which reduces impacts on the Critical Area(s) to an  
27 insignificant level and specifies maintenance, monitoring, and  
28 bonding measures (where necessary) per Section 19.01.110.
- 29 (vi) Additional information and requirements that may be required  
30 within each section of this ordinance
- 31 (11) Exception – Public Agency and Utility: If the application of this ordinance would  
32 prohibit a development proposal by a public agency or public utility, the agency  
33 or utility may apply for an exception pursuant to this section as outlined below.
- 34 (a) Exception Request and Review Process: An application for a public  
35 agency and utility exception shall be made to the County and shall include  
36 a critical area checklist, critical area report (including mitigation plan, if  
37 necessary) and any other related project documents, such as permit

1 applications to other agencies, special studies, and environmental  
2 documents prepared pursuant to the State Environmental Policy Act  
3 (Chapter 43.21C RCW). The County Planning Director shall prepare an  
4 administrative decision based on review of the submitted information, a  
5 site inspection, and the proposal's ability to comply with public agency  
6 and utility exception review criteria in Subsection (b) below. The  
7 administrative decision shall provide an appeal process available to  
8 aggrieved parties.

9 (b) Public Agency and Utility Review Criteria: The criteria for review and  
10 approval of public agency and utility exceptions follow:

11 (i) There is no other practical alternative to the proposed development  
12 with less impact on the critical areas;

13 (ii) The application of this ordinance would unreasonably restrict the  
14 ability to provide utility services to the public; and

15 (iii) The proposal meets the Public Agency and Utility Exception  
16 Review Criteria.

17 (c) Burden of Proof: The burden of proof shall be on the applicant to bring  
18 forth evidence in support of the application and to provide sufficient  
19 information on which any decision has to be made on the application.

20 (12) Reasonable Use Exception: If the application of this ordinance would deny all  
21 reasonable use of the subject property, the property owner may apply for an  
22 exception pursuant to this Section and as outlined below.

23 (a) Exception Request and Review Process: An application for a reasonable  
24 use exception shall be made to the County and shall include a critical area  
25 checklist; critical area report, including mitigation plan, if necessary; and  
26 any other related project documents, such as permit applications to other  
27 agencies, special studies, and environmental documents prepared pursuant  
28 to the State Environmental Policy Act (Chapter 43.21C RCW) (SEPA  
29 documents). The County Planning Director shall prepare an  
30 administrative decision based on review of the submitted information, a  
31 site inspection, and the proposal's ability to comply with reasonable use  
32 exception criteria in Subsection (b) below. The administrative decision  
33 shall provide an appeal process available to aggrieved parties.

34 (b) Reasonable Use Review Criteria: The criteria for review and approval of  
35 reasonable use exceptions are as follows:

36 (i) The application of this ordinance would deny all reasonable use of  
37 the property;

- 1 (ii) No feasible and reasonable onsite alternative to the proposed  
2 activities is possible, including possible changes in site layout,  
3 reductions in density, and similar factors that would allow a  
4 reasonable economic use with fewer adverse impacts
- 5 (iii) Any alteration is the minimum necessary to allow for reasonable  
6 use of the property;
- 7 (iv) The inability of the applicant to derive reasonable use of the  
8 property is not the result of actions by the applicant after the  
9 effective date of this ordinance, or its predecessor; and
- 10 (v) The proposal meets the Reasonable Use Exception criteria.
- 11 (c) Burden of Proof: The burden of proof shall be on the applicant to bring  
12 forth evidence in support of the application and to provide sufficient  
13 information on which any decision has to be made on the application.
- 14 (13) Exempt Uses and Activities.
- 15 (a) Exempt activities under this ordinance shall avoid impacts to critical areas  
16 and critical area buffers. Exempt activities shall use reasonable methods  
17 (reasonable methods include best management practices [BMPs]) to avoid  
18 potential impacts to critical areas. Being exempt from this ordinance does  
19 not give permission to degrade a critical area or ignore risk from natural  
20 hazards. Any incidental damage to, or alteration of, a critical area that is  
21 not a necessary outcome of the exempted activity shall be restored,  
22 rehabilitated, or replaced at the responsible party's expense.
- 23 (b) The following are exemptions to provisions of this ordinance; however,  
24 the listed exemptions may not be exempt from other state or federal  
25 regulations or permit requirements.
- 26 (i) Activities in response to emergencies that threaten public health,  
27 property, safety, or welfare as verified by the administrator to be  
28 the minimum necessary to alleviate the emergency.
- 29 (ii) Legally constructed structures, in existence on the date this  
30 ordinance becomes effective, that do not meet requirements of this  
31 ordinance may be remodeled or reconstructed; provided that the  
32 new construction or related activity does not further encroach into  
33 the critical area(s) and/or natural resource land(s). Remodeling or  
34 reconstruction shall be subject to all other requirements of the  
35 zoning code.
- 36 (iii) Normal and routine maintenance of public streets, state highways,  
37 public utilities, and public park facilities. Maintenance and repair  
38 does not include any modification that changes the character,

- 1 scope, or size of the original structure, facility, or improved area,  
2 nor does it include construction of a maintenance road or dumping  
3 of maintenance debris. (This means no expansion into new unused  
4 areas).
- 5 (iv) Removal of hazardous trees and vegetation and, when necessary,  
6 implementation of measures to control or prevent a fire or halt the  
7 spread of disease or damaging insects consistent with the State  
8 Forest Practices Act, RCW 76.09, provided that no vegetation shall  
9 be removed from a critical area or its buffer without approval from  
10 the County.
- 11 (v) Activities involving artificially created wetlands or streams  
12 intentionally created from non-wetland sites, including, but not  
13 limited to, grass-lined swales, irrigation and drainage ditches,  
14 detention facilities, and landscape features, except those features  
15 that provide critical habitat for anadromous fish and those features  
16 that were created as mitigation for projects or alterations subject to  
17 the provisions of this section.
- 18 (vi) Passive recreational activities, including, but not limited to,  
19 fishing, bird watching, boating, swimming, hiking, and use of  
20 nature trails, provided the activity does not alter the critical area or  
21 its buffer.
- 22 (vii) The harvesting of wild crops in a manner that is not injurious to  
23 natural reproduction of such crops, provided the harvesting does  
24 not require tilling soil, planting crops, or changing existing  
25 topography, water conditions, or water sources.
- 26 (viii) Educational and scientific research, provided the activity does not  
27 alter the critical area or its buffer.
- 28 (ix) Navigational Aids and Boundary Markers: Construction or  
29 maintenance of navigational aids and boundary markers.
- 30 (x) Minor Site Investigative Work: Work necessary for land use  
31 submittals, such as surveys, soil logs, percolation tests, and other  
32 related activities, where such activities do not require construction  
33 of new roads or significant amounts of excavation. In every case,  
34 impacts to the critical area shall be minimized and disturbed areas  
35 shall be immediately restored.
- 36 (14) Voluntary Stewardship Program
- 37 (i) Columbia County has elected to participate in the Voluntary  
38 Stewardship Program (VSP) as an alternate approach for protecting  
39 critical areas on agricultural lands. The Columbia County VSP

1 work plan approved by the County VSP work group and  
2 Washington State Conservation Commission will be implemented  
3 to protect critical areas on agricultural lands and maintain  
4 agricultural viability as part of addressing associated agricultural  
5 activities.

6 (15) Subdivisions

7 (a) Any subdivision, as defined in the County Subdivision Ordinance, as  
8 amended, of land that creates a lot greater in size than 5 acres and is  
9 located in a critical area or associated buffer shall comply with the  
10 following requirements:

11 (i) Land that is located wholly within a wetland, Fish and Wildlife  
12 Habitat Conservation Area, Geologically Hazardous Area,  
13 floodway, or the buffers required for these critical areas may not be  
14 subdivided.

15 (ii) Land that is located partially within a wetland, Fish and Wildlife  
16 Habitat Conservation Area, Geologically Hazardous Area,  
17 floodway, or the buffers required for these critical areas may be  
18 subdivided, provided that an accessible, contiguous, and buildable  
19 portion of each new lot meets the following requirements:

20 (A) Located outside of the wetland, Fish and Wildlife Habitat  
21 Conservation Area, Geologically Hazardous Areas,  
22 floodway, and the buffers required for these critical areas

23 (B) Meets the minimum buildable site requirements of the  
24 Columbia County zoning ordinances, as amended

25 (iii) Access roads and utilities serving the proposed subdivision may be  
26 permitted within the wetland, Fish and Wildlife Habitat  
27 Conservation Area, Geologically Hazardous Areas, or the buffers  
28 required for these critical areas only if the Director determines that  
29 no other feasible alternative exists consistent with this ordinance.

30 (16) Non-conforming uses. A regulated activity that was approved prior to the passage  
31 of this ordinance and to which significant economic resources have been  
32 committed pursuant to such approval but which does not conform to this  
33 ordinance may be continued subject to the following:

34 (a) No such activity shall be expanded, changed, enlarged, or altered in any  
35 way that increases the extent of its nonconformity without a permit issued  
36 pursuant to the provisions of this ordinance.

- 1 (b) Except for cases of discontinuance as part of normal agricultural practices,  
2 if a non-conforming activity is discontinued for three (3) years, any  
3 resumption of the activity shall conform to this ordinance.
- 4 (c) Activities or adjuncts thereof that are or become nuisances shall not be  
5 entitled to continue as non-conforming activities.
- 6 (17) Variances. Variances from the standards of this ordinance may be authorized by  
7 the County in accordance with the procedures set forth in the Columbia County  
8 Zoning Ordinance. The hearing body shall review the request and make a finding  
9 that the request meets or fails to meet the variance criteria. State and federal  
10 permits will be required for certain activities in critical areas, including but not  
11 limited to in-water or wetland work. All other relevant County permit and  
12 regulatory requirements shall also be met for the proposed activity.
- 13 (a) Variance Criteria: A variance may be granted only if the applicant  
14 demonstrates that the requested action conforms to all of the criteria set  
15 forth as follows:
- 16 (i) Special conditions and circumstances exist that are peculiar to the  
17 land, the lot, or something inherent in the land, and that are not  
18 applicable to other lands in the same district;
- 19 (ii) The special conditions and circumstances do not result from the  
20 actions of the applicant;
- 21 (iii) A literal interpretation of the provisions of this ordinance would  
22 deprive the applicant of use rights and privileges permitted to other  
23 properties in the vicinity and zone of the subject property under the  
24 terms of this ordinance, and the variance requested is the minimum  
25 necessary to provide the applicant with such rights;
- 26 (iv) Granting the variance requested will not confer on the applicant  
27 any special privilege that is denied by this ordinance to other lands,  
28 structures, or buildings under similar circumstances;
- 29 (v) The granting of the variance is consistent with the general purpose  
30 and intent of this ordinance, and will not further degrade the  
31 functions or values of the associated critical areas or otherwise be  
32 materially detrimental to the public welfare or injurious to the  
33 property or improvements in the vicinity of the subject property;
- 34 (vi) The decision to grant the variance includes the best available  
35 science and gives special consideration to conservation or  
36 protection measures necessary to preserve or enhance anadromous  
37 fish habitat; and

- 1 (vii) The granting of the variance is consistent with the general purpose  
2 and intent of the Columbia County Comprehensive Plan and  
3 adopted development regulations.
- 4 (b) Conditions May Be Required: In granting any variance, the County may  
5 prescribe such conditions and safeguards as are necessary to secure  
6 adequate protection of critical areas from adverse impacts, and to ensure  
7 conformity with this ordinance.
- 8 (c) Time Limit: The County may prescribe a time limit within which the  
9 action for which the variance is required shall be begun, completed, or  
10 both. Failure to begin or complete such action within the established time  
11 limit may void the variance.
- 12 (d) Burden of Proof: The burden of proof shall be on the applicant to bring  
13 forth evidence in support of the application and upon which any decision  
14 has to be made on the application.
- 15 (18) Administrative procedures.
- 16 (a) The administrative procedures followed during the critical area review  
17 process shall conform to the standards and requirements of the County  
18 development regulations. This shall include, but not be limited to, timing,  
19 appeals, and fees associated with applications covered by this ordinance.
- 20 (b) Amendments:
- 21 (i) The Board of County Commissioners, the Planning Commission,  
22 the Department, or an interested person may initiate an amendment  
23 of the Critical Areas Ordinance. In the case of an amendment  
24 initiated by an interested person, an application shall be filed with  
25 the Columbia County Planning Department consistent with Section  
26 1.11.120 of the Columbia County Zoning Ordinance. Such  
27 amendment(s) may be adopted, modified, or denied by the Board  
28 of County Commissioners in accordance with procedures specified  
29 in Chapter 1.10 of the Columbia County Zoning Ordinance.
- 30 (ii) Amendments to this ordinance shall be based on; 1) change in  
31 circumstances pertaining to Comprehensive Plan or public policy,  
32 2) a change in circumstances beyond the control of the landowner  
33 pertaining to the subject property, 3) an error in designation and/or,  
34 4) new information on critical areas status.
- 35 (c) Interpretations:
- 36 (i) In the interpretation and application of this ordinance, the  
37 provisions of this section shall be considered to be the minimum  
38 requirements necessary, shall be liberally construed to serve the

- 1 purpose of this ordinance, and shall be deemed to neither limit nor  
2 repeal any other provisions under state statute.
- 3 (ii) Requests to the Department for rulings and/or interpretations as to  
4 the meaning, intent, or proper general application of the provisions  
5 of this ordinance and impacts of the application of the provisions  
6 to development and land use shall be made in writing to the  
7 Department by an interested citizen or public official. The County  
8 Planning Director shall present a ruling or interpretation in writing  
9 and within twenty-one (21) days in a timely fashion to the person  
10 submitting the request for interpretation.
- 11 (d) Appeals:
- 12 (i) Any aggrieved person dissatisfied with an interpretation of this  
13 ordinance or any decision to approve, condition, or deny a  
14 development proposal or other activity based on the requirements  
15 of this ordinance may appeal the decision to the hearing body  
16 provided that the person files a written notice of appeal within 20  
17 days of receipt of the written notice. Those aggrieved persons  
18 dissatisfied with the decision regarding the administrative appeal  
19 may file an additional appeal in superior court if within 30 days of  
20 completion of the administrative appeal.
- 21 (e) Administrative Rules: Applicable departments within the County are  
22 authorized to adopt such administrative rules and regulations as necessary  
23 and appropriate to implement this ordinance and to prepare and require the  
24 use of such forms as necessary for its administration.
- 25 (f) Severability: If any clause, sentence, paragraph, section, or part of this  
26 ordinance or the application thereof to any person or circumstances shall  
27 be judged by any court of competent jurisdiction to be invalid, such order  
28 or judgment shall be confined in its operation to the controversy in which  
29 it was rendered. The decision shall not affect or invalidate the remainder  
30 of any part thereof and to this end the provisions of each clause, sentence,  
31 paragraph, section, or part of this law are hereby declared to be severable.
- 32 (19) Property Tax Relief:
- 33 (a) The Columbia County Assessor shall consider the Wetland and Wetland  
34 Buffer Areas, Fish and Wildlife Habitat Conservation Areas and  
35 Geologically Hazardous Areas contained in this ordinance when  
36 determining fair market value of land.
- 37 (b) Any landowner of a wetland, wetland buffer area, and/or fish and wildlife  
38 conservation area who has dedicated a conservation easement or entered  
39 into a perpetual conservation restriction with a department of local, state,  
40 or federal government; or a non-profit organization to permanently control

1 some or all the uses and activities within these areas may request that the  
2 Columbia County Assessor re-evaluate that specific area consistent with  
3 those restrictions and provisions of open space land current use taxation.

4 (20) Violations, Enforcement, and Penalties

5 (a) Violations

6 (i) When a critical area or its buffer has been altered in violation of  
7 this ordinance, the County shall have the authority to issue a stop  
8 work order to cease all ongoing development work, and order  
9 restoration, rehabilitation or replacement measures at the owner's  
10 or other responsible party's expense to compensate for violation of  
11 provisions of this ordinance.

12 (b) Enforcement and Penalties:

13 (i) Any person, party, firm, corporation, or other legal entity  
14 convicted of violating any of the provisions of this ordinance shall  
15 be guilty of a misdemeanor. Each day or portion of a day during  
16 which a violation of this ordinance is committed or continued shall  
17 constitute a separate offense. Upon conviction of a violation of  
18 any provision of this ordinance, the defendant shall be punished by  
19 a fine not to exceed one-hundred dollars (\$100.00) or  
20 imprisonment not to exceed thirty (30) days, or by both fine and  
21 imprisonment. Any development carried out contrary to the  
22 provisions of this ordinance shall constitute a public nuisance and  
23 may be enjoined as provided by the statutes of the state of  
24 Washington. The County may levy civil penalties against any  
25 person, party, firm, corporation, or other legal entity for violation  
26 of any of the provisions of this ordinance. The civil penalty shall  
27 be assessed at a maximum rate of one-hundred dollars (\$100.00)  
28 per day per violation.

29 (21) Effective Date. This ordinance shall take effect and be in full force upon its  
30 passage and adoption.

31  
32 **16.10.110 General Mitigation Requirements**

33 (1) General Mitigation Standards:

34 (a) This section provides general mitigation requirements applicable to  
35 alteration of critical areas. Additional specific mitigation requirements are  
36 found under the sections for the particular type of critical area.

- 1 (b) All proposed alterations to critical areas or associated buffers shall require  
2 mitigation sufficient to provide for and maintain the functions and values  
3 of the critical area, or to prevent risk from a critical area hazard, and shall  
4 give adequate consideration to the reasonable economically viable use of  
5 the property. Mitigation of one critical area impact should not result in  
6 unmitigated impacts to another critical area. Mitigation may include  
7 buffers, setbacks, limits on clearing and grading, BMPs for erosion control  
8 and maintenance of water quality, or other conditions appropriate to avoid  
9 or mitigate identified adverse impacts.
- 10 (c) Any approval of mitigation to compensate for impacts on a critical area or  
11 its buffer shall be supported by the best available science.
- 12 (d) It is the applicant's duty to demonstrate that they have followed the  
13 mitigation steps before a critical area can be impacted.
- 14 (2) Mitigation Sequencing.
- 15 (a) Mitigation includes avoiding, minimizing, or compensating for adverse  
16 impacts to regulated critical areas or their buffers, unless part of a  
17 restoration plan for significantly degraded wetland or stream buffer.
- 18 (b) Applicants shall apply the following mitigation sequencing steps in order  
19 of priority to avoid or minimize significant adverse effects and significant  
20 ecological impacts (with i. being top priority):
- 21 (i) Avoid the adverse impact altogether by not taking a certain action  
22 or parts of an action;
- 23 (ii) Minimize adverse impacts by limiting the degree or magnitude of  
24 the action and its implementation by using appropriate technology  
25 or by taking affirmative steps to avoid or reduce impacts;
- 26 (iii) Rectify the adverse impact by repairing, rehabilitating, or restoring  
27 the affected environment to the conditions existing at the time of  
28 the initiation of the project;
- 29 (iv) Reduce or eliminate the adverse impact over time by preservation  
30 and maintenance operations;
- 31 (v) Compensate for the adverse impact by replacing, enhancing, or  
32 providing substitute resources or environments; and
- 33 (vi) Monitor the adverse impact and the compensation projects and  
34 taking appropriate corrective measures.
- 35 (3) Mitigation Timing. Mitigation shall be completed immediately following  
36 disturbances and prior to use or occupancy of the activity or development or when

1 seasonally appropriate. Construction of mitigation projects shall be timed to  
2 reduce impacts on existing fisheries, wildlife, and water quality.

3 (4) Restoration/Rehabilitation Requirements:

4 (a) Restoration/rehabilitation is required when a critical area or its buffers  
5 have been altered on a site in violation of County regulations prior to  
6 development approval, and, as a consequence, its ecological functions  
7 have been degraded. Restoration is also required when the alteration  
8 occurs in violation of County regulations during the construction of an  
9 approved development proposal. At a minimum, all impacted areas shall  
10 be restored to their previous condition pursuant to an approved mitigation  
11 plan.

12 (b) Restoration/rehabilitation is required when the critical area or its buffers  
13 will be temporarily altered during the construction of an approved  
14 development proposal. At a minimum, all impacted areas shall be restored  
15 to their previous condition pursuant to an approved mitigation plan.

16 (5) Compensation. Compensation for approved critical area or buffer alterations shall  
17 meet the following minimum performance standards and shall occur pursuant to  
18 an approved mitigation plan:

19 (a) The buffer for a created, restored, or enhanced critical area, proposed as  
20 compensation for approved alterations, shall be the same as the buffer  
21 required for the existing critical area.

22 (b) On-site and In-kind. Except as noted below or otherwise approved, all  
23 critical area impacts shall be compensated through restoration or creation  
24 of replacement areas that are in-kind, on-site, and of similar or better  
25 critical area category. Mitigation shall be timed prior to or concurrent  
26 with the approved alteration and shall have a high probability of success.

27 (c) Off-site and In-kind. The Director may consider and approve off-site  
28 compensation where the applicant demonstrates that greater biological and  
29 hydrological functions and values will be achieved. The preferred  
30 location for off-site mitigation is areas within or adjoining designated fish  
31 and wildlife habitat corridors or as part of other applicable habitat  
32 restoration efforts. The compensation may include restoration, creation, or  
33 enhancement of critical areas. The compensation ratios specified under  
34 the on-site compensation section for each critical area shall also apply for  
35 off-site compensation. The Director may request contractual linkage to  
36 the off-site parcel to ensure its availability and landowner willingness.

37 (d) Increased Replacement Ratios. The Director may increase the ratios under  
38 any of the following circumstances:

- 1 (i) Uncertainty exists as to the probable success of the proposed  
2 restoration or creation due to an unproven methodology or  
3 proponent
- 4 (ii) A significant time period will elapse between impact and  
5 replication of critical area functions
- 6 (iii) The impact was unauthorized
- 7 (e) Decreased Replacement Ratios. The Director may decrease the ratios  
8 required in the “on-site” ratios specified under the compensation section of  
9 each critical area when all the following criteria are met:
- 10 (i) A minimum replacement ratio of 1:1 will be maintained.
- 11 (ii) Documentation by a qualified professional demonstrates that the  
12 proposed mitigation actions have a very high rate of success.
- 13 (iii) Documentation by a qualified professional demonstrated that the  
14 proposed mitigation actions will provide ecological functions and  
15 values that are significantly greater than the critical area being  
16 impacted.
- 17 (iv) The proposed mitigation actions are conducted in advance of the  
18 impact and have been shown to be successful.
- 19 (6) Critical Area Enhancement as Mitigation
- 20 (a) Impacts on wetland and stream functions may be mitigated by  
21 enhancement of existing significantly degraded areas. Applicants  
22 proposing to use enhancement must produce a Critical Area Report that  
23 identifies how enhancement will increase the functions of the degraded  
24 resource and how this increase will adequately mitigate for the loss of  
25 critical area and its function at the impact site. An enhancement proposal  
26 must also show whether existing critical area functions will be reduced by  
27 the enhancement actions.
- 28 (7) Monitoring
- 29 (a) The County requires long-term monitoring of development proposals,  
30 unless otherwise accepted where alteration of critical areas or their buffers  
31 are approved. Such monitoring shall be an element of the required  
32 mitigation plan and shall document and track impacts of development on  
33 the ecological functions and values of critical areas, as well as the success  
34 and failure of mitigation requirements. Monitoring may include, but is not  
35 limited, to:

- 1 (i) Establishing vegetation transects or plots to track changes in plant  
2 species composition over time
- 3 (ii) Using aerial or other photography to evaluate vegetation  
4 community response
- 5 (iii) Sampling surface and groundwater to determine pollutant loading
- 6 (iv) Measuring base flow rates and stormwater runoff to model and  
7 evaluate water quantity predictions
- 8 (v) Measuring sedimentation rates
- 9 (vi) Sampling fish and wildlife populations to determine habitat  
10 utilization, species abundance, and diversity
- 11 (vii) Sampling of water temperatures for wetlands and streams.
- 12 (b) The Director may require that a qualified professional, at the direction of  
13 the Director and at the applicant's expense, monitor the development  
14 proposal site during construction and for a sufficient period of time after  
15 construction to ensure satisfactory mitigation of impacts on the critical  
16 area. The qualified professional shall monitor per the provisions outlined  
17 in the approved mitigation plan based on the conditions or restrictions  
18 imposed by the County and such administrative rules as the Director shall  
19 prescribe.
- 20 (c) Performance Bond or Assignment of Savings. Prior to issuance of any  
21 permit or approval that authorizes site disturbance, the Director may  
22 require performance security including but not limited to a performance  
23 bond, assignment of savings or other appropriate security, consistent with  
24 requirements specified in Section 19.01.110 (11), Mitigation Security.
- 25 (8) Contingencies/Adaptive Management. When monitoring reveals a significant  
26 deviation from predicted impacts or a failure of mitigation measures, the applicant  
27 shall be responsible for appropriate corrective action. Contingency plans  
28 developed as part of the original mitigation plan shall apply but may be modified  
29 to address a specific deviation or failure. Contingency plan measures shall be  
30 subject to the monitoring requirement to the same extent as the original mitigation  
31 measures.
- 32 (9) Mitigation Plan. All proposed mitigation components shall be included in the  
33 Critical Area Report. In addition to applicable mitigation plan requirements  
34 included in Section 19.01.120 to 160, proposed mitigation components shall  
35 include:
- 36 (a) A description of specific proposed mitigation, including a delineation of  
37 critical areas lost and critical areas gained

- 1 (b) An analysis of avoidance, minimization, reduction, and compensation of  
2 impacts to maintain critical area function
- 3 (c) An analysis of how the proposed mitigation will maintain the critical area  
4 function and values
- 5 (d) A statement of any ongoing monitoring and/or inspection measures and  
6 schedule that may be required, including specification of method and  
7 frequency of submittal of reports on results to the County.
- 8 (e) A statement of any required critical area expertise necessary to install,  
9 monitor, or inspect the proposed mitigation
- 10 (f) A listing of any other security required to ensure performance and/or  
11 maintenance of the proposed mitigation
- 12 (g) The Director shall make the final determination regarding required  
13 mitigation. Required mitigation shall be included in an approved  
14 mitigation plan.
- 15 (10) Buffers
- 16 (a) As described in more detail in each relevant section, buffers have, in some  
17 cases, been determined to be necessary and appropriate to protect critical  
18 areas and their functions or to prevent risk from a critical area hazard. In  
19 the sections where specific buffers are identified, those buffers are deemed  
20 “required” or “standard” buffers. See Section 19.01.160 (6) and Table XX  
21 XX.210 (4)(i) for riparian buffers, and Section 19.01.120 for wetland  
22 buffers. If a project or activity does not propose any alteration to those  
23 buffers or to the associated critical area, then additional mitigation will not  
24 be required to protect the critical area.
- 25 (b) If, however, based on unique features of the particular critical area or its  
26 buffer or of the proposed development, the Director determines that  
27 additional buffers and/or mitigation measures beyond these standard  
28 buffers are necessary to adequately protect the function of the critical area  
29 or to prevent risk of a hazard from the critical area, the Director may  
30 impose such additional mitigation requirements, provided the Director can  
31 demonstrate, based on the best available science, why that additional  
32 mitigation or buffering is required to adequately protect the critical area  
33 function or to prevent a hazard from a critical area.
- 34 (c) If portions of a parcel that contain a proposed development activity have  
35 not had their critical areas and associated buffers delineated because they  
36 were outside the project or area affected by the project, pursuant to  
37 Section 19.01.100 (10) and (11), General Review Process and Critical  
38 Area Report Requirements, then additional critical area assessments may

1 be required in the future prior to any change in use or development  
2 activity for that portion of the site.

3 (d) Further, if the applicant seeks a variance to reduce these buffers or to alter  
4 the critical area or its required buffer, then the applicant shall demonstrate,  
5 based on the best available science, why such buffer and/or critical area  
6 modification, together with such alternative mitigation proposed in the  
7 Critical Area Report, is sufficient to provide equal or better protection of  
8 the critical area function. If necessary, variances shall provide for long-  
9 term buffer protection. Variance requests shall be reviewed pursuant to  
10 Section 19.01.100 (17).

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

21 (11) Mitigation Security

22 (a) The Director shall have the discretion to withhold issuance of a  
23 development permit or approval until required mitigation has been  
24 completed. Alternatively, the Director may require a security instrument  
25 be put in place that will ensure compliance with the approved mitigation  
26 plan if there will be activity (e.g., monitoring or maintenance) or  
27 construction to take place after the issuance of a permit or other approval.  
28 The amount of the security shall not exceed 150% of the estimated cost of  
29 the uncompleted actions or construction as determined by the Director.  
30 When the Director determines that the mitigation plan has been  
31 successfully completed, the security shall be released to the applicant. If  
32 the mitigation plan is not successfully completed, the County shall be  
33 entitled to keep all or part of the security to the extent necessary to rectify  
34 the deficiencies regarding the completion of the mitigation plan.

35 (12) Protection of Designated Critical Areas:

36 (a) Identification and Recording of Critical Areas. Approval of development  
37 projects and other land-use activities that require a Critical Area Report  
38 pursuant to Section 19.01.100 (10) and (11), General Review Process and  
39 Critical Area Report Requirements, shall be subject to the identification  
40 and designation of all critical areas and their buffers identified in the  
41 assessment process. Each critical area shall be clearly defined and labeled

1 to show calculated area and type and/or class of critical area within each  
2 lot. The Director shall require of the applicant that such designated  
3 critical areas be recorded on the final plat map or site plan, clearly  
4 showing the locations of critical areas, existing vegetation, and buffers.

5 (i) Construction Marking. During construction, clearly visible,  
6 temporary marking, such as flagging and staking, shall be installed  
7 and maintained along the outer limits of the proposed site  
8 disturbance outside of the critical area. Such field markings may  
9 be field-approved by the Director prior to the commencement of  
10 permitted activities. Markings shall be maintained throughout the  
11 duration of any construction activities.

12 (ii) Mitigation Signing and Fencing. The Director may require  
13 permanent signing and/or fencing where it is determined a  
14 necessary component of a mitigation plan. The intent of this  
15 subsection is to provide clear and sufficient notice, identification,  
16 and protection of critical areas on-site where damage to a critical  
17 area or buffer by humans or livestock is probable due to the  
18 proximity of the adjacent activity.

19 (iii) Sign, Marker, and Fence Maintenance. It shall be the  
20 responsibility of the landowner to maintain, including replacement  
21 of, the markers, signs, and fences required under this section in  
22 working order throughout the duration of the development project  
23 or land-use activity. Removal of required markers, signs, and  
24 fences without written approval of the Director shall be considered  
25 a violation of this ordinance.

## 26

### 27 **16.10.120 Wetlands**

#### 28 (1) Purpose.

29 (a) The purpose of this section is to promote public health and welfare by  
30 instituting local measures to preserve naturally occurring wetlands that  
31 exist in the County for their associated value. These areas may serve a  
32 variety of vital functions, including, but not limited to, hydrologic  
33 functions, flood storage and conveyance, water quality protection,  
34 recharge and discharge areas for groundwater, erosion control, sediment  
35 control, fish and wildlife habitat, recreation, education, and scientific  
36 research.

#### 37 (2) Classification and Designation

38 (a) Wetlands shall be identified and delineated using the methods and  
39 standards set forth in the currently approved 1987 USACE Federal

1 Wetlands Delineation Manual, as amended, and its regional applicable  
2 regional supplements, as amended. (The Arid West Final Regional  
3 Supplement was last updated in 2008 at the time of ordinance adoption).

4 (b) Classification and rating of wetlands will be done using the Washington  
5 State Wetlands Rating System for Eastern Washington, Ecology  
6 Publication #14-06-030 (October 2014), as amended. The most current  
7 copy of this document should be used in classifying wetlands and  
8 developing wetland mitigation plans.

9 (3) Determination Process

10 (a) The following progressive steps will occur upon a determination by the  
11 County, per Section 19.01.100 (10) and (11), General Review Process and  
12 Critical Area Report Requirements, that a wetland area may exist on a site  
13 proposed for a permit.

14 (i) The Director will determine if the proposed activity is within an  
15 Area of Project Review and if there are any possible wetland areas  
16 on-site. This determination shall be made following a review of  
17 information available, as well as a site inspection and/or a  
18 consultation with a qualified wetland biologist, if deemed  
19 necessary by the County. If no wetland area is determined to be  
20 present, this section shall not apply to the review of the proposed  
21 development, unless wetlands are discovered to be present during  
22 project development.

23 (A) If it is determined by the Director that wetland areas may  
24 be present, a site inspection and consultation with a  
25 qualified wetland biologist shall be conducted to more  
26 definitively determine if a wetland area exists on the site.  
27 If yes, the applicant shall complete a Critical Area Report  
28 consistent with Section 19.01.100 (11), Critical Area  
29 Report Requirements, and Section 19.01.120 (4), Critical  
30 Area Report/Wetland Management and Mitigation Plan,  
31 and conduct a wetland delineation using the approved  
32 Federal Wetlands Delineation Manual and applicable  
33 regional supplement and the 2008 USACE Arid West  
34 Supplement to the 1987 Wetlands Delineation Manual.

35 (4) Critical Area Report/Wetland Management and Mitigation Plan

36 (a) As determined necessary, provided for in this section, a wetland  
37 management and mitigation plan shall be required when impacts to a  
38 wetland are unavoidable during project development.

39 (b) Wetland management and mitigation plans shall be prepared by a qualified  
40 professional as described in Section 19.01.170, Definitions, and be

- 1 prepared per Section 19.01.110 (9) in addition to the requirements  
2 included in this section.
- 3 (c) Mitigation plans must be consistent with the following guidance  
4 documents:
- 5 (i) Washington State Department of Ecology, U.S. Army Corps of  
6 Engineers Seattle District, and U.S. Environmental Protection  
7 Agency Region 10. Wetland Mitigation in Washington State, Part  
8 1: Agency Policies and Guidance (Version 1, Publication #06-06-  
9 011a, March 2006)
- 10 (ii) Wetland Mitigation in Washington State, Part 2: Developing  
11 Mitigation Plans (Version 1, Publication #06-06-011b, March  
12 2006)
- 13 (iii) Selecting Wetland Mitigation Sites Using a Watershed Approach  
14 (Eastern Washington) (Publication #10-06-07, November 2010).
- 15 (iv) Interagency Regulatory Guide: Advance Permittee-Responsible  
16 Mitigation (Ecology Publication #12-06-015, Olympia, WA,  
17 December 2012)
- 18 (d) The wetland management and mitigation plan shall demonstrate, when  
19 implemented, that there shall be protections and adequate mitigation of the  
20 ecological function and values or acreage of the wetland.
- 21 (e) The wetland management and mitigation plan shall identify how impacts  
22 from the proposed project shall be mitigated, as well as the necessary  
23 monitoring and contingency actions for the continued maintenance of the  
24 wetland and its associated buffer. See Section 19.01.110 for General  
25 Mitigation Requirements. Monitoring shall be for a period necessary to  
26 establish that performance standards have been met. Generally, plans  
27 shall include a 5-year monitoring plan unless a longer timeline is required  
28 during the review process. Forested or scrub-shrub communities shall  
29 include an 8-year monitoring plan unless a longer time is established  
30 during the review process. Monitoring does not need to occur each year  
31 during this period.
- 32 (f) The wetland management and mitigation plan shall be developed to be  
33 consistent with Section 19.01.110, General Mitigation Requirements, and  
34 contain a report that includes, but is not limited to, the following  
35 information:
- 36 (i) Location maps, regional 1:24,000 and local 1:4,800.
- 37 (ii) A map or maps indicating the boundary delineation of the wetland;  
38 the width and length of all existing and proposed structures,

- 1 utilities, roads, and easements; wastewater and stormwater  
2 facilities; adjacent land uses, zoning districts, and comprehensive  
3 plan designations.
- 4 (iii) A description of the proposed project, such as the nature, density,  
5 and intensity of the proposed development and the associated  
6 grading, structures, utilities, and stormwater facilities, in sufficient  
7 detail to allow analysis of such land-use change upon the identified  
8 wetland.
- 9 (iv) A detailed description of vegetative, faunal, and hydrologic  
10 conditions, soil and substrate characteristics, and topographic  
11 features within and surrounding the wetland.
- 12 (v) A detailed description of vegetative, faunal, and hydrologic  
13 conditions, soil and substrate characteristics, and topographic  
14 features within any compensation site.
- 15 (vi) A detailed description of the proposed project's effect on the  
16 wetland and the associated hydrology, and a discussion of any  
17 federal, state, or local management recommendations that have  
18 been developed for the area.
- 19 (vii) A discussion of mitigation alternatives as they relate to the  
20 proposal. The mitigation alternatives shall be proposed in a  
21 manner that considers the sequence of steps per Section 19.01.110  
22 (2), Mitigation Sequencing, to avoid or minimize significant  
23 adverse effects and significant ecological impacts.
- 24 (viii) A plan by the applicant that explains how any adverse impacts  
25 created by the proposed development will be mitigated, including,  
26 without limitation, the following techniques:
- 27 (A) Establishment of buffer zones
- 28 (B) Preservation of critically important plants and trees
- 29 (C) Limitation of access to the wetland area
- 30 (D) Seasonal restriction of construction activities
- 31 (E) Establishment of a monitoring program within the plan
- 32 (F) Drainage and erosion control techniques
- 33 (ix) A detailed discussion of ongoing management practices, which  
34 will protect the wetland after the project site has been fully

- 1 developed, including proposed monitoring, contingency,  
2 maintenance, and surety programs.
- 3 (x) All reports will be provided in an electronic format (word  
4 processor) and all geographic entities (e.g., maps) will be provided  
5 in a geo-coded format for use in GIS systems (e.g., ArcView,  
6 MapInfo, and AutoCAD).
- 7 (g) Mitigation ratios shall be used when impacts to wetlands cannot be  
8 avoided. As identified below, the first number specifies the acreage of  
9 replacement wetlands, and the second number specifies the acreage of  
10 wetlands altered. The mitigation ratios by wetland type are shown in  
11 Table 19.01.120 (4)(i).
- 12 (h) Mitigation for lost or diminished wetland and buffer functions shall rely  
13 on the approaches listed below when it is demonstrated the mitigation  
14 would provide appropriate compensation for the proposed impacts:
- 15 (i) Wetland mitigation banks. Credits from a certified wetland  
16 mitigation bank may be used to compensate for impacts located  
17 within a specified mitigation bank.
- 18 (ii) In-Lieu Fee Mitigation. Credits from an approved in-lieu-fee  
19 program when demonstrated the mitigation would provide  
20 environmentally appropriate compensation for the proposed  
21 impacts.
- 22 (iii) Permittee-responsible mitigation. Mitigation is performed by the  
23 applicant after the permit is issued at the development site or at an  
24 off-site location within the same watershed. Mitigation plans shall  
25 demonstrate by a qualified wetland professional that the  
26 compensation offsets the proposed impacts.
- 27 (iv) Advance Mitigation. Mitigation for projects with pre-identified  
28 impacts to wetlands may be constructed in advance of the impacts  
29 if the mitigation is implemented according to federal rules, state  
30 policy on advance mitigation, and state water quality regulations  
31 consistent with *Interagency Regulatory Guide: Advance Permittee-  
32 Responsible Mitigation* (Ecology Publication #12-06-015,  
33 Olympia, WA, December 2012)
- 34 (v) Enhancement as mitigation. Impacts to wetlands may be mitigated  
35 by enhancement of existing wetlands. Applicants proposing to  
36 enhance wetlands must produce a Critical Area Report that  
37 identifies how enhancement will increase the functions of the  
38 wetland and how this increase will adequately mitigate for the loss  
39 of wetland area and function at the impact site. An enhancement

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proposal must also show if existing wetland functions will be reduced by the enhancement actions.

## (i) Mitigation Ratios

**Table 16.10.120(4)(i). Mitigation Ratios (for Eastern Washington)**

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only <sup>1</sup>	Re-establishment or Creation and Rehabilitation <sup>1</sup>	Re-establishment or Creation and Enhancement <sup>1</sup>	Enhancement Only <sup>1</sup>
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
All other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible <sup>2</sup>	6:1 Rehabilitation of a Natural Heritage site	R/C not considered possible <sup>2</sup>	R/C not considered possible <sup>2</sup>	Case-by-case

## Notes:

1. These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

2. Natural Heritage sites, alkali wetlands, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would, therefore, result in a loss of some functions no matter what kind of compensation is proposed.

E = Enhancement

R/C = Re-establishment or Creation

RH = Rehabilitation

Reference: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication #06-06-011a. Olympia, Washington, Management Recommendation and Standards

(5) Wetland Protections

(a) Wetlands shall be protected based on their quality established from the rating system and from alterations, which may create adverse impacts. The greatest protection shall be provided to Category I and II Wetlands.

(b) Alteration shall not mean BMPs for agriculture which, by design, could not be considered a change in land use, including, but not limited to, improved chemical application or practice, which is intended to improve crop production and enhance areas adjacent to wetlands.

(c) Activities and construction necessary on an emergency basis to prevent threats to public health and safety may be allowed if reasonable justification warrants cause for a waiver. These activities should avoid impacts to the extent practicable, and mitigation for unavoidable wetland impacts shall be required upon remedy of the emergency.

(d) The County will coordinate wetland preservation strategy and effort with appropriate state and federal agencies and private conservation organizations to take advantage of both technical and financial assistance and to avoid duplication of efforts.

(e) Criteria for Wetland Alterations

(i) A regulated wetland or its required buffer can only be altered if the wetlands Critical Area Report pursuant to Section 19.01.120 (4) shows that the proposed alteration does not degrade the quantitative and qualitative functioning of the wetland, or any degradation can be adequately mitigated to protect the wetland function, and maintain wetland ecological functions and values as a result of the overall project. Any alteration approved pursuant to this section shall include mitigation necessary to mitigate the impacts of the proposed alteration on the wetland.

(f) Required measures shall be implemented to minimize impacts to wetlands as provided in Table 19.01.120 (5)(f).

Table 16.10.120 (5)(f). Required Measures to Minimize Impacts to Wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	Direct lights away from wetland
Noise	<ul style="list-style-type: none"> <li>• Locate activity that generates noise away from wetland</li> <li>• If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</li> <li>• For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10'</li> </ul>

	heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> <li>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</li> <li>Establish covenants limiting use of pesticides within 150 ft of wetland</li> <li>Apply integrated pest management</li> </ul>
Stormwater runoff	<ul style="list-style-type: none"> <li>Retrofit stormwater detention and treatment for roads and existing adjacent development</li> <li>Prevent channelized flow from lawns that directly enters the buffer</li> <li>Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)</li> </ul>
Change in water regime	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> <li>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion;</li> <li>Place wetland and its buffer in a separate tract or protect with a conservation easement</li> </ul>
Dust	Use best management practices to control dust

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(g) Wetland buffers widths presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland ecological functions and values at the time of the proposed activity. If the vegetation is inadequate, then the buffer width shall be increased or the buffer should be planted to maintain the standard width. Required standard wetland buffers, based on wetland category and land-use intensity, are provided in Table 19.01.120 (5)(g)(ii), Wetland Buffer Widths.

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(i) The Land Use Intensity Table 19.01.120 (5)(g)(i) describes the types of proposed land use that can result in high, moderate, and low levels of impacts to adjacent wetlands.

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**Table 16.10.120 (5)(g)(i). Land Use Intensity Table**

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
High	<ul style="list-style-type: none"> <li>Commercial</li> <li>Urban</li> <li>Industrial</li> <li>Institutional</li> </ul>

Level of Impact from Proposed Change in Land Use	Types of Land Use Based on Common Zoning Designations
	<ul style="list-style-type: none"> <li>• Retail sales</li> <li>• Residential (more than 1 unit/acre)</li> <li>• High-intensity recreation (e.g., golf courses and ball fields)</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• Residential (1 unit/acre or less)</li> <li>• Moderate-intensity open space (e.g., parks with biking and jogging)</li> <li>• Paved driveways and gravel driveways serving three or more residences</li> <li>• Paved trails</li> </ul>
Low	<ul style="list-style-type: none"> <li>• Low-intensity open space (e.g., hiking, bird-watching, and preservation of natural resources)</li> <li>• Timber management</li> <li>• Gravel driveways serving two or fewer residences</li> <li>• Unpaved trails</li> <li>• Utility corridor without a maintenance road and little or no vegetation management</li> </ul>

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(ii) Buffer widths, based on the types of land use, are provided in Table 16.10.120 (5)(g)(ii).

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Table 16.10.120 (5)(g)(ii). Wetland Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use
<b>Category IV Wetlands (for wetlands scoring less than 16 points for all functions)</b>	
Score for all three basic functions is less than 16 points	Low – 25 feet Moderate – 40 feet High – 50 feet
<b>Category III Wetlands (for wetlands scoring 16 to 18 points or more for all functions)</b>	
Moderate level of function for habitat (score for habitat 6 to 7 points) *If wetland scores 8 to 9 habitat points, use Category II buffers	Low – 75 feet Moderate – 110 feet High – 150 feet
Score habitat for 3 to 5 points	Low – 40 feet Moderate – 60 feet High – 80 feet
<b>Category II Wetlands (for wetlands scoring 19 to 21 points or more for all functions or having the “special characteristics” identified in the rating system)</b>	
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet
Moderate level of function for habitat (score for habitat 5 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use
High level of function for water quality improvement and low for habitat (score for water quality 8 to 9 points; habitat less than 5 points)	Low – 50 feet Moderate – 75 feet High – 100 feet
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions
Not meeting above characteristic	Low – 50 feet Moderate – 75 feet High – 100 feet
Vernal pool	Low – 100 feet Moderate – 150 feet High – 200 feet  Or develop a regional plan to protect the most important vernal pool complexes; buffers of vernal pools outside protection zones can then be reduced to:  Low – 40 feet Moderate – 60 feet High – 80 feet
<b>Category I Wetlands (for wetlands scoring 22 points or more for all functions or having the “special characteristics” identified in the rating system)</b>	
Wetlands of High Conservation Value	Low – 125 feet Moderate – 190 feet High – 250 feet
High level of function for habitat (score for habitat 8 to 9 points)	Low – 100 feet Moderate – 150 feet High – 200 feet
Moderate level of function for habitat (score for habitat 6 to 7 points)	Low – 75 feet Moderate – 110 feet High – 150 feet
High level of function for water quality improvement (8 to 9 points) and low for habitat (5 points or less)	Low – 50 feet Moderate – 75 feet High – 100 feet
Not meeting above characteristics	Low – 50 feet Moderate – 75 feet High – 100 feet

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- 2 (h) Wetland buffers shall be retained in their natural conditions unless change
- 3 is proposed in a portion of a wetland buffer that will have a positive effect
- 4 on the wetland or adequate mitigation cannot or will not be provided by
- 5 pre-development conditions. Integrity of the wetland shall be maintained
- 6 as a function of the buffer.
- 7 (i) Buffer Averaging
- 8 (i) Standard buffer widths may be modified by the Director for an
- 9 averaging to improve wetland protection when all of the following
- 10 conditions are met:

- 1 (A) Buffer averaging is necessary to avoid hardship to the  
2 person seeking this option, which is caused by  
3 circumstances peculiar to the property, to accomplish the  
4 purposes of the proposed development or land-use activity,  
5 and no reasonable alternative is available.
- 6 (B) The wetland contains variation in sensitivity due to existing  
7 physical characteristics, as confirmed in a Critical Area  
8 Report, and the reduction from standard buffer widths will  
9 occur only contiguous to the area of the wetland  
10 determined to be least sensitive.
- 11 (C) The wetland has significant differences in characteristics  
12 that affect its habitat functions, such as a wetland with a  
13 forested component adjacent to a degraded emergent  
14 component, or a “dual-rated” wetland with a Category I  
15 area adjacent to a lower rated area.
- 16 (D) The buffer is increased adjacent to the higher functioning  
17 area of habitat or more sensitive portion of the wetland and  
18 decreased adjacent to the lower functioning or less sensitive  
19 portion.
- 20 (E) The wetland contains variation in sensitivity due to existing  
21 physical characteristics, as confirmed in a Critical Area  
22 Report, and the reduction from standard buffer widths will  
23 occur only contiguous to the area of the wetland  
24 determined to be least sensitive.
- 25 (F) Buffer width averaging will not adversely impact wetland  
26 ecological functions and values.
- 27 (G) The total area of the buffer after averaging is equal to the  
28 area required without averaging.
- 29 (H) The buffer at its narrowest point is never less than 3/4 of  
30 the required width.
- 31 (j) Allowed uses in buffers. Low-impact uses and activities, which are  
32 consistent with the purpose and function of the habitat buffer and do not  
33 detract from its integrity, may be permitted within the buffer depending on  
34 the sensitivity of the habitat involved, provided that such activity shall not  
35 result in a decrease in wetland ecological functions and values and shall  
36 not prevent or inhibit the buffer’s recovery to at least pre-altered condition  
37 or function. Examples of uses and activities, which may be permitted in  
38 appropriate cases, as long as the activity does not retard the overall  
39 recovery of the buffer, include removal of noxious vegetation, pedestrian  
40 trails, and viewing platforms.

- 1 (i) Trails. Public and private trails may be allowed within wetland  
2 buffers where they can be demonstrated in a Critical Area Report  
3 that the wetland and wetland buffer ecological functions and  
4 values will not be degraded by trail construction or use. Trail  
5 planning, construction, and maintenance shall adhere to all of the  
6 following criteria:
- 7 (A) Permeable surface trail alignment shall be located only in  
8 the outer 25% of a wetland buffer width, except as needed  
9 to access viewing platforms or to cross the wetland.  
10 Private trails shall be a maximum of 5 feet wide, but public  
11 trails may be as wide as 7 feet if they are part of a regional  
12 trail network. Trails may be placed on existing levees,  
13 railroad grades, or road grades where those features exist in  
14 any part of a wetland buffer and may occupy the full width  
15 of the levee, railroad grade, or road grade.
- 16 (B) Trails and associated viewing platforms shall be  
17 constructed of pervious materials, unless impervious  
18 surfaces are necessary for conformance to the ADA. The  
19 trail surface shall meet all other requirements, including  
20 water quality standards set forth in the Stormwater  
21 Management Manual for Eastern Washington  
22 (September 2004) or as revised.
- 23 (C) Trail alignment shall avoid trees in excess of 6 inches in  
24 diameter of any tree trunk at a height of 4.5 feet above the  
25 ground on the upslope side of the tree where feasible.
- 26 (D) Access trails to viewing platforms within the wetland may  
27 be provided. Trail access and platforms shall be aligned  
28 and constructed to minimize disturbance to valuable  
29 functions of the wetland, or its buffer and other habitat  
30 elements, and still provide enjoyment of the resource.
- 31 (E) Buffer widths shall be increased, where possible, equal to  
32 the width of the trail corridor, including disturbed areas.
- 33 (ii) Utilities. The criteria for alignment, construction, and maintenance  
34 within the wetland buffers shall apply to utility corridors within  
35 wetland buffers. In addition, corridors shall not be aligned parallel  
36 with any stream channel unless the corridor is outside the buffer,  
37 and crossings shall be minimized. Installation shall be  
38 accomplished by boring beneath the scour depth and hyporheic  
39 zone of the waterbody where feasible. Crossings shall be  
40 contained within the existing footprint of an existing or new road  
41 or utility crossing where possible. Otherwise, crossings shall be at

1 an angle greater than 60 degrees to the centerline of the channel.  
 2 The criteria for stream crossings shall also apply.

3 (iii) Stormwater Management Facilities. Stormwater management  
 4 facilities are limited to stormwater dispersion outfalls and  
 5 bio-swales. They may be allowed within the outer 25% of the  
 6 buffer of Category III or IV wetlands only, provided that:

7 (A) No other location is feasible, and

8 (B) The location of such facilities will not degrade the  
 9 functions or values of the wetland.

10 (iv) Stormwater management facilities are not allowed in buffers of  
 11 Category I or II wetlands.

12 (k) Activities or uses that would strip vegetative cover, cause substantial  
 13 erosion or sedimentation, or affect aquatic life should be prohibited.

#### 14 **16.10.130 Critical Aquifer Recharge Areas**

15 (1) Purpose.

16 (a) The purpose and intent of this section is to safeguard groundwater  
 17 resources from hazardous substance and hazardous waste pollution by  
 18 controlling or abating future pollution from new land uses or activities.

19 (2) Classification. Aquifer recharge areas shall be classified as following:

20 (a) Wellhead Protection Areas: Wellhead protection areas may be defined by  
 21 the boundaries of the 10-year time of groundwater travel or boundaries  
 22 established using alternate criteria approved by the Department of Health  
 23 in those settings where groundwater time of travel is not a reasonable  
 24 delineation criterion, in accordance with WAC 246-290-135.

25 (b) Sole Source Aquifers: Sole source aquifers are areas designated by the  
 26 U.S. Environmental Protection Agency pursuant to the Federal Safe Water  
 27 Drinking Act.

28 (c) Susceptible Groundwater Management Areas: Susceptible groundwater  
 29 management areas have been designated in an adopted groundwater  
 30 management program developed pursuant to WAC 173-100.

31 (d) Special Protection Areas: Defined pursuant to WAC 173-200-090.

32 (e) Moderately, highly vulnerable, or highly susceptible aquifer recharge  
 33 areas: Aquifer recharge areas that are moderately, highly vulnerable, or  
 34 highly susceptible to degradation or depletion due to hydrogeologic

1 characteristics are delineated by a hydrogeologic study prepared in  
2 accordance with Washington State Department of Ecology (Ecology)  
3 guidelines or criteria.

4 (3) Determination Process

5 (a) The following progressive steps will occur upon a determination by the  
6 County, per Section 19.01.100 (10) and (11), General Review Process and  
7 Critical Area Report Requirement, that a critical aquifer recharge area may  
8 exist on a site proposed for a permit:

9 (i) The Director will determine if the proposed development activity  
10 is within an Area of Project Review.

11 (ii) If it is determined by the Director that the proposed development  
12 activity is within an Area of Project Review, compliance with  
13 Section 19.01.100 (10) and (11), General Review Process and  
14 Critical Area Report Requirements, of this ordinance and  
15 development of a Critical Area Report is required.

16 (4) Standards. The following standards will apply to development proposals  
17 determined to be located within critical aquifer recharge areas, as defined and  
18 described herein:

19 (a) Regulated Activities: A site analysis and Critical Area Report is required  
20 for uses and activities that have the potential to impact aquifer recharge  
21 areas.

22 (b) Activities proposed within an Area of Project Review for Critical Aquifer  
23 Recharge, shall comply with local, state, and federal agency requirements  
24 for each of the following: connections to sanitary sewer systems; on-site  
25 sewage disposal systems; connections to public water supplies; existing  
26 and proposed wells; and water rights-related issues.

27 (c) Regulated activities and uses may only be permitted in a critical aquifer  
28 recharge area if the applicant can show that the proposed activity will not  
29 adversely affect the recharging of the aquifer and that the proposed  
30 activity will not cause contaminants to enter the aquifer.

31 (d) Regulated activities must, at a minimum, comply with the water source  
32 protection requirements and recommendations of the federal  
33 Environmental Protection Agency, Washington State Department of  
34 Health, and the local Health Department, as applicable.

35 (e) Activities proposed within a critical aquifer recharge area that have a high  
36 potential for contamination are not allowed unless it is demonstrated that  
37 no other options are feasible. A hydrogeologic study for these proposed

- 1 activities shall be required and shall be prepared by a qualified geologist.  
2 The study shall focus, at a minimum, on the following:
- 3 (i) Geologic setting, site location map, topography, and well logs for  
4 the surrounding area
  - 5 (ii) Current available data on springs or seeps for the surrounding area
  - 6 (iii) Background water quality data
  - 7 (iv) Water source/supply to facility
  - 8 (v) Depth/location of any perched water tables or geological features  
9 that could form perch water tables if recharge is increased
  - 10 (vi) Groundwater flow direction and gradient
  - 11 (vii) An analysis of physical parameters of the aquifer to include:
    - 12 (A) Soil types
    - 13 (B) Hydraulic conductivity
    - 14 (C) Annual recharge
    - 15 (D) Depth to water
    - 16 (E) Importance of the Vadose Zone based on the geology  
17 above the aquifer
  - 18 (viii) Description (both qualitative and quantitative) of the impacts the  
19 project will have on surrounding wells
  - 20 (ix) Discussion of the effects of proposed project on groundwater  
21 resources
  - 22 (x) Other information required by the Director in consultation with  
23 other agencies of expertise
- 24 (f) Mitigation measures for groundwater protection may be required.  
25 Implementation of protection measures to prevent contamination is  
26 required. A qualified professional shall discuss potential mitigation  
27 measures if the proposed project should have an adverse impact on  
28 groundwater resources.
- 29 (g) Parks, Schools, and Recreation Facilities. Fertilizer and pesticide  
30 management practices of schools, parks, other recreation facilities, and  
31 similar uses shall use BMPs as prescribed by the local Conservation  
32 District.

- 1 (i) Within 25 feet of a waterbody, herbicides, fungicides, fertilizers,  
2 and pesticides shall be applied in strict conformance to the  
3 manufacturer's recommendations and in accordance with relevant  
4 state and federal laws. Further, pesticides subject to the final  
5 ruling in Washington Toxics Coalition, et al., v. EPA shall not be  
6 applied within 60 feet for ground applications or within 300 feet  
7 for aerial applications of the subject waterbodies and shall be  
8 applied by a qualified professional in accordance with state and  
9 federal law.
- 10 (h) All major and minor developments shall have an informational note placed  
11 on the face of plat stating, "This subdivision is located within an aquifer  
12 recharge area. BMPs shall be used for the containment of stormwater and  
13 the application of pesticides and fertilizers."

#### 14 **16.10.140 Frequently Flooded Areas**

- 15 (1) Purpose
- 16 (a) The purpose of this section is to promote the public health, safety, and  
17 welfare of the community by recognizing potential hazards that may be  
18 caused by development in areas where severe flooding is anticipated to  
19 occur. The intent of this section is to assist with minimizing public and  
20 private losses due to flood hazards by avoiding development in frequently  
21 flooded areas and implementing protective measures contained in the  
22 Columbia County Flood Plain Ordinance, as updated.
- 23 (2) Classification. Classification of frequently flooded areas, according to FEMA  
24 minimum requirements, should include, at a minimum, the 100-year floodplain  
25 designations of FEMA and the National Flood Insurance Program. The following  
26 categories of frequently flooded areas established for the purpose of classification  
27 are:
- 28 (a) Floodways – The channel of a stream, plus any adjacent floodplain areas,  
29 that must be kept free of encroachment so the base flood can be carried  
30 without substantial increases in flood heights.
- 31 (b) Floodplains – The floodway and special flood hazard areas, as applicable.
- 32 (c) Special Flood Hazard Areas – The area adjoining the floodway which is  
33 subject to a 1% or greater chance of flooding in any given year and  
34 determined by the Federal Insurance and Mitigation Administration.
- 35 (3) Designation. The Area of Project Review for the purposes of this section include  
36 all County lands and waters that meet the following criteria:
- 37 (a) Currently identified as frequently flooded areas by the Federal Insurance  
38 and Mitigation Administration in a scientific and engineering report titled

1 the Flood Insurance Study for the County with accompanying flood  
2 insurance rate maps. If and when this study becomes updated to reflect  
3 new conditions, designation of frequently flooded areas will include the  
4 changes.

5 (b) Within the 100-year floodplain, or having experienced historic flooding.

6 (4) Determination Process

7 (a) The following progressive steps will occur upon a determination by the  
8 County, per Section 19.01.100 (10) and (11), General Review Process and  
9 Critical Area Report Requirements, that a frequently flooded area may  
10 exist on a site proposed for a development permit:

11 (i) The Director will determine if the proposed development activity  
12 is within an Area of Project Review.

13 (ii) If it is determined by the Director that the proposed development  
14 activity is within an Area of Project Review, compliance with the  
15 County's Flood Damage Prevention Ordinance, as amended, is  
16 required. Completion of a Critical Area Report is not required for  
17 Frequently Flooded Areas.

18 (5) Management Recommendations and Protection Standards. The following  
19 management recommendations and standards will apply to development proposals  
20 determined to be located within frequently flooded areas, as defined and described  
21 herein:

22 (a) New development is permitted when sited and designed in a manner that  
23 does not alter the direction, velocity, or volume of flood waters in a  
24 manner that adversely impacts other properties within or adjacent to  
25 Frequently Flooded Areas.

26 (b) All developments must follow the provisions of the Columbia County  
27 Flood Damage Prevention ordinance, CCC Chapter 16.15, as updated.

28 (c) Water quality standards for Frequently Flooded Areas shall correspond  
29 with appropriate state and federal standards.

30 **16.10.150 Geologically Hazardous Areas**

31 (1) Purpose.

32 (a) The purpose of this section is to reduce the threats to public health and  
33 safety posed by geologic hazards. The intent is to reduce incompatible  
34 development in areas of significant geologic hazard. Development  
35 incompatible with geologic hazards may not only place itself at risk, but  
36 also may increase the hazard to surrounding development. Some geologic

1 hazards can be reduced or mitigated by engineering, design, or modified  
2 construction or altering mining practices so risks to health and safety are  
3 minimized. When technology cannot reduce the risks to acceptable levels,  
4 development in the hazard area is best to be avoided.

5 (2) Identification and Designation

6 (a) Geologically Hazardous Areas shall be designated consistent with the  
7 definitions provided in WAC 365-190-080(4). Geologically hazardous  
8 areas shall include all of the following:

9 (i) Erosion Hazards

10 (ii) Landslide Hazards

11 (iii) Mine Hazards

12 (iv) Seismic Hazards

13 (b) Erosion Hazard Areas: Those areas identified as having high or very high  
14 water erosion hazard by the U.S. Department of Agriculture Natural  
15 Resources Conservation Service as designated by the Natural Resources  
16 Conservation Service local office.

17 (c) Landslide Hazard Areas: Those areas potentially subject to landslides  
18 based upon the following combination of geologic, topographic, and  
19 hydrologic factors are as follows:

20 (i) Areas of historic failure with all of the following characteristics:

21 (A) Areas having a 30% slope or steeper, a vertical relief of  
22 30 feet or more, and soil types identified by the Natural  
23 Resource Conservation Service as unstable and prone to  
24 landslide hazard

25 (B) Areas designated as quaternary slumps, earthflows,  
26 mudflows, lahars, or landslides on maps or technical  
27 reports published by the USGS, such as topographic or  
28 geologic maps, or the Geology and Earth Resources  
29 Division of the Washington Department of Natural  
30 Resources, or other documents authorized by government  
31 agencies.

32 (ii) Areas with all of the following characteristics:

33 (A) A gradient of 15% or greater

- 1 (B) Hillsides intersecting geologic contacts with a relatively  
2 permeable sediment overlying a relatively impermeable  
3 sediment or bedrock
- 4 (C) Springs or groundwater seepage
- 5 (D) Areas that have shown movement during the Holocene  
6 Epoch or which are underlain or covered by mass wastage  
7 debris of the epoch
- 8 (E) Slopes that are parallel or sub-parallel to planes of  
9 weakness (such as bedding planes, joint systems, and fault  
10 planes) in subsurface materials
- 11 (F) Slopes having gradients greater than 80% subject to  
12 rockfall during seismic shaking
- 13 (G) Areas potentially unstable as a result of rapid stream  
14 incision and streambank erosion
- 15 (H) Areas located in a canyon or on an active alluvial fan,  
16 presently or potentially subject to inundation by debris  
17 flows or catastrophic flooding
- 18 (I) Any area with a slope of 40% or steeper and with a vertical  
19 relief of 10 or more feet, except areas composed of solid  
20 rock. A slope is delineated by establishing its toe and top  
21 and measured by averaging the inclination over at least  
22 10 feet of vertical relief.
- 23 (d) Mine Hazard Areas: Those areas that fall within 100 horizontal feet of a  
24 mine opening at the surface or an area designated as a mine hazard area by  
25 the Washington State Department of Natural Resources.
- 26 (e) Seismic Hazard Areas: Those areas subject to severe risk of damage as a  
27 result of earthquake-induced ground shaking, slope failure, settlement, soil  
28 liquefaction, or surface faulting, include the following characteristics:
- 29 (i) Areas described in Section 19.01.150 (2)(b) and (c) or having a  
30 potential for soil liquefaction and soil strength loss during ground  
31 shaking.
- 32 (ii) Areas located on a Holocene fault line identified by USGS  
33 investigative maps and studies.
- 34 (f) Seismic hazards shall be identified in the Washington State Department of  
35 Natural Resources seismic hazard susceptibility maps for Eastern  
36 Washington and other geologic resources.

- 1           (3)    Mapping of Geologically Hazardous Areas
- 2                   (a)    The approximate location and extent of Geologically Hazardous Areas are  
3                   shown in the adopted critical area maps. The adopted critical area maps  
4                   include all of the following:
- 5                           (i)    USGS landslide hazard, seismic hazard, and volcano hazard maps
- 6                           (ii)   Department of Natural Resources slope stability maps
- 7                           (iii)   FEMA flood insurance maps
- 8                           (iv)   Locally adopted maps
- 9                   (b)    These maps are to be used as a guide for the County, project applicants,  
10                   and/or property owners, and may be continuously updated as new critical  
11                   areas are identified. They are a reference and do not provide a final  
12                   critical area designation.
- 13           (4)    Determination Process
- 14                   (a)    Determination of Need for Geologic Hazard Area Report. A Geologic  
15                   Hazard Area Detailed Study of a geologic hazard area shall be required if  
16                   the following indicators are present:
- 17                           (i)    The project area is listed in the County’s Critical Area Map as  
18                           possessing either a Known or Suspected Risk for erosion,  
19                           landslide, flood, seismic, or mine hazard.
- 20                           (ii)   The project area is listed in the County’s Critical Area Map as  
21                           possessing an Unknown Risk for erosion, landslide, flood, seismic,  
22                           or mine hazard and any of the following conditions are identified  
23                           by the applicant or County:
- 24                                   (A)    A qualified geologist finds that any of the following exist:  
25                                   evidence of past significant events of the hazard in question  
26                                   on or adjacent to the site; the presence of necessary and  
27                                   sufficient factors for events of the hazard in question on or  
28                                   adjacent to the site; or reasonable uncertainty concerning  
29                                   the hazard the potential for significant risk to or from the  
30                                   proposed activity.
- 31                                   (B)    The Director possesses a reasonable belief that a geologic  
32                                   hazard may exist. Such reasonable belief shall be  
33                                   supported by a site visit and subsequent consultation with a  
34                                   qualified geologist.

- 1 (5) Geotechnical Report. The Director may require a Geotechnical Report prepared  
2 by a civil engineer or geologist who is licensed to practice in the State of  
3 Washington. The Geotechnical report shall include the following information:
- 4 (a) A detailed narrative describing the project, including, but not limited to,  
5 associated grading and filling, structures, and utilities.
- 6 (b) Classification of the type of hazard that exists.
- 7 (c) Site plan that depicts the following information: location of all proposed  
8 improvements; height of slope; slope gradient; cross section of the site;  
9 location of springs, seeps, or other surface expressions of groundwater;  
10 and any evidence of surface or stormwater runoff.
- 11 (d) A geotechnical evaluation that includes, at a minimum, a description  
12 and/or evaluation of all of the following information:
- 13 (i) Site location, topography, drainage, and surface waterbodies.
- 14 (ii) Soils and geologic units underlying the site.
- 15 (iii) An assessment of the geologic characteristics and engineering  
16 properties of the soils, sediments, and/or rock of the subject  
17 property and potentially affected adjacent properties. Soil analysis  
18 shall be accomplished in accordance with the Unified Soil  
19 Classification System.
- 20 (iv) Determination of height of slope and slope gradient, including  
21 slope cross sections.
- 22 (v) A description of load intensity, including surface and groundwater  
23 conditions, public and private sewage disposal systems, fills and  
24 excavations, and all structural development.
- 25 (vi) An estimate of slope stability and the effect construction and  
26 placement of structures will have on the slope throughout the  
27 estimated life of the structure.
- 28 (vii) An estimate of the bluff retreat rate which recognizes and reflects  
29 potential catastrophic events such as seismic activity or a 100-year  
30 storm event.
- 31 (viii) An assessment describing the extent and type of vegetation.
- 32 (ix) A detailed description of the project, its relationship to geologic  
33 hazard(s), and its potential impact upon the hazard area, the subject  
34 property, and affected adjacent properties.

- 1 (e) A proposed mitigation plan pursuant to Section 19.01.110 (9).
- 2 (f) Qualifications of Qualified Geotechnical Professional. Critical Area  
3 Reports prepared pursuant to this section shall be prepared by a  
4 Professional Engineer registered in the State of Washington, trained and  
5 qualified to analyze geologic, geotechnical, hydrologic, and groundwater  
6 flow systems, or a geologist or geotechnical engineer who has received a  
7 degree from an accredited 4-year college or university and who has  
8 relevant training and experience in analyzing geologic, geotechnical,  
9 hydrologic, and groundwater flow systems. Such qualifications shall be  
10 demonstrated to the satisfaction of the Director.
- 11 (g) The Director shall evaluate documentation submitted pursuant to this  
12 section and condition permit approvals to minimize risk on both the  
13 subject property and proposed improvements, as well as affected adjacent  
14 properties. All conditions on approvals shall be based on known,  
15 available, and reasonable methods of prevention, control, and treatment.  
16 Evaluation of geotechnical reports may also constitute grounds for denial  
17 of the proposal. Any County permits or approvals issued shall contain a  
18 statement on the face of the permit notifying the permit recipient that the  
19 permit involves work within or adjacent to a geologic hazard and/or its  
20 buffer and that the permit recipient assumes the risk and associated  
21 liability for such activity.
- 22 (6) Protection Standards
- 23 (a) Erosion and Landslide Hazard Areas
- 24 (i) Grading
- 25 (A) Clearing, grading, and other construction activities shall not  
26 aggravate or result in slope instability or surface sloughing.
- 27 (B) Undergrowth shall be preserved to the extent practicable.
- 28 (C) No dead vegetation, fill, or other foreign material shall be  
29 placed within a landslide hazard area, other than that  
30 approved for bulkheads or other methods of stabilization,  
31 unless a geotechnical report shows that the activity will not  
32 exacerbate landslide hazards.
- 33 (D) Ground disturbance shall be minimized to the extent  
34 practicable.
- 35 (ii) Ground Surface Erosion Control Management

- 1 (A) There shall be minimum disturbance of vegetation in order  
2 to minimize erosion and maintain existing stability of  
3 hazard areas.
- 4 (B) Vegetation removal on the slopes of banks between the  
5 ordinary high water mark (OHWM) and the top of the  
6 banks shall be minimized.
- 7 (C) Vegetation and organic soil material shall be removed from  
8 a fill site prior to the placement of clean earthen material.
- 9 (D) Vegetative cover shall be re-established on any disturbed  
10 surface to the extent practicable.
- 11 (E) To the extent practicable, soil stabilization materials, such  
12 as filter fabrics, riprap, and similarly designed materials,  
13 shall be placed on any disturbed surface when future  
14 erosion is likely.
- 15 (iii) Drainage
- 16 (A) Surface drainage, including downspouts, shall not be  
17 directed across the face of a hazard area; if drainage must  
18 be discharged from the top of a hazard area to its toe, it  
19 shall be collected above the top and directed to the toe by  
20 tight line drain and provided with an energy-dissipative  
21 device at the toe for discharge to a swale or other  
22 acceptable natural drainage areas.
- 23 (B) Stormwater retention and detention systems, including  
24 infiltration systems utilizing buried pipe, may be used if a  
25 geotechnical assessment indicates such a system shall not  
26 affect slope stability and the system is designed by a  
27 licensed civil engineer; the licensed civil engineer shall also  
28 certify that the system is installed as designed.
- 29 (iv) Buffers
- 30 (A) An undisturbed 30-foot buffer, as measured on the top  
31 surface, is required from the top, toe, and along all sides of  
32 any existing landslide or erosion hazard areas.
- 33 (B) Based on the results of a geotechnical assessment, the  
34 Director may increase or decrease the buffer.
- 35 (C) The buffer shall be clearly staked before any construction  
36 or clearing (grading) takes place.

- 1 (D) Normal non-destructive pruning and trimming of  
2 vegetation for maintenance purposes, or thinning of limbs  
3 of individual trees to provide a view corridor, shall not be  
4 subject to these buffer requirements.
  
- 5 (v) Design Guidelines

  - 6 (A) Foundations shall conform to the natural contours of the  
7 slope and foundations should be stepped or tiered where  
8 possible to conform to existing topography.
  - 9 (B) Roads, walkways, and parking areas shall be designed with  
10 low gradients or be parallel to the natural contours of the  
11 site.
  - 12 (C) To the extent practicable, access shall be in the least  
13 sensitive area of the site.
  - 14 (D) Structures and improvements shall be clustered to avoid  
15 Geologically Hazardous Areas and other critical areas.
  - 16 (E) Structures and improvements shall minimize alterations to  
17 the natural contours of the slope, and foundations shall be  
18 tiered where possible to conform to existing topography.
  - 19 (F) Structures and improvements shall be located to preserve  
20 the most critical portion of the site and its natural landforms  
21 and vegetation.
  - 22 (G) The proposed development shall not result in greater risk or  
23 a need for increased buffers on neighboring properties.
  - 24 (H) New development that would require structural  
25 stabilization throughout the life of the development is  
26 prohibited except when the applicant can demonstrate that  
27 stabilization is necessary to protect allowed uses where no  
28 alternative locations are available and maintenance of  
29 ecological functions will result.
  - 30 (I) The use of a retaining wall that allows the maintenance of  
31 existing natural slopes is preferred over graded artificial  
32 slopes.
  - 33 (J) Development shall be designed to minimize impervious lot  
34 coverage.
  - 35 (K) New development, or the creation of new lots, that would  
36 cause foreseeable risk from geological conditions to people

- 1 or improvements during the life of the development is  
2 prohibited.
- 3 (b) Additional Standards for Erosion and Landslide Hazard Areas
- 4 (i) No critical facilities shall be constructed or located within an  
5 erosion or landslide hazard area.
- 6 (ii) No new structures shall be located on a permanent foundation  
7 within an erosion or landslide hazard area, unless the foundation is  
8 located at a distance landward of the OHWM that is greater than or  
9 equal to the amount of land that is expected to erode within the  
10 next 30 years as determined by the Director.
- 11 (iii) New septic system drainfields in an erosion hazard area shall be  
12 located landward of any new structure.
- 13 (c) Mine Hazard Areas: Development within a mine hazard area is prohibited.
- 14 (d) Seismic Hazard Areas: Development within areas that meet the  
15 classification criteria for seismic hazard areas shall comply with the  
16 Uniform Building Code requirements for Seismic Risk Zone 2a.
- 17 (e) Mitigation: When mitigation is required by this section, a mitigation plan  
18 shall be prepared by a Qualified Geotechnical Professional and shall  
19 include the following information:
- 20 (i) A discussion on how the project has been designed to avoid and  
21 minimize the impacts to Geologically Hazardous Areas
- 22 (ii) A recommendation for the minimum building setback from any  
23 bluff edge and/or other geologic hazard, based upon the  
24 Geotechnical Report
- 25 (iii) The location and methods of drainage, locations and methods of  
26 erosion control, a vegetation management and/or restoration plan,  
27 and/or other means for maintaining long-term stability of slopes
- 28 (iv) Address the potential impact of mitigation on the hazard area, the  
29 subject property, and proposed improvements and affected  
30 adjacent properties
- 31 (v) A temporary erosion and sedimentation control plan
- 32 (vi) A drainage plan for the collection, transport, treatment, and  
33 discharge of surface water
- 34 (vii) Demonstration of compliance with this section

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1 **16.10.160 Fish and Wildlife Habitat Conservation Areas**

2 (1) Purpose.

3 (a) The purpose of this section is to provide a framework to evaluate the  
4 development, design, and location of buildings to ensure critical fish and  
5 wildlife habitat is preserved and protected, ecological functions and values  
6 are maintained, and habitat fragmentation is avoided. These regulations  
7 seek to protect critical habitat areas so populations of endangered,  
8 threatened, and sensitive species are given consideration during the  
9 development review process.

10 (2) Identification and Designation

11 (a) The following information, data, and resources are used by the County to  
12 identify and designate Fish and Wildlife Habitat Conservation Areas  
13 (HCA), as defined below.

14 (i) Areas within which federal and/or state-listed threatened or  
15 endangered fish and wildlife species exist, or state-sensitive,  
16 state-candidate, and state-monitor species have a primary  
17 association, and as designated under the Federal Endangered  
18 Species Act or within the WAC 232-12 (Priority Species and  
19 Habitats).

20 (ii) Riparian Habitat Areas: For the protection of habitat along rivers,  
21 streams, and lakes, the buffer widths provided in Table 19.01.120  
22 (5)(f)(ii) apply.

23 (iii) Naturally occurring ponds fewer than 20 acres and their submerged  
24 aquatic beds that provide fish or wildlife habitat.

25 (iv) The following important habitat areas, which are not based on use  
26 by a specific species, include those areas protected by their  
27 conservation ownership or management status, in addition to the  
28 protection standards within this section:

29 (A) National wildlife refuges, national monuments, natural area  
30 preserves, or any preserve or reserve designated under  
31 WAC 332-30-151

32 (B) State natural area preserves or natural resource  
33 conservation areas identified by state law and managed by  
34 the Department of Natural Resources

35 (v) Mapping information sources for identification of Fish and  
36 Wildlife Habitat Conservation Areas include, but are not limited,  
37 to:

- 1 (A) WDFW Priority Habitat and Species (PHS) maps
- 2 (B) Wetlands mapped under the National Wetland Inventory by  
3 the U.S. Department of Interior, Fish and Wildlife Service
- 4 (C) WDFW/Department of Natural Resources, Washington  
5 Rivers Inventory System maps
- 6 (D) Maps and reference documents in the Southeast  
7 Washington Coalition's SMP Inventory, Analysis, and  
8 Characterization Report, as applicable
- 9 (vi) The County allows for the nomination of Species/Habitats of Local  
10 Importance. In order to nominate Species/Habitats of Local  
11 Importance as candidates for designation within the category of  
12 Important Habitat Areas, an individual or organization must:
- 13 (A) Demonstrate a need for special consideration
- 14 (B) Propose relevant management strategies considered  
15 effective and within the scope of this section
- 16 (C) Provide species habitat location(s) on a map (scale of  
17 1:24,000)
- 18 (vii) It is recognized that the list of Fish and Wildlife Habitat  
19 Conservation Area (including species and habitats) will change  
20 from time to time. Further, the locations of species may also  
21 change over time. With this, the Planning Department will  
22 maintain and update, as necessary, its list and mapping data of  
23 federal and state threatened, endangered, sensitive, monitoring, and  
24 candidate species and habitats for the County. Coordination with  
25 the necessary federal and state agencies will need to occur to  
26 obtain the applicable data updates. Restrictions may apply as to  
27 the County's ability to disseminate, both written and mapped  
28 sensitive fish and wildlife information, to the general public.
- 29 (3) Determination Process
- 30 (a) The Director will review each development permit application in  
31 accordance with Section 19.01.100 (10) and (11), General Review Process  
32 and Critical Area Report Requirements, of this ordinance to determine if  
33 the provisions of this section will be applied to the project.
- 34 (b) In making the determination, the Director may use any of the inventories  
35 or reference maps identified in Section 19.01.100 (5) and Section  
36 19.01.160 (4).

- 1 (c) The following progressive steps will occur upon a determination by the  
2 Director, per Section 19.01.100 (10) and (11), General Review Process  
3 and Critical Area Report Requirements, that a Fish and Wildlife Habitat  
4 Conservation Area may exist on a site proposed for a development permit.
- 5 (i) The Director will determine if the proposed development activity  
6 is within an Area of Project Review. If the proposal is in or near  
7 an Area of Project Review, a site inspection and consultation with  
8 federal and/or state wildlife agency personnel or a qualified  
9 biologist may be conducted to more definitively determine if a Fish  
10 and Wildlife Habitat Conservation Area exists on the site if  
11 deemed necessary by the County.
- 12 (ii) If it is determined by the Director that the proposed development  
13 activity is within an Area of Project Review, compliance with  
14 Section 19.01.100 (10) and (11), General Review Process and  
15 Critical Area Report Requirements, of this ordinance and  
16 development of a Critical Area Report is required. If it is  
17 determined that the activity is not in an Area of Project Review,  
18 this section shall not apply to the review of the proposed permit  
19 activity.
- 20 (4) Fish/Wildlife Habitat Assessment and Identification
- 21 (a) If it is determined through the process identified herein that a Fish and  
22 Wildlife Habitat Conservation Area exists on a site that is the subject of a  
23 development permit application, a fish/wildlife habitat boundary survey  
24 and evaluation shall be conducted by a professional biologist, as  
25 appropriate, who is knowledgeable of fish and wildlife habitat within the  
26 County. The fish and wildlife habitat boundary shall be field staked, as  
27 necessary, by the biologist and identified on all final plats, maps, and  
28 associated documentation.
- 29 (b) The fish/wildlife habitat boundary and any associated buffer shall be  
30 identified on all plats, maps, plans, and specifications submitted for the  
31 project.
- 32 (5) Fish/Wildlife Habitat Management and Mitigation Plan
- 33 (a) A fish/wildlife habitat management and mitigation plan is required for all  
34 proposed developments determined to be within a Fish and Wildlife  
35 Habitat Conservation Area.
- 36 (b) When required, a fish/wildlife habitat management and mitigation plan  
37 shall be prepared by a professional biologist who is knowledgeable of fish  
38 and wildlife habitat within the County.

- 1 (c) The fish/wildlife habitat management and mitigation plan shall  
2 demonstrate, when implemented, that the protection or mitigation of  
3 habitat functions is addressed.
- 4 (d) Based on the best available science, Section 19.01.100 (8) the fish/wildlife  
5 habitat management and mitigation plan shall identify how impacts from  
6 the proposed project shall be mitigated, as well as the necessary  
7 monitoring and contingency actions for the continued maintenance of the  
8 Fish and Wildlife Habitat Conservation Area and any associated buffer.
- 9 (e) The fish/wildlife habitat management and mitigation plan shall include  
10 maps and narrative descriptions that address at least the following items:
- 11 (i) Avoiding the impact altogether by not taking a certain action or  
12 parts of an action;
- 13 (ii) Minimizing impacts by limiting the degree or magnitude of the  
14 action and its implementation, by using appropriate technology, or  
15 by taking affirmative steps to avoid or reduce impacts;
- 16 (iii) Rectifying the impact by repairing, rehabilitating or restoring the  
17 affected environment;
- 18 (iv) Compensating for the impact by replacing, enhancing, or providing  
19 substitute resources or environments.
- 20 (f) A plan by the applicant that explains how any adverse impacts created by  
21 the proposed development will be mitigated, shall include, but not be  
22 limited to, the following techniques:
- 23 (i) Use of any federal, state, or local management recommendations  
24 which have been developed for the species or habitats in the area
- 25 (ii) Application of appropriate and adequate buffers (see  
26 Table 19.01.120 (5)(f)(ii))
- 27 (iii) Preservation of critically important plants and trees
- 28 (iv) Limitation of access to the habitat conservation area
- 29 (v) Seasonal restriction of construction activities
- 30 (vi) Establishment of a timetable for periodic review of the plan
- 31 (g) A detailed discussion of ongoing management practices which will protect  
32 the habitat conservation area after the project site has been fully  
33 developed, including proposed monitoring, contingency, maintenance, and  
34 surety programs.

1 (6) Protection Standards

2 (a) No development permit or approval pursuant to this section shall be  
 3 granted unless adverse effects to Fish and Wildlife Habitat Conservation  
 4 Areas resulting from proposed development activities located within a  
 5 designated Fish and Wildlife Habitat Conservation Area are mitigated  
 6 pursuant to Section 19.01.110 and 19.01.160 (7).

7 (b) Fish and Wildlife Habitat Conservation Areas shall be protected in  
 8 accordance with the Director’s determination of appropriate conditions  
 9 and site-specific information supplied by the applicant. In making such a  
 10 determination, the Director may solicit and consider comments and  
 11 recommendations provided by Ecology, WDFW, and any Technical  
 12 Interdisciplinary Team participating in review for the proposed  
 13 development. Possible conditions may include the following:

14 (i) Applying buffers

15 (ii) Preservation of critically important vegetation

16 (iii) Limitation of access to the Fish and Wildlife Habitat Conservation  
 17 Area

18 (iv) Seasonal restriction(s) for construction activities

19 (c) Buffers – Fish and Wildlife Habitat Conservation Area Buffers shall be  
 20 applied consistent with the methodology provided in paragraph (h) below  
 21 and standard provided in Table 19.01.120(4)(i).

22 **Table 16.10.120(4)(i). Stream Buffer Widths**

Stream Type	Recommended Buffer Width <sup>(1) (2)</sup>
Type S	See Shoreline Master Program, Article V, 19.01.560
Type F 5 to 20 feet wide	<ul style="list-style-type: none"> <li>• 75 feet for areas where riparian habitat area is 60 feet in width or less</li> <li>• Where a riparian habitat area width is greater than 60 feet but less than 135 feet, then the buffer extends 15 feet beyond the edge of the riparian area</li> <li>• 150 feet where riparian habitat area is 135 feet in width or greater</li> <li>• To the edge of the CREP lands contracted edge; no maximum buffer width applies to these lands</li> </ul>

<p>Type F less than 5 feet wide</p>	<p>50 feet</p>
<p>Type Np and Ns</p>	<p>50 feet</p>

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1 = Measured from the OHWM or top of bank, on each side of the channel as applicable.  
 2 = Accompanied by stormwater management measures/facilities, geologic hazard  
 protections, wetland buffers, priority habitat and species-specific management  
 recommendations, and other Shoreline Master Program conditions, as applicable.  
 CREP = Conservation Reserve Enhancement Program  
 OHWM = ordinary high water mark

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(d) Special Provisions – Anadromous Salmonids

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(i) Activities, uses, and alterations proposed to be located in  
 waterbodies used by anadromous salmonids, or in areas that affect  
 such waterbodies, shall give special consideration to the  
 preservation and enhancement of anadromous salmonid habitat,  
 including, but not limited to, the following:

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(A) Activities shall be timed to occur only during the allowable  
 work window, as designated by the WDFW.

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(B) The activity is designed so that it will minimize the  
 degradation of the functions or values of the fish habitat or  
 other critical areas.

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(C) Any impact on the ecological functions and values of the  
 habitat conservation area are mitigated in accordance with  
 an approved Critical Area Report.

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(ii) Structures that prevent the migration of anadromous salmonids  
 shall not be allowed in the portion of the waterbodies currently  
 used by salmonids. Fish bypass facilities shall be provided that  
 allow the upstream migration of adult fish and prevent juveniles  
 migrating downstream from being trapped or harmed.

- 1 (iii) Fills waterward of the OHWM, when authorized, shall minimize  
2 the adverse impacts on anadromous salmonids and their habitat,  
3 shall mitigate any unavoidable impacts, and shall only be allowed  
4 for water-dependent uses or for uses that enable public access or  
5 recreation for significant numbers of the public.
- 6 (e) Special provisions – Wildlife. Bald eagle habitat shall be protected  
7 pursuant to the Washington State Bald Eagle Protection Rules  
8 (WAC 232-12-292).
- 9 (f) Special Provisions – Wetland Habitats. All proposed activities within or  
10 adjacent to habitat conservation areas containing wetlands shall, at a  
11 minimum, conform to the wetland development performance standards set  
12 forth in Section 19.01.120, Wetlands, in addition to meeting the habitat  
13 conservation area standards in this section.
- 14 (g) Special Provisions – Riparian Habitat. Unless otherwise allowed in this  
15 section, all structures and activities shall be located outside of the riparian  
16 habitat buffers.
- 17 (h) Variable buffer widths
- 18 The methodology for applying a variable buffer approach to determine  
19 buffer widths includes the following steps:
- 20 (i) Determine (approximate) the location of the OHWM or top of  
21 bank (as applicable) for the parcel of the proposed development.  
22 For this method, the OHWM is assumed to be the area next to the  
23 stream channel where the vegetation stops and the rock and cobble  
24 of the channel begins, or the top of bank in steep bank conditions,  
25 as applicable. Aerial imagery (2013) provided to the County is the  
26 imagery that is to be used to identify the OHWM or top of bank. A  
27 site visit, in addition to consulting aerial imagery, is recommended.
- 28 (ii) Confirm the development proposal is outside of 150 feet of the  
29 approximated OHWM, or outside of established CREP contract or  
30 conservation easement. If the development is outside of these  
31 boundaries, then no further work to identify riparian areas is  
32 required. If a development is proposed within 150 feet of the  
33 approximated OHWM then proceed to Step iii.
- 34 (iii) Determine the presence of any known or suspected wetland, steep  
35 slope areas, , priority habitat or species mapping, or other potential  
36 condition identified next to or adjacent to the proposed  
37 development. If yes, then address requirement(s) associated with  
38 one or more of these conditions, and apply applicable protection  
39 conditions. Is the development still expected to occur within 150  
40 feet of the OHWM? If yes, then go to Step iv. If no, then stop this

- 1 procedure, as these other requirements are also protective of  
2 riparian functions.
- 3 (iv) Is there a functional break wholly within 150 feet of the OHWM  
4 (established road, railroad bed, parking area or other similar  
5 continuous development feature that provides a continuous  
6 functional break in the riparian area) that extends along the edge of  
7 the proposed development area/parcel between the site  
8 development area and the waterbody? If no, proceed to Step v. If  
9 yes, then establish the riparian area upland boundary to the  
10 waterward edge of the facility maintenance area (disturbed area).  
11 Development would need to be located on the landward side of the  
12 functional break.
- 13 (v) Delineate the upland extent of the riparian area as defined above—  
14 the area where there is a distinct change in species composition  
15 and vegetation structure—using the 2013 aerial imagery (as  
16 provided in the GIS dataset provided to the County as part of the  
17 SMP update). Measure directly adjacent and waterward of the  
18 proposed development on a horizontal plane from the approximate  
19 OHWM to the edge of the riparian area. The line along the edge of  
20 the riparian area could be highly variable within a given parcel, as  
21 the area where the change in vegetation occurs is based on the  
22 underlying topographic elevation and area where the waterbody  
23 influences riparian vegetation growth. For example, in some areas,  
24 the vegetation could extend out to 150 feet or more and in others it  
25 could be much narrower.
- 26 (vi) Add 15 feet beyond the edge of the riparian area (up to 150 feet)  
27 and draw a line delineating the preliminary location of the riparian  
28 buffer outer boundary.
- 29 (vii) Additional setbacks for structures or other facilities would be  
30 added on to identified buffer width, as applicable.
- 31 (viii) Buffers in conjunction with other critical areas. Where other  
32 critical areas defined in this section fall within the waterbody  
33 buffer, the buffer area shall be the most beneficial of the buffers  
34 applicable to any applicable critical area.
- 35 (i) Buffer Reductions. Buffers may be administratively modified as outlined  
36 below:
- 37 (i) Where a legally established road or railway, or other type of  
38 continuous development, crosses or extends along a critical area  
39 buffer and provides a functional break, the Director may approve a  
40 modification of the minimum required buffer width to the

- 1 waterward edge of the improved continuous development,  
2 provided the upland side of the continuous development area meets  
3 all of the following criteria:
- 4 (A) Does not provide additional protection of the waterbody or  
5 stream
- 6 (B) Provides little (less than 20%) to no biological, geological,  
7 or hydrological buffer functions relating to the riparian and  
8 upland portions of the buffer
- 9 (ii) Standard Buffer Reduction. Reductions of up to 25% of the  
10 standard buffer may be approved if the applicant demonstrates to  
11 the satisfaction of the Director that a mitigation plan developed by  
12 a qualified professional pursuant to Section 19.01.110 (9) indicates  
13 that enhancing the buffer (by removing invasive plants or  
14 impervious surfaces, planting native vegetation, installing habitat  
15 features, or other means) will result in a reduced buffer that  
16 functions at a higher level than the standard buffer.
- 17 (j) Proposed developments or land-use activities located within a designated  
18 Habitat Conservation Area shall be reviewed for potential habitat impacts,  
19 considering the recommendations provided by Ecology, WDFW, and any  
20 Technical Interdisciplinary Team participating in review for the proposed  
21 development.
- 22 (k) Allowed uses in Fish and Wildlife Habitat Conservation Areas and  
23 Riparian Habitat Area Buffers.
- 24 (i) Roads, bridges, and utilities. Road, bridge, and utility  
25 maintenance, repair, and construction may be permitted across a  
26 Fish and Wildlife Habitat Conservation Area and/or buffers under  
27 all of the following conditions:
- 28 (A) It is demonstrated to the Director that there are no  
29 alternative routes that can be reasonably used to achieve the  
30 proposed development.
- 31 (B) The activity will have minimum adverse impact to the Fish  
32 and Wildlife Habitat Conservation Area.
- 33 (C) The activity will not significantly degrade surface or  
34 groundwater.
- 35 (D) The intrusion into the Fish and Wildlife Habitat  
36 Conservation Area and its buffers is mitigated.

- 1 (ii) Limited park or recreational access to a Fish and Wildlife Habitat  
2 Conservation Area and/or stream buffers, provided that all of the  
3 following are satisfied:
- 4 (A) The access is part of a public park or a recreational resort  
5 development that is dependent on the access for its location  
6 and recreational function.
- 7 (B) The access is limited to the minimum necessary to  
8 accomplish the recreational function.
- 9 (C) The intrusion is mitigated.
- 10 (iii) Low-impact uses and activities that are consistent with the purpose  
11 and function of the stream setback and do not detract from its  
12 integrity. Examples of low-impact uses and activities include  
13 removal of noxious vegetation and stormwater management  
14 facilities such as grass-lined swales.
- 15 (l) Temporary and permanent erosion and sedimentation controls shall be  
16 provided to prevent the introduction of sediments or pollutants to  
17 waterbodies or watercourses within the Habitat Conservation Area.
- 18 (m) Clearing and grading shall be limited to that necessary for establishment  
19 of the use or development and shall be conducted to avoid significant  
20 adverse impacts and minimize the alteration of the volume, rate, or  
21 temperature of freshwater flows to or within the Habitat Conservation  
22 Area and any buffer required by this section.
- 23 (n) The proposed development shall not discharge hazardous substances to the  
24 Habitat Conservation Area that would have significant adverse impacts on  
25 that area.
- 26 (o) Stream flows shall be protected from changes to the normal flow,  
27 temperature, turbidity, and discharge to the maximum extent practicable.
- 28 (p) Septic drainfields and any required replacement drainfield area shall be at  
29 least 100 feet from the edge of any Habitat Conservation Area.
- 30 (q) Exceptions to the above protection standards may be allowed by the  
31 Director based on a special report prepared by a qualified professional that  
32 demonstrates that such exception would not adversely impact the habitat  
33 system, functions, and values of the Habitat Conservation Area.
- 34 (r) Activities may only be permitted in a stream or stream buffer if the  
35 applicant can show that the proposed activity will not degrade the  
36 ecological functions and values of the stream, stream buffer, or other  
37 critical area.

- 1 (s) Stream Crossings – Stream crossings shall be minimized, but when  
2 necessary, they shall conform to the applicable provisions of this  
3 ordinance and other laws (see WDFW or Ecology).
- 4 (t) Stormwater conveyance facilities – Stormwater conveyance facilities may  
5 be permitted, provided that they are only located in the buffer when no  
6 practicable alternative exists outside the buffer. Stormwater facilities shall  
7 be planted with native plantings where feasible to provide habitat, and/or  
8 less intrusive facilities should be used.
- 9 (u) Floodway-dependent Structures – Floodway-dependent structures or  
10 installations may be permitted within streams or their buffers if allowed or  
11 approved by other ordinances or other agencies with jurisdiction. See  
12 Section 19.01.140, Frequently Flooded Areas, for more information on  
13 allowed uses and activities within flood hazard areas.
- 14 (v) Trails – The criteria for alignment, construction, and maintenance of trails  
15 within wetlands and their buffers shall apply to trails within stream  
16 buffers. Outer buffer trails may not exceed 10 feet in width and may be  
17 constructed with impermeable surface materials if on-site infiltration is  
18 utilized.
- 19 (w) Utilities – The criteria for alignment, construction, and maintenance  
20 within the wetland buffers shall apply to utility corridors within stream  
21 buffers. In addition, corridors shall not be aligned parallel with any stream  
22 channel unless the corridor is outside the buffer and crossings shall be  
23 minimized. Installation shall be accomplished by boring beneath the scour  
24 depth and hyporheic zone of the waterbody where feasible. Crossings  
25 shall be contained within the existing footprint of an existing or new road  
26 or utility crossing where possible. Otherwise, crossings shall be at an  
27 angle greater than 60 degrees to the centerline of the channel. The criteria  
28 for stream crossings shall also apply.
- 29 (x) No net effective impervious surfaces may be created in the outer buffer  
30 area beyond what is otherwise permitted.
- 31 (y) No structures or related improvements, including buildings or decks, shall  
32 be permitted within the stream buffer except as otherwise allowed in  
33 19.01.100, General Provisions.

#### 34 **16.10.170 Definitions**

- 35 (1) “Adaptive Management” Adaptive management relies on scientific methods to  
36 evaluate how well regulatory and non-regulatory actions protect the critical area.  
37 An adaptive management program is a formal and deliberate scientific approach  
38 to taking action and obtaining information in the face of uncertainty.

- 1 (2) “Adjacent,” Adjacent means immediately adjoining (in contact with the boundary  
2 of the influence area) or within a distance less than that needed to separate  
3 activities from critical areas to ensure protection of the functions and values of the  
4 critical areas. Adjacent shall mean any activity or development located:
- 5 (a) On-site immediately adjoining a critical area, or
- 6 (b) A distance equal to or less than the required critical area buffer width and  
7 building setback.
- 8 (3) “Agricultural activities” means agricultural uses and practices, including, but not  
9 limited to: producing, breeding, or increasing agricultural products; rotating and  
10 changing agricultural crops; allowing land used for agricultural activities to lie  
11 fallow in which it is plowed and tilled but left unseeded; allowing land used for  
12 agricultural activities to lie dormant as a result of adverse agricultural market  
13 conditions; allowing land used for agricultural activities to lie dormant because  
14 the land is enrolled in a local, state, or federal conservation program, or the land is  
15 subject to a conservation easement; conducting agricultural operations;  
16 maintaining, repairing, and replacing agricultural equipment; maintaining,  
17 repairing, and replacing agricultural facilities, provided that the replacement  
18 facility is no closer to the shoreline than the original facility; and maintaining  
19 agricultural lands under production or cultivation.
- 20 (4) “Alteration” Any human induced change in an existing condition of a critical  
21 area or its buffer. Alterations include, but are not limited to grading, filling,  
22 channelizing, dredging, clearing (vegetation), construction, compaction,  
23 excavation or any other activity that changes the character of the critical area.
- 24 (5) “Amendment” A revision, addition, alteration to the wording, context, critical  
25 area map designations or substance of the ordinance.
- 26 (6) “Anadromous Fisheries” Fish that spawn and rear in freshwater and mature in the  
27 marine environment. While Pacific salmon die after their first spawning, adult  
28 char (bull trout) can live for many years, moving in and out of saltwater and  
29 spawning each year. The life history of Pacific salmon and char contains critical  
30 periods of time when these fish are more susceptible to environmental and  
31 physical damage than at other times. The life history of salmon, for example,  
32 contains the following stages: upstream migration of adults, spawning, inter-  
33 gravel incubation, rearing, smoltification (the time period needed for juveniles to  
34 adjust their body functions to live in the marine environment), downstream  
35 migration, and ocean rearing to adults.
- 36 (7) “Applicant” A person who files an application for a permit under this ordinance  
37 and who is either the owner of the land on which the proposed regulated activity  
38 would be located, a contract purchaser, or the authorized agent of such a person.

- 1 (8) “Aquifer” A water bearing geological formation, a group of formations or part of  
2 formation that is capable of yielding a significant amount of water to a well or  
3 spring.
- 4 (9) “Aquifer Recharge Areas” Areas that, due to the presence of certain soils,  
5 geology, and surface water, act to recharge ground water by percolation.
- 6 (10) “Aquifer, Sole Source” An area designated by the U.S. Environmental Protection  
7 Agency under the Safe Drinking Water Act of 1974, Section 1424(e). The  
8 aquifer(s) must supply fifty percent (50%) or more of the drinking water for an  
9 area without a sufficient replacement available.
- 10 (11) “Best Available Science” A valid scientific process that includes organized  
11 investigations and observations conducted by qualified personnel using  
12 documented methods leading to verifiable results and conclusions consistent with  
13 the following characteristics:
- 14 (a) Peer review
- 15 (b) Methods
- 16 (c) Logical conclusions and reasonable references
- 17 (d) Quantitative analysis
- 18 (e) Context
- 19 (f) References
- 20 The County may use information that local, state and federal natural resource  
21 agencies have determined represents the best available science consistent with  
22 WAC 365-195-900.
- 23 (12) “Base flood” means a flood having a 1% chance of being equaled or exceeded in  
24 any given year. Also referred to as the “100-year flood.” Designated on FIRMs  
25 with the letters A or V.
- 26 (13) “Best Management Practices” Conservation practices or systems of practices and  
27 management measures that:
- 28 (a) Control soil loss and reduce water quality degradation caused by high  
29 concentrations of nutrients, animal waste, toxics, and sediment;
- 30 (b) Minimize adverse impacts to surface water and ground water flow,  
31 circulation patterns, and to the chemical, physical, and biological  
32 characteristics of wetlands;

- 1 (c) Protect trees and vegetation designated to be retained during and following  
2 site construction; and
- 3 (d) Provide standards for proper use of chemical herbicides within critical  
4 areas. Columbia County shall monitor the application of best management  
5 practices to ensure that the standards and policies of this ordinance are  
6 adhered to.
- 7 (14) “Buffer” or “Buffer Zone” An area contiguous to and that protects a critical area  
8 which is required for the continued maintenance, functioning, and/or structural  
9 stability of a critical area.
- 10 (15) “Clearing” The destruction or removal of vegetation ground cover, shrubs and  
11 trees including, but not limited to, root material removal and/or topsoil removal.
- 12 (16) “Compensation” Compensation includes actions necessary to replace or enhance  
13 the critical area or its buffer depending on the scope of the approved alteration  
14 and what is needed to maintain or improve the critical area or buffer functions,  
15 including , including land acquisition, planning, construction plans, monitoring  
16 and contingency actions.
- 17 (17) “Conservation Easement” A legal agreement that the property owner enters into  
18 to restrict uses of the land. Such restrictions can include, but are not limited to,  
19 passive recreation uses such as trails or scientific uses and fences or other barriers  
20 to protect habitat. The easement is recorded on a property deed, runs with the  
21 land, and is legally binding on all present and future owners of the property,  
22 therefore, providing permanent or long-term protection.
- 23 (18) “County” means Columbia County
- 24 (19) “County Planning Director” The individual relegated the authority for  
25 administering, interpreting and enforcing the Critical Area Ordinance.
- 26 (20) “Critical Aquifer Recharge Area” Areas designated by WAC 365-190-080(2) that  
27 are determined to have a critical recharging effect on aquifers used for potable  
28 water as defined by WAC 365-190-030(2).
- 29 (21) “Critical Areas” Critical areas include the following areas and ecosystems:
- 30 (a) Wetlands;
- 31 (b) Areas with critical recharging effect on the aquifers used for potable  
32 water;
- 33 (c) Fish and wildlife habitat conservation areas;
- 34 (d) Geologically hazardous areas; and

- 1 (e) Frequently flooded areas (Please refer to the Columbia County Flood Plain  
2 Ordinance for further information).
- 3 (22) “Critical Aquifer Recharge Areas” Areas with a critical recharging effect on  
4 aquifers used for potable water or areas where the as aquifer that is a source of  
5 drinking water is vulnerable to contamination that would affect the potability of  
6 the water.
- 7 (23) “Department” means the Columbia County Building and Planning Department.
- 8 (24) “Development” Any activity upon the land consisting of construction or  
9 alteration of structures, earth movement, dredging, dumping, grading, filling,  
10 mining, removal of any sand, gravel, or minerals, driving of piles, drilling  
11 operations, bulkheading, clearing of vegetation, or other land disturbance.  
12 Development includes the storage or use of equipment or materials inconsistent  
13 with the existing use. Development also includes approvals issued by Columbia  
14 County that binds land to specific patterns of use, including but not limited to,  
15 subdivisions, short subdivisions, zone changes, conditional use permits, and  
16 binding site plans. Development activity does not include the following activities:
- 17 (a) Interior building improvements.
- 18 (b) Exterior structure maintenance activities, including painting and roofing.
- 19 (c) Routine landscape maintenance of established, ornamental landscaping,  
20 such as lawn mowing, pruning and weeding.
- 21 (d) Maintenance of the following existing facilities that does not expand the  
22 affected area: septic tanks (routine cleaning); wells; individual utility  
23 service connections; and individual cemetery plots in established and  
24 approved cemeteries.
- 25 (25) “Development Permit” Any permit issued by Columbia County or other  
26 authorized agency, for construction, land use, or the alteration of land.
- 27 (26) “Development Regulations” or “Regulations” Any controls placed on  
28 development or land use activities by the County including but not limited to the  
29 zoning ordinance, official controls, planned unit development ordinances,  
30 subdivision ordinance, binding site plan ordinances and flood plain ordinances  
31 together with amendments thereto. A development regulation does not include a  
32 decision to approve a project permit application even though the decision may be  
33 expressed in a resolution or ordinance of the County.
- 34 (27) “Ecological functions” or “shoreline functions” means the work performed or role  
35 played by the physical, chemical, and biological processes and species that  
36 contribute to the maintenance of the aquatic and terrestrial environments that  
37 constitute the shoreline’s natural ecosystem.

- 1 (28) “Ecosystems” The dynamic and interrelating complex of plant and animal  
2 communities and their associated environment.
- 3 (29) “Erosion” The wearing away of the grounds surface as a result of mass wasting  
4 or the movement of wind, water, soil and/or ice.
- 5 (30) “Erosion Hazard Areas” Those areas containing soils which, according to the  
6 United States Department of Agriculture Soil Conservation Service Soil  
7 Classification System, may experience severe to very severe erosion.
- 8 (31) “Feasible” means that an action, such as a development project, mitigation, or  
9 preservation requirement, meets all of the following conditions: (a) the action can  
10 be accomplished with technologies and methods that have been used in the past in  
11 similar circumstances, or studies or tests have demonstrated in similar  
12 circumstances that such approaches are currently available and likely to achieve  
13 the intended results; (b) the action provides a reasonable likelihood of achieving  
14 its intended purpose; and (c) the action does not physically preclude achieving the  
15 project’s primary intended legal use. In cases where these guidelines require  
16 certain actions, unless they are infeasible, the burden of proving infeasibility is on  
17 the applicant. In determining an action’s infeasibility, the Director may weigh the  
18 relative public costs and public benefits, considered in a long term time frame, as  
19 required by RCW 90.58.020(3).
- 20 (32) “Fill” means the addition of soil, sand, rock, gravel, sediment, earth-retaining  
21 structure, or other material to an area waterward of the OHWM, in wetlands, or  
22 on other aquatic areas in a manner that raises the elevation or creates dry land.
- 23 (33) “Fish and Wildlife Habitat Conservation Areas” Areas necessary for maintaining  
24 species in suitable habitats within their natural geographic distribution so that  
25 isolated subpopulations are not created as designated by WAC 365-190-130.  
26 These areas include:
- 27 (a) Areas with which endangered, threatened and sensitive species have  
28 primary association;
- 29 (b) Habitats and species of local importance;
- 30 (c) Naturally occurring ponds under twenty acres and their submerged aquatic  
31 beds that provide fish and wildlife habitat;
- 32 (d) Waters of the state;
- 33 (e) Lakes, ponds streams and rivers planted with game fish by a governmental  
34 or tribal entity; or
- 35 (f) State natural area preserves and natural resource conservation areas.

1 "Fish and wildlife habitat conservation areas" does not include such artificial  
2 features or constructs as irrigation delivery systems, irrigation infrastructure,  
3 irrigation canals, or drainage ditches that lie within the boundaries of and are  
4 maintained by a port district or an irrigation district or company.  
5

6 (34) "Flood or Flooding" A general and temporary condition of partial or complete  
7 inundation of normally dry land areas from the overflow of inland waters and/or  
8 the unusual and rapid accumulation of runoff of surface waters from any source.

9 (35) "Flood hazard area" means any area subject to inundation by the base flood or  
10 risk from channel migration, including, but not limited to, an aquatic area,  
11 wetland, or closed depression.

12 (36) "Flood Insurance Map" The official map on which the Federal Insurance  
13 Administration has delineated the areas of special flood hazards and include the  
14 risk premium zones applicable to the community. Also known as "flood  
15 insurance rate map" or "FIRM."

16 (37) "Floodplain" An area adjacent to a lake stream, or other body of water lying  
17 outside the ordinary banks of the water body and periodically inundated by flood  
18 flows.

19 (38) "Floodway" means the area, as identified in a master program, that either: (i) Has  
20 been established in federal emergency management agency flood insurance rate  
21 maps or floodway maps; or (ii) consists of those portions of a river valley lying  
22 streamward from the outer limits of a watercourse upon which flood waters are  
23 carried during periods of flooding that occur with reasonable regularity, although  
24 not necessarily annually, said floodway being identified, under normal condition,  
25 by changes in surface soil conditions or changes in types or quality of vegetative  
26 ground cover condition, topography, or other indicators of flooding that occurs  
27 with reasonable regularity, although not necessarily annually. Regardless of the  
28 method used to identify the floodway, the floodway shall not include those lands  
29 that can reasonably be expected to be protected from flood waters by flood  
30 control devices maintained by or maintained under license from the federal  
31 government, the state, or a political subdivision of the state;

32 (39) "Frequently Flooded Areas" Land located in the floodplain subject to a one  
33 percent (1%) or greater chance of flooding in any given year. These areas  
34 include, but are not limited to, streams, rivers, lakes, wetlands and the like.  
35 Frequently flooded areas perform important hydrologic functions and may present  
36 a risk to persons and property as designated by WAC 365-190-080(3).  
37 Classifications of frequently flooded areas include, at a minimum, the 100-year  
38 flood plain designations of the Federal Emergency Management Agency and the  
39 National Flood Insurance Program.

- 1 (40) “Functions and Values” The beneficial roles served by critical areas including,  
2 but not limited to, water quality protection and enhancement, fish and wildlife  
3 habitat, food chain support, flood storage, conveyance and attenuation, ground  
4 water recharge and discharge, erosion control, wave attenuation, protection from  
5 hazards, historical and archaeological and aesthetic value protection, and  
6 recreation. These beneficial roles are not listed in order of priority.
- 7 (41) “Geologically Hazardous Areas” Areas that may not be suited to development  
8 consistent with public health, safety or environmental standards, because of their  
9 susceptibility to erosion, sliding, earthquake, or other geological events as  
10 designated by WAC 365-190-080(4). Types of geologically hazardous areas  
11 include: erosion, landslide, seismic, mine, and volcanic hazards.
- 12 (42) “Geotechnical Report” means a scientific study or evaluation conducted by a  
13 qualified expert that includes a description of the ground and surface hydrology  
14 and geology; the affected landform and its susceptibility to mass wasting, erosion,  
15 and other geologic hazards or processes; conclusions and recommendations  
16 regarding the effect of the proposed development on geologic conditions; the  
17 adequacy of the site to be developed; the impacts of the proposed development;  
18 alternative approaches to the proposed development; and measures to mitigate  
19 potential site-specific and cumulative geological and hydrological impacts of the  
20 proposed development, including the potential adverse impacts on adjacent and  
21 down-current properties. Geotechnical Reports shall conform to accepted  
22 technical standards and must be prepared by qualified professional engineers or  
23 geologists who have professional expertise about the regional and local shoreline  
24 geology and processes.
- 25 (43) “Grading” The physical manipulation of the earth’s surface and/or drainage  
26 pattern in preparation for an intended use or activity.
- 27 (44) “Ground Water” Water in a saturated zone or stratum beneath the surface of land  
28 or a surface water body.
- 29 (45) “Habitat” The specific area or environment in which a particular type of animal  
30 or plant lives. An organism’s habitat must provide all the basic requirements for  
31 life and should be free of harmful contaminants. Habitat may be tied to  
32 temperature, water, soil, sunlight, source of food, refuge from predators, place to  
33 reproduce, and other living and non-living factors.
- 34 (46) “Habitats of Local Importance” A seasonal range or habitat element with which a  
35 given species has a priority association, and if altered, may reduce the likelihood  
36 that the species will maintain and reproduce over the long term. These might  
37 include areas of high relative density or species richness, breeding habitat, winter  
38 range, and movement corridors. These might also include habitats that are of  
39 limited availability or high vulnerability to alteration, such as cliffs, topographic,  
40 and hydrological factors.

- 1 (47) “Hazardous substance(s)” means all of the following:
- 2 (a) A hazardous substance as defined by Section 101(14) of the  
3 Comprehensive Environmental Response, Compensation, and Liability  
4 Act; any substance designated pursuant to Section 311(b)(2)(A) of the  
5 Clean Water Act (CWA); any hazardous waste having the characteristics  
6 identified under or listed pursuant to Section 3001 of the Solid Waste  
7 Disposal Act (but not including any waste the regulation of which under  
8 the Solid Waste Disposal Act has been suspended by Act of Congress);  
9 any toxic pollutant listed under Section 307(a) of the CWA; or any  
10 imminently hazardous chemical substance or mixture with respect to  
11 which the United States Environmental Protection Agency has taken  
12 action pursuant to Section 7 of the Toxic Substances Control Act.
- 13 (b) Hazardous substances that include any liquid, solid, gas, or sludge,  
14 including any material, substance, product, commodity, or waste,  
15 regardless of quantity, that exhibit any of the physical, chemical, or  
16 biological properties described in WAC 173-303-090, 173 303 102, or  
17 173-303-103.
- 18 (48) “Hearing Body” The individual, committee or agency designated by the Board of  
19 County Commissioners to conduct public hearings and render decisions on  
20 subdivisions, zone reclassifications, variances, amendments, special permits,  
21 conditional uses, appeals and other matters set forth in the Columbia County  
22 Zoning Code.
- 23 (49) “Hydraulic Project Approval (HPA)” A permit issued by the state Department of  
24 Fish and Wildlife for modifications to waters of the state in accordance with  
25 Chapter 75.20 RCW. The Washington Department of Fish and Wildlife issues  
26 Hydraulic Project Approvals (HPA’s) for the protection of all fish life.
- 27 (50) “Hyporheic Zone” The saturated zone located beneath and adjacent to streams  
28 that contains some portion of surface waters, serves as a filter for nutrients, and  
29 maintains water quality.
- 30 (51) “Impervious Surface” A hard surface area that either prevents or retards the entry  
31 of water into the soil mantle as under natural conditions prior to development or  
32 that causes water to run off the surface in greater quantities or at an increased rate  
33 of flow from the flow present under natural conditions prior to development.  
34 Common impervious surfaces include, but are not limited to, roof tops, walkways,  
35 patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel  
36 roads, packed earthen materials, and oiled macadam or other surfaces which  
37 similarly impede the natural infiltration of stormwater.
- 38 (52) “Infiltration” The downward entry of water into the immediate surface of soil.
- 39 (53) “Invasive plant species” means the plants listed for Eastern Washington in  
40 Washington State Noxious Weed Board Publication # 820-264E (N/6/09), the

1 latest version of this document, and any other non-native vegetation, which is not  
2 endemic to the SE Washington Coalition ecoregion and which expands into native  
3 plant communities (e.g., yellow star-thistle, cheatgrass, and knapweed species).

- 4 (54) “Landslide Hazard Areas” Areas that are potentially subject to risk of mass  
5 movement due to a combination of geologic landslide resulting from a  
6 combination of geologic, topographic, and hydrologic factors. These areas are  
7 typically susceptible to landslides because of a combination of factors including:  
8 bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or  
9 other factors.
- 10 (55) “Mine Hazard Areas” Areas that are underlain by, adjacent to, or affected by  
11 mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those  
12 areas of probable sink holes, gas releases, or subsidence due to mine workings.  
13 Factors that should be considered include: Proximity to development, depth from  
14 ground surface to the mine working, and geologic material.
- 15 (56) “Mitigation” Avoiding, minimizing or compensating for adverse critical areas  
16 impacts. Mitigation, in the following order of preference and may include a  
17 combination of these measures:
- 18 (a) Avoiding the impact altogether by not taking a certain action or parts of an  
19 action;
- 20 (b) Minimizing impacts by limiting the degree or magnitude of the action and  
21 its implementation, by using appropriate technology, or by taking  
22 affirmative steps, such as project redesign, relocation, or timing, to avoid  
23 or reduce impacts;
- 24 (c) Rectifying the impact to wetlands, critical aquifer recharge areas, and  
25 habitat conservation areas by repairing, rehabilitating or restoring the  
26 affected environment to the conditions existing at the time of the initiation  
27 of the project;
- 28 (d) Minimizing or eliminating the hazard by restoring or stabilizing the hazard  
29 area through engineered or other methods;
- 30 (e) Reducing or eliminating the impact or hazard over time by preservation  
31 and maintenance operations during the life of the action;
- 32 (f) Compensating for the impact to wetlands, critical aquifer recharge areas,  
33 and habitat conservation areas by replacing, enhancing, or providing  
34 substitute resources or environments; and
- 35 (g) Monitoring the hazard or other required mitigation and taking remedial  
36 action when necessary.

- 1 (57) “Monitoring” Evaluating the impacts of development proposals on the biological,  
2 hydrological, and geological elements of such systems and assessing the  
3 performance of required mitigation measures throughout the collection and  
4 analysis of data by various methods for the purpose of understanding and  
5 documenting changes in natural ecosystems and features, and includes gathering  
6 baseline data.
- 7 (58) “Native Vegetation” Plant species that are indigenous to the area in question; or  
8 in the case where a site has been cleared, species of a size and type that were on  
9 the site or reasonably could have been expected to have been found on the site at  
10 the time it was cleared.
- 11 (59) “Non-conforming Activity or Use” A use or structure which was lawfully  
12 established or constructed prior to the effective date of this ordinance or  
13 amendments thereto, but which does not conform to present regulations or  
14 standards contained in this ordinance.
- 15 (60) “Off-site Compensation” To replace critical areas away from the site on which a  
16 critical area has been impacted.
- 17 (61) “On-site Compensation” To replace critical areas at or adjacent to the site on  
18 which a critical areas has been impacted.
- 19 (62) “Ordinary High Water Mark (OHWM)” That mark which is found by examining  
20 the bed and banks and ascertaining where the presence and action of waters are so  
21 common and usual, and so long continued in all ordinary years, that the soil has a  
22 character distinct from that of the abutting upland in respect to vegetation.
- 23 (63) “Owner” Any person or entity including a cooperative or a public housing  
24 authority (PHA) having the legal rights to sell, lease, or sublease any form of real  
25 property.
- 26 (64) “Person” A natural person, his/her heirs, executors, administrators or assignees,  
27 or a firm, partnership, or corporation and its or their successors and assignees, or  
28 a governmental agency.
- 29 (65) “Person Aggrieved” A corporation, company, association, firm, partnership or  
30 joint stock Company, as well as an individual, state, and all political subdivisions  
31 of a state or any agency or instrumentality thereof, not in agreement with a  
32 decision made by the Department or Hearing Body.
- 33 (66) “Pollutants” A contamination that adversely alters the physical, chemical or  
34 biological properties of the environment.
- 35 (67) “Potable Water” Water that is safe and palatable for human use.

- 1 (68) “Practical Alternative” An alternative that is available and capable of being  
2 carried out after taking into consideration, cost, existing technology, and logistics  
3 in light of overall project purposes, and having less impacts to critical areas.
- 4 (69) “Priority Habitat” Habitat type or elements with unique or significant value to  
5 one or more species as classified by the Department of Fish and Wildlife. A  
6 priority habitat may consist of a unique vegetation type or dominant plant species,  
7 a described successional stage, or a specific structural element (WAC 173-26-  
8 020(34).
- 9 (70) “Project” See “Development”.
- 10 (71) “Project Area” The land area proposed to be disturbed, altered, or used by an  
11 activity or the construction of any proposed structures including all areas within  
12 fifty (50) feet of the proposed activity or construction.
- 13 (72) “Qualified Professional” A person with experience and training in the applicable  
14 critical area. A qualified professional must have obtained a B.S. or B.A. or  
15 equivalent degree in biology, engineering, environmental studies, fisheries,  
16 geomorphology or related field, and two years of related work experience.
- 17 (a) A qualified professional for habitats or wetlands must have a degree in  
18 biology and professional experience related to the subject species.
- 19 (b) A qualified professional for a geological hazard must be a professional  
20 engineer or geologist, licensed in the state of Washington.
- 21 (c) A qualified professional for critical aquifer recharge areas means a  
22 hydrogeologist, geologist, engineer, or other scientist with experience in  
23 preparing hydrogeologic assessments.
- 24 (73) “Recharge” The process involved in the absorption and addition of water to  
25 ground water.
- 26 (74) “Regulated Activity” Any activity which is directly undertaken or originates in a  
27 critical area or associated buffer area.
- 28 (75) “Repair or Maintenance” An activity that restores the character, scope, size, and  
29 design of a serviceable area, structure, or land use to its previously authorized and  
30 undamaged condition. Activities that change the character, size, or scope of a  
31 project beyond the original design and drain, dredge, fill, flood, or otherwise alter  
32 critical areas are not included in this definition.
- 33 (76) “Restoration” Measures taken to restore an altered or damaged natural feature  
34 including:

- 1 (a) Active steps taken to restore damaged wetlands, streams, protected habitat,  
2 or their buffers to the functioning condition that existed prior to an  
3 unauthorized alteration; and
- 4 (b) Actions performed to reestablish structural and functional characteristics  
5 of the critical area that have been lost by alteration, past management  
6 activities, or catastrophic events.
- 7 (77) “Riparian Area” or “Riparian Habitat” An area located adjacent to flowing water  
8 that contain elements of both aquatic and terrestrial ecosystems that mutually  
9 influence each other. The width of these areas extends to that portion of the  
10 terrestrial landscape that directly influences the aquatic ecosystem by providing  
11 shade, fine or large woody material, nutrients, organic and inorganic debris,  
12 terrestrial insects, or habitat for riparian-associated wildlife. Widths shall be  
13 measured from the ordinary high water mark or from the top of bank if the  
14 ordinary high water mark cannot be identified. It includes the entire extent of the  
15 flood plain and the extent of vegetation adapted to wet conditions as well as  
16 adjacent upland plant communities that directly influence the stream system.  
17 Riparian habitat areas include those riparian areas severely altered or damaged  
18 due to human development activities.
- 19 (78) “Scientific Process” A valid scientific process is one that produces reliable  
20 information useful in understanding the consequences of a decision. The  
21 characteristics of a valid scientific process are as follows:
- 22 (a) Peer review: The information has been critically reviewed by other  
23 qualified scientific experts in that scientific discipline.
- 24 (b) Methods: The methods that were used are standardized in the pertinent  
25 scientific discipline or the methods have been appropriately peer-reviewed  
26 to assure their reliability and validity.
- 27 (c) Logical conclusions and reasonable inferences: The conclusions presented  
28 are based on reasonable assumptions supported by other studies and are  
29 logically and reasonably derived from the assumptions and supported by  
30 the data presented.
- 31 (d) Quantitative analysis: The data have been analyzed using appropriate  
32 statistical or quantitative methods.
- 33 (e) Context: The assumptions, analytical techniques, data, and conclusions  
34 are appropriately framed with respect to the prevailing body of pertinent  
35 scientific knowledge.
- 36 (f) References: The assumptions, techniques, and conclusions are well  
37 referenced with citations to pertinent existing information.

- 1 (79) “Section 404 Permit” A permit issued by the Corps of Engineers for the  
2 placement of dredge or fill material or clearing in waters of the U.S., including  
3 wetlands, in accordance with 33 USC § 1344. Section 404 permits may also  
4 require a consultation under Section 7 of the Federal Endangered Species Act for  
5 endangered species consultation. (note: check the appropriate reference for this).
- 6 (80) “Seeps” A spot where water oozes from the earth, often forming the source of a  
7 small stream.
- 8 (81) “Serviceable” Presently usable.
- 9 (82) “SEPA” Washington State Environmental Policy Act, Chapter 43.21C RCW.
- 10 (83) “Site” Any lot or parcel of land or contiguous combination thereof, where  
11 activities are proposed, performed, or permitted.
- 12 (84) “Soil Survey” The most recent soil survey for the local area or county by the  
13 National Resources Conservation Service, U.S. Department of Agriculture.
- 14 (85) “Special Protection Areas” Aquifer recharge areas defined by WAC 173-200-090  
15 that require special consideration or increased protection because of unique  
16 characteristics, including, but not limited to:
- 17 (a) Ground waters that support an ecological system requiring more stringent  
18 criteria than drinking water standards;
- 19 (b) Ground water recharge areas and wellhead protection areas, that are  
20 vulnerable to pollution because of hydrogeologic characteristics; and
- 21 (c) Sole source aquifer status.
- 22 (86) “Sole Source Aquifer” See “aquifer, sole source.”
- 23 (87) “Species” Any group of plants, aquatic life, and animals classified as a species or  
24 subspecies as commonly accepted by the scientific community.
- 25 (88) “Species, Endangered” Any fish, wildlife or plant species that is threatened with  
26 extinction throughout all or a significant portion of its range and is listed by the  
27 state or federal government as an endangered species.
- 28 (89) “Species of Local Importance” Those species that are of local concern due to  
29 their population status or their sensitivity to habitat manipulation or that are game  
30 species.
- 31 (90) “Species, Priority” Any fish or wildlife species requiring protective measures  
32 and/or management guidelines to ensure their persistence as genetically viable  
33 population levels as classified by the Department of Fish and Wildlife, including

- 1 endangered, threatened, sensitive, candidate and monitor species, and those of  
2 recreational, commercial, or tribal importance.
- 3 (91) “Species, Threatened” Any fish or wildlife species that is likely to become an  
4 endangered species within the foreseeable future throughout a significant portion  
5 of its range without cooperative management or removal of threats, and is listed  
6 by the state or federal government as a threatened species.
- 7 (92) “Stream” Water contained within a channel, either perennial or intermittent, and  
8 classified according to WAC 222-16-030 and as listed under water typing system.  
9 Streams also include natural watercourses modified by man. Streams do not  
10 include irrigation ditches, waste ways, drains, outfalls, operational spillways,  
11 channels, storm water runoff facilities or other wholly artificial watercourses,  
12 except those that directly result from the modification to a natural watercourse.
- 13 (93) “Structure” means a permanent or temporary edifice or building, or any piece of  
14 work artificially built or composed of parts joined together in some definite  
15 manner, whether installed on, above, or below the surface of the ground or water.
- 16 (94) “Subject Property” The site where construction or an activity requiring a permit  
17 or approval under this ordinance will occur.
- 18 (95) “Thinning” means the evenly spaced non-commercial removal of up to 40% of  
19 trees and woody shrubs.
- 20 (96) “Unavoidable” means adverse impacts that remain after all appropriate and  
21 practicable avoidance and minimization have been achieved.
- 22 (97) “Vegetation” means plant life growing below, at, and above the soil surface.
- 23 (98) “Vulnerability” The combined effect of susceptibility to contamination and the  
24 presence of potential contaminants.
- 25 (99) “Water Table” That surface in an unconfined aquifer at which the pressure is  
26 atmospheric. It is defined by the levels at which water stands in wells that  
27 penetrate the aquifer just far enough to hold standing water.
- 28 (100) “Water quality” means the physical characteristics of water within shoreline  
29 jurisdiction, including water quantity and hydrological, physical, chemical,  
30 aesthetic, recreation-related, and biological characteristics. Where used in this  
31 SMP, the term water quantity refers only to development and uses regulated under  
32 this SMP and affecting water quantity such as impermeable surfaces and  
33 stormwater handling practices. Water quantity, for purposes of this SMP, does  
34 not mean the withdrawal of groundwater or diversion of surface water pursuant to  
35 RCW 90.03.250 through 90.03.340.

- 1 (101) “Well” A bored, drilled or driven shaft, or a dug hole whose depth is greater than  
2 the largest surface dimension for the purpose of withdrawing or injecting water or  
3 other liquids.
- 4 (102) “Wellhead Protection Area (WHPA)” The portion of a zone of contribution for a  
5 well, wellfield or spring, as defined using criteria established by the state  
6 Department of Ecology.
- 7 (103) “Wetland” or “Wetlands” Those areas that are inundated or saturated by surface  
8 or ground water at a frequency and duration sufficient to support, and that under  
9 normal circumstances do support, a prevalence of vegetation adapted for life in  
10 saturated soil conditions. Wetlands generally include swamps, marshes, bogs and  
11 similar areas. Wetlands do not include those artificial wetlands intentionally  
12 created from non-wetland sites, including, but not limited to, irrigation and  
13 drainage ditches, grass-lined swales, canals, detention facilities, wastewater  
14 treatment facilities, farm ponds, and landscape amenities, or those wetlands  
15 created after July 1, 1990, that were unintentionally created as a result of the  
16 construction of a road, street, or highway. Wetlands may include those artificial  
17 wetlands intentionally created from non-wetland areas to mitigate the conversion  
18 of wetlands. For identifying and delineating a regulated wetland, local  
19 government shall use the Washington State Wetland Identification and  
20 Delineation Manual.
- 21 (104) “Wetland Buffer” or “Wetland Buffer Area” An area that surrounds and protects  
22 a wetland from adverse impacts to the functions and values of a wetland. The  
23 wetland buffer shall be determined according to the rating assigned to the  
24 wetland. The wetland buffer width is measured outward from the wetland  
25 boundary.
- 26 (105) “Zoning” The demarcation of an area by ordinance (text and map) into zones and  
27 the establishment of development regulations to govern the uses within those  
28 zones (commercial, industrial and residential) and the location, bulk, height,  
29 shape, and coverage of structures in each zone.
- 30 (106) “Zone of Contribution” Land area surrounding a well or spring that encompasses  
31 all areas or features that supply ground water recharge to the well or spring.
- 32



# ***Columbia County, WA Planning Staff Report Updates to Columbia County Development Regulations***

*Amending ADU regulations as part of the 2020 Comprehensive Plan Update*

To: Columbia County Planning  
Commission

For: Review, Support of Document  
through Findings of Fact

From: Columbia County Planning  
Director

Date: January 14<sup>th</sup>, 2019

## **Proposal:**

Being a request to amend Title 18 – Zoning, of the Columbia County Code to better regulate the development of Accessory Dwelling Units within Columbia County.

## **Background and Discussion:**

Through reasonable use, planning staff has discovered various deficiencies within Columbia County Code – including lack of provisions in regard to the development of Accessory Dwelling Units (ADU's). An ADU is a small, self-contained residential unit located on the same lot as an existing single-family home, and is a great tool for local jurisdictions to improve housing stock and incentivize affordable housing techniques for landowners. This unit can be within, attached to, or separate from the main unit. RCW 43.63A.215 and RCW 36.70A.400, adopted as part of the 1993 Washington Housing Policy Act, require Washington Cities and Counties planning under the GMA to adopt ordinances encouraging the development of ADU's. As in many jurisdictions, Columbia County is facing an aging population that may or may not be looking for smaller, low maintenance properties to reside in. As a whole, Columbia County is in need of varietal and affordable housing, and this may offer some reprieve and solution to the increase in demand our community is experiencing. Additionally, Washington State documents recent trends that show an average of less people per household – showing a true need for smaller housing options.

Examples of Accessory Dwelling Units (ADUs)  
ADUs in blue; main residence in white

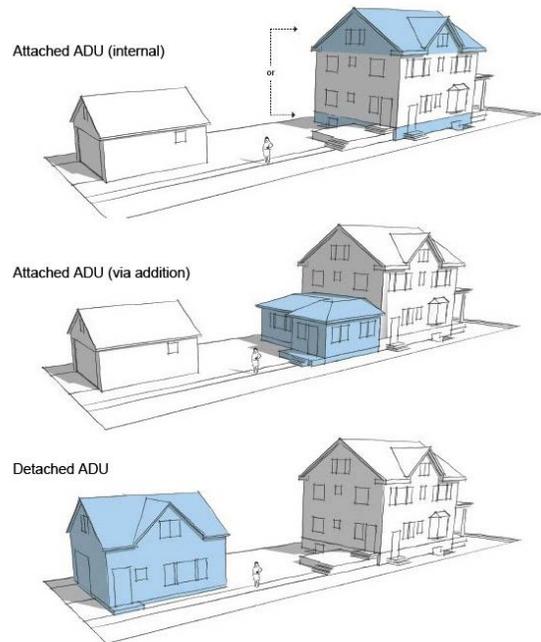


Image credit: City of Saint Paul, MN

On October 8<sup>th</sup>, 2018, the Columbia County Planning Commission held a public hearing to take testimony for or against the proposed docket list for the 2020 Comprehensive Plan

update. There was specific request from a member of the public to add ADU regulation review and revision to the docket list. On October 8<sup>th</sup>, 2018, the Planning Commission accepted that request and added it to the draft docket list to be forwarded to the Board of County Commissioners for final acceptance. On October 15<sup>th</sup>, 2018, the Board of County Commissioners reviewed motioned by minute action to adopt docket items numbers 1-7 and numbers 10-12, rejecting docket items numbers 8-9. Docket item number 12, *Review of Accessory Dwelling Units*, was accepted via minute action and forward back to staff for inclusion in the 2020 Comprehensive Plan update.

Staff began reviewing other jurisdictions codes as sample ordinances. Within this review, many deficiencies within the Columbia County ordinance were discovered, and draft amendments were made for review. A summation of these changes is as follows:

1. Increase total max square footage of an ADU to 1,100 square feet, or 50% of the total square footage of the primary residence, excluding the inhabitable spaces, whichever is less.
2. Incorporate addition development provisions to ensure the ADU is dependent upon the primary residence, and is not developed in such a way to promote county-wide sprawl within large lots.
3. General housekeeping of language within existing code, including updating outdated RCW citations.

On December 10<sup>th</sup>, 2018, the first draft of the amendments were presented to the Columbia County Planning Commission, with discussion following. Overall, the draft provisions were supported with the following changes:

1. The max distance between the primary house and the ADU should be capped at 100 feet.
2. Language correction to change “mobile homes” to “travel trailers” to ensure ease of understanding by members of the public.

With these final changes being incorporated, the final ADU revisions are presented today. The revisions are predicted to offer much benefit to the community, including providing example to the community that the County Planning Department and the County Planning Commission take requests very seriously, and that with due time, all requests can be reviewed and processed.

**Findings of Fact:**

1. *RCW 43.63A.215 – Accessory apartments – Development and placement – Local governments* and *RCW 36.70A.400 – Accessory apartments* require many Washington cities and counties adopt ordinances encouraging the development of ADU provisions.
2. *RCW 43.63A.215 Accessory apartments – Development and placement – Local governments* – guide jurisdictions on developing these ordinances.
3. The Columbia County Planning Commission worked alongside the Planning Director to generate these drafts.

4. The Columbia County Planning Commission reviewed and discussed the proposed during regularly scheduled public meetings.
5. The Columbia County Planning Commission provided additional question and insight into the draft, with staff responding to all comments of concern and/or incorporating proposed changes.
6. The proposed amendments will assist the City of Dayton reaching the goals of the Growth Management Act (RCW 36.71A.020).

2020 COMPREHENSIVE PLAN AMENDMENTS – DEVELOPMENT REGULATIONS PERTAINING TO  
ACCESSORY DWELLING UNITS IN COLUMBIA COUNTY, WASHINGTON  
(REVISED CODE SECTION)

Sections:

- 18.122.010 Purpose.
- 18.122.020 Definitions.
- 18.122.030 Designation.
- 18.122.040 Procedure.
- 18.122.050 Standards.
- 18.122.060 Additional requirements.

**18.122.010 Purpose.**

The Columbia County board of county commissioners finds that a variety of affordable, good quality housing opportunities for all income and demographic segments of the population is vital to a healthy community and economy; and that regulations allowing accessory dwelling units provide affordable housing opportunities while maintaining the visual and functional character of single-family residential areas. In addition, as a local agency planning under the Growth Management Act as contained in Chapter 36.70A RCW, Columbia County is required to permit accessory dwelling units per RCW 43.63A.215 and 36.70A.400 consistent with standards developed by the Department of Community, Trade and Economic Development (now the Department of Commerce).

**18.122.020 Definitions.**

- A. "Accessory dwelling unit (ADU)" means a subordinate dwelling unit, including stick built attached or detached, a prefabricated, modular or manufactured home meeting state of Washington standards and certifications, with complete and independent living facilities on the same lot as and detached from, attached to, or contained within an existing single-family dwelling.
- B. "Rental occupancy" means non-ownership residence including long-term lease ownership.

**18.122.030 Designation.**

One accessory dwelling unit (ADU) shall be permitted in any zone where single-family dwellings are listed as a permitted use only on parcels which meet the following conditions:

- A. Is a legally created conforming lot.
- B. Contains an existing single-family detached dwelling which is conforming in use.
- C. Contains no other accessory dwelling.
- D. The new ADU conforms to all current bulk and dimension standards of the zone.
- E. The ADU may be constructed within the existing structure, attached as a new addition or partial addition or detached either built on site or moved to the site including state certified manufactured or modular homes set on a permanent foundation as real property.

**18.122.040 Procedure.**

Each accessory dwelling unit shall require an administrative permit as follows:

- A. The permit for an ADU shall be considered a nondiscretionary permit to be approved administratively by the planning director.
- B. The required fee as established by the BOCC shall be submitted with the application.
- C. The application shall be made in accordance with submittal requirements on file with the planning department.
- D. Prior to submitting an application the applicant shall meet with the planning department to determine compliance of the property with current zoning codes.
- E. The permit shall be recorded prior to occupancy as a deed restriction to run with the land or until such time as removed with the concurrence of the county.

**18.122.050 Standards.**

- A. New construction for an ADU shall comply with all the development standards for a single-family dwelling including, but not limited to, setbacks, height limits, and lot coverage and shall not increase any nonconforming aspect of any existing structure unless otherwise addressed by this chapter.
- B. The following standards shall also apply:
  - a. The accessory dwelling unit, excluding any garage area and other non-habitable spaces, shall not exceed 1,100 square feet, or 50% of the total square footage of the primary residence, excluding any garage area and other nonhabitable spaces, whichever is less.
  - b. The ADU shall not reduce the size of the primary unit to less than twice the size of the ADU.
  - c. Both the ADU and the primary unit shall comply with all applicable building codes.
  - d. If the ADU is attached to the primary building, the main exterior entrances may not be on the same side of the building.
  - e. The architecture and general design of the ADU shall be consistent with that of the primary dwelling.
  - f. One off-street parking space shall be provided for the ADU in addition to those required for the primary dwelling.
  - g. There shall be no more than two bedrooms in an ADU.
  - h. The ADU shall be no more than 100 feet away from the primary residence.

- i. Travel trailers and recreational vehicles shall not be permitted as accessory dwelling units.
- j. Accessory dwelling units must be dependent upon the primary residence, and must share at least three of the following criteria with the primary residence:
  - i. Road access;
  - ii. Septic system;
  - iii. Water system;
  - iv. Utility meter;
  - v. Yard area; and/or,
  - vi. Parking area.
- k. Any additions to the ADU shall meet the requirements of this chapter.

C. An accessory dwelling unit which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot.

**18.122.060 Additional requirements.**

Accessory dwelling units shall be subject to the following requirements:

- A. Sale or ownership of such unit separate from the primary residential unit is prohibited.
- B. The occupant of either the ADU or the primary unit shall be the owner of the entire property.
- C. No more than three persons shall occupy the ADU.
- D. A permit for an ADU shall be subject to the payment of any infrastructure impact or general facility fees equal to the established rate for a multifamily dwelling unit.
- E. Prior to issuance of a permit for ADU evidence shall be provided that there is adequate potable water and sanitary sewer capacity for an additional dwelling unit on the lot.
- F. Prohibited occupancy or sale, in addition to authorizing all other remedies available to the county, shall constitute a zoning violation and a nuisance subject to abatement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FOR COLUMBIA COUNTY ACCESSORY DWELLING UNIT REGULATIONS

**WHEREAS:** The Columbia County Planning Commission having held public meetings on December 10<sup>th</sup>, 2018, and January 14<sup>th</sup>, 2019, and having fully considered the entire record and all public testimony, correspondence, Growth Management requirements and all those matters of record presented to the Planning Commission, recommends adoption of these amendments to the Columbia County Code during the 2020 Comprehensive Plan amendment cycle.

**NOW:** The Columbia County Planning Commission recommends to the Board of County Commissioners its approval of the Accessory Dwelling Unit Regulations as supported by the following findings:

1. Discussion regarding these proposed amendments took place during the Columbia County Planning Commission regular meetings on 12/10/2018 and 1/14/2019; and,
2. Notice of the regular meeting schedule, including location, date, and time was advertised in the Paper of Record on January 25<sup>th</sup>, 2018; and,
3. Notice of the regular meeting schedule for 2019, including location, date, and time was advertised in the paper of record on December 27<sup>th</sup>, 2018; and
4. The Planning Commission feels the policies do comply with the purpose and intent of the Growth Management Act and does bring the County into compliance; and,
5. It is unlikely that adopting the policies will have a disruptive effect on the stability and continuation of land use patterns on land in Columbia County; and,
6. The policies do not unreasonably restrict or prevent use of land within Columbia County; and,
7. The public interest will best be served by the policies.
8. Final adoption of the Accessory Dwelling Unit regulations provided herein will occur in conjunction with the adoption of Columbia County's 2020 periodic update to the Comprehensive Plan and associated development regulations.

CONCLUSIONS

Based on the above Findings, and following review of the record, and the recommendations of the Planning Director and after consideration of the Columbia County Comprehensive Plan, consideration for the public health, safety and welfare of the citizens of Columbia County, the Planning Commission recommends approval of the Accessory Dwelling Unit Regulations herein to the

Board of County Commissioners, to be adopted as part of the 2020 Comprehensive Plan and associated development regulations.

Dated this 14<sup>th</sup> day of January, 2019

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Bryan Martin, Chair

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Meagan Bailey, Planning Director

**COUNTY OF COLUMBIA  
STATE OF WASHINGTON  
RESOLUTION NO. XX  
COUNTY-WIDE PLANNING POLICIES**

WHEREAS: The State of Washington’s Growth Management Act requires every county in the State planning under the Growth Management Act to prepare and adopt County Wide Planning Policies to provide a framework for town, city and county comprehensive plans; and

WHEREAS: Columbia county must prepare these policies in cooperation with the municipalities within its boundaries to ensure that county and municipal comprehensive plans are coordinated and consistent; and

WHEREAS: The City of Dayton adopted a resolution of support of these county wide planning policies on XX; and

WHEREAS: The Town of Starbuck adopted a resolution of support of these county wide planning policies on XX; and

THEREFORE BE IT RESOLVED that the Columbia County Board of Commissioners hereby adopt by resolution the following County Wide Planning Policies;

**Section 1: Policies to implement RCW 36.70A.110**

**Policy 1:** Encourage development in urban areas where adequate public facilities exist or can be provided in a cost-efficient manner.

**Policy 2:** Flexibility should be exercised in designating urban growth areas to encourage a variety of housing types, densities, and locations, especially for new fully contained communities and master planned resorts.

**Policy 3:** Development in urban growth areas shall minimize its impacts on neighboring resource lands of long term commercial significance. Areas already characterized by urban growth are encouraged to meet minimum standards for public facilities and services.

**Policy 4:** Maintain a permit review process for integrated and consolidated review

**Policy 5:** Encourage the retention of open space and the development of recreation opportunities, conserve fish and wildlife habitat, and increase access to natural resource lands and water.

**Policy 6:** Encourage the involvement of citizens in the planning process and ensure coordinate between the communities and jurisdictions to reconcile conflict.

**Policy 7:** Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.

## **Section 2: Policies for promotion of contiguous and orderly development and provision of urban services to such development**

**Policy 8:** The County shall allocate future projected populations through the use of the latest population projections published by the Washington State Office of Financial Management (OFM). The County, in consultation with Dayton and Starbuck, will review the OFM population projection ranges (Low, Medium and High) and allocation percentages whenever OFM publishes new GMA population projections.

**Policy 9:** The locating of Urban Growth Areas within the County shall be accomplished through the use of accepted planning practices which provide sufficient land and service capacity to meet projected populations at urban densities and service standards within Dayton and Starbuck , and urban densities for those portions of the County located within the urban growth areas.

**Policy 10:** That Urban Growth Areas of Dayton and Starbuck shall be based upon official and accepted population projections for minimum of 20 years. The gross undeveloped and underdeveloped acreage within the city limits and the Urban Growth Area shall be sufficient to meet all the land requirements, for the following: community and essential public facilities, population projection, commercial and industrial activities, employment projections, infill and to prevent inflation of land cost due to a limited land supply.

**Policy 11:** That within Urban Growth Areas, urban uses shall be concentrated in and adjacent to existing urban services or where they are shown on a capital improvement plan to be available within six years.

**Policy 12:** That Dayton and Starbuck limit the extension of service district boundaries and water and sewer infrastructure, to areas within each jurisdiction's urban growth area contained in their adopted Comprehensive Plans.

**Policy 13:** All policies within Dayton and Starbuck comprehensive plans shall be consistent with adopted Countywide policies.

### **Section 3: Policies for siting public capital facilities of a county-wide or state-wide nature**

**Policy 14:** The process for evaluating the appropriate siting of public capital facilities of a county-or-state-side nature should include opportunities for the early and continuous participation of all county residents. Public capital facilities may locate outside or urban growth areas provided that the minimum county standards for sewer, water, fire and public safety services are met.

### **Section 4: Policies that consider the need for affordable housing**

**Policy 15:** Land use plans and development regulations should encourage affordable housing opportunities for all citizens by providing for a variety of housing types and densities in the urban growth areas. Development regulations should also contain flexibility in addressing housing needs in rural areas by allowing housing development of abandon homesites, planned unit developments and cluster developments. Cooperative efforts by the county, Starbuck and Dayton at providing public housing assistance programs, such as low income rentals and housing rehabilitation, are encouraged.

### **Section 5: Policies for county-wide economic development and employment**

**Policy 16:** Land use plans and development regulations should encourage county-wide economic development through the appropriate utilization of Columbia County's natural resources and recreational opportunities. Economic development should also utilize opportunities in agriculture, agri-business, industrial, commercial, public schools, and tourism.

**Policy 17:** An economic development element should be integrated into the comprehensive plan of each jurisdiction. The economic development element should establish goals and policies for each jurisdiction; actively promote employment opportunities for family-wage jobs; support the retention and expansion of businesses and industry in Columbia County; encourage the development of tourist-related businesses, including those that capitalize on area agriculture and other resources.

**Policy 18:** Comprehensive Plans should foster and promote a natural environment that will contribute to economic growth and prosperity, and a business environment that offers diverse economic opportunities for businesses of all types and sizes in the region.

### **Section 6: Policies addressing the fiscal impact of public facilities and services**

**Policy 19:** When development activities create county-wide economic benefits, there should be a flexible approach to financing needed public facility improvements. This may include developing incentives programs, sharing costs between the county,

cities and developer, and accessing federal and state grant and loan programs. Public facilities should be provided in a cost effective manner.

**Section 7: Policies for joint planning within urban growth areas**

**Policy 20:** The Columbia County Planning Department should organize and facilitate a Leadership Workshop at least once a year to review, and amend if necessary, the county-wide planning policies and urban growth area designations. Attendees at this Leadership Workshop should minimally include the membership of: the Columbia County Commissioners, the County Planning Commission, the Starbuck Town Council, the Dayton City Council, and the Dayton Planning Commission. The Leadership Workshop shall at a minimum address the 20 year population projection for accuracy and the impact of the county-wide planning policies on orderly growth, urban growth areas, the siting of public facilities of a county-wide and state-wide nature, transportation facilities and strategies, affordable housing, economic development, fiscal impact, and joint county and city planning in urban growth areas.

**Section 8: Policies for county-wide transportation facilities and strategies**

**Policy 21:** The goals and policies established by the Palouse Regional transportation Planning Organization’s Transportation Policy Board should serve as a basis for transportation planning within the county and the development of federal, state, and local transportation improvements.

ADOPTED BY THE COLUMBIA COUNTY BOARD OF COMMISSIONERS THIS XX DAY OF XX, 2019.

COLUMBIA COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
XX, Chairman

\_\_\_\_\_  
XX, Commissioner

\_\_\_\_\_  
XX, Commissioner

ATTEST:

\_\_\_\_\_  
Clerk of the Board

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FOR COUNTY WIDE PLANNING POLICIES

WHEREAS: The Planning Commission having held a public hearing on XX, and having fully considered the entire record and all public testimony, correspondence, reports, Growth Management requirements and all those matters of record presented to the Planning Commission prior to and including the XX hearing, RECOMMENDS APPROVAL to the Columbia County Board of Commissioners.

NOW: The Columbia County Planning Commission recommends to the Board of County Commissioners it's approval of the County Wide Planning Policies as supported by the following findings:

1. Public input was given and reviewed at the XX public hearing; and
2. The Planning Commission feels the policies do comply with the purpose and intent of the Growth Management Act and does bring the County into compliance; and
3. It is unlikely that adopting the policies will have a disruptive effect on the stability and continuation of land use patterns on land in Columbia County; and
4. The policies do not unreasonably restrict or prevent use of land within Columbia County; and
5. The public interest will best be served by the policies; and
6. That a public hearing was held pursuant to proper notice and the Planning Commission considered all comments by the public provided in said hearing.

CONCLUSIONS

Based on the above Findings, and following review of the record, public testimony, and the recommendations of the Planning Director and after consideration of the Columbia County Comprehensive Plan, consideration for the public health, safety and welfare of the citizens of Columbia County, the Planning Commission recommends approval of the County Wide Planning Policies to the Columbia County Board of Commissioners.

Dated this XX day of XX, 2019

\_\_\_\_\_  
X, Chairman

\_\_\_\_\_  
X, Secretary



## ***Columbia County, WA Planning Staff Report Updates to the Columbia County Code***

*Code Amendments to Docketing Procedures for Amending the Comprehensive Plan*

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To: Columbia County, Planning  
Commission

For: Review, Support of Document  
through Findings of Fact

From: Columbia County Planning  
Director

Date: January 14<sup>th</sup>, 2019

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### **Proposal:**

Being a request to add procedures for Amending the Comprehensive Plan, offering a streamlined process and improvements to public outreach and involvement techniques.

### **Background and Discussion:**

During the Docketing Procedure for the 2020 Comprehensive Update, it is requested that staff identify current needs and address any known issues within the Columbia County Code and other associated development regulations. Upon reviewing the current procedures for docketing and amending the Comprehensive Plan, it was discovered that Columbia County does not have formal procedures or processes codified. Staff formally requested amending the Docketing Procedures by placing the request on the draft docket list.

On October 15<sup>th</sup>, 2018, the Board of County Commissioners motioned to accept the final docket list for the 2020 Comprehensive Plan update – which included docket item #4: Comprehensive Plan Docketing Procedures. Upon receiving final approval, staff proceeded with researching other municipal procedures, pursuant to discussions with The Department of Commerce and utilizing their recommendations for other municipal codes to research and utilize in the review. A final draft was generated utilizing other codes and presented to the Planning Commission for review.

### **Findings of Fact:**

1. *RCW 36.70A.130 – Comprehensive Plans-Review procedures and schedules-Amendments* details the procedures for amending the Comprehensive Plan.
2. The Columbia County Planning Commission worked alongside the Planning Director to review the draft Docketing Procedures.
3. The Department of Commerce offered recommended procedures to the Planning Director in July of 2018, which was used in generating this draft.
4. All discussion on the proposed draft took place during the regularly scheduled meetings of the Columbia County Planning Commission.
5. The proposed amendments will assist Columbia County reaching the goals of the Growth Management Act (RCW 36.71A.020).

2020 COMPREHENSIVE PLAN AMENDMENTS – CODE UPDATE PERTAINING TO  
PROCEDURES FOR AMENDMENING THE COMPRHEENSIVE PLAN AND DEVELOPMENT  
REGULATIONS  
(NEW CHAPTER)

18.155 – Comprehensive Plan/Development Regulation Review and  
Amendment Procedures

Sections:

- 18.155.010 – Purpose
- 18.155.020 – Applicability
- 18.155.030 – Definitions
- 18.155.040 – Review process and approving authority
- 18.155.050 – General procedures
- 18.155.060 – Annual docket application review procedures
- 18.155.070 – Application requirements
- 18.155.080 – Plan amendments–Review and public notice procedures
- 18.155.090 – Periodic review and update procedures
- 18.155.100 – Appeals
- 18.155.110 – Severability

**18.155.010 Purpose.**

The purpose of this chapter is to establish procedures, pursuant to Chapter 36.70A RCW, for the review and amendment of the comprehensive plan and implementing development regulations found in specific chapters of Columbia County Code, titles 12, 13, 14, 15, 16, 17, 18, and 19.

**18.155.020 Applicability.**

This chapter shall govern comprehensive plan map and text amendments, excepting revisions which under state law may be adopted out of cycle. Development regulation amendments that are associated with comprehensive plan amendments being processed through this chapter shall utilize the same review process.

**18.155.030 Definitions.**

Unless expressly noted otherwise, words and phrases that appear in this chapter shall be given the meaning attributed to them by this section, or chapters contained in Title 18. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the words "may" and "should" indicate a use of discretion in making a decision.

**Annual review docket** means the annual list of proposed comprehensive plan amendments and related development regulations that the Board of Columbia County Commissioners determines, after review and consultation with the Planning Director and Planning Commission, to be

included for review and consideration for any given year. It excludes items listed on the periodic review docket.

**Application**, for purposes of this chapter, means the application to amend the comprehensive plan or related development regulations.

**Comprehensive plan (plan)** means the comprehensive plan adopted to comply with Chapter 36.70A RCW, including all mandatory and adopted optional elements and subarea plans as they exist or hereafter may be amended by the Board of County Commissioners.

**Comprehensive plan amendment** means an amendment or change to the text or maps of the comprehensive plan.

**Development regulation** means the controls placed on development or land use activities including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and 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 36.70B.020.

**Docketing** refers to compiling and maintaining a list of proposed changes to the comprehensive plan or implementing development regulations either annually or for a periodic update cycle in a manner that will ensure such suggested changes will be considered by the county and will be available for review by the public.

**Findings of fact and legislative intent** means the formally adopted document that establishes both the factual basis for the comprehensive plan amendment and amendment to development regulations and serves as the interpretive guide for legislative intent.

**Periodic review or update** refers to the review and, if needed, resulting revisions to the comprehensive plan and development regulations required at multi-year intervals by RCW 36.70A.130 or other state law.

**Periodic review docket** refers to the docket developed by the Planning Director and approved by the Board of County Commissioners that includes the proposed periodic review work items that are required at multi-year intervals by RCW 36.70A.130 or other state law.

**Planning Director** means the person appointed by Board of County Commissioners to fulfill the long and short range planning duties of the county.

**Site specific amendment** means an amendment to the comprehensive plan or development regulations that affects one (1) or a small group of parcels, most frequently an amendment to the land use map and/or zoning atlas.

**Work plan or work plan items** refers to a list of proposed department tasks, maintained by the Planning Director and approved by the Board of County Commissioners, that may be related to commitments made during previous updates, review, research, and/or updates to policies

and regulations for which no amendment to the comprehensive plan is required. County-initiated plan amendments not a part of the periodic review will also be a part of the work plan, to be evaluated for inclusion on a future annual docket. Work plan items may span multiple years and may be proposed by the Board of County Commissioners, Planning Commission, Planning Director, or the Department Head responsible for the administration of a development regulation. Members of the public may also request an item to be placed on the work plan, on the same schedule as plan amendment applications per section 10-09.060(A). Work plan items are exempt from the "once a year" plan amendment adoption requirement.

#### **18.155.040 Review process and approving authority.**

All amendments to the comprehensive plan and development regulations shall be approved by the Board of County Commissioners and processed according to Chapter 18-05- SEPA threshold determinations associated with decisions that are reviewed under this chapter may be appealed to the hearing examiner. Appeals or further review of the hearing examiner's written decision shall be by the Growth Management Hearings Board according to the procedures set forth in Chapter 36.70A RCW.

#### **18.155.050 General procedures.**

- A. Amendments to the plan text or maps may be initiated by the public, the Board of County Commissioners, the Planning Commission, the Planning Director, or the Department Director responsible for the administration of a development regulation.
- B. An amendment must be included on a docket before it can be considered by the Board of County Commissioners. Items will first be docketed, followed by review, public hearing, and recommendation by the Planning Commission, and then considered for final approval, denial, or deferral by the Board of County Commissioners.
- C. Plan amendments may be considered by the Board of County Commissioners no more frequently than once a year and all proposed amendments, as included on the annual docket and periodic docket, shall be considered concurrently so that the cumulative effect of the various amendments can be ascertained, with the exception of the following:
  - a. The adoption of emergency amendments or interim maps or regulations or moratoria pursuant to RCW 36.70A.390;
  - b. The adoption of amendments to resolve an appeal of the comprehensive plan or development regulations filed with the Growth Management Hearings Board or with the court;
  - c. The initial adoption of a subarea plan;
  - d. The adoption of amendments to the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the county budget;

- e. The adoption or amendment of development regulations that implement the comprehensive plan and for which no amendment to the comprehensive plan is required;
  - f. Amendments to the comprehensive plan that are only procedural in nature or affect only procedural requirements;
  - g. Amendments to this chapter 18.155; and
  - h. Amendments to the comprehensive plan that are merely to correct errors.
- D. All plan amendments adopted by the Board of County Commissioners shall be consistent with Chapter 36.70A RCW and shall comply with Chapter 36.70A RCW and Chapter 43.21C RCW.
- E. All development regulations adopted to implement the comprehensive plan and amendments thereto shall be consistent with the adopted comprehensive plan.
- F. Unless specifically authorized by the Board of County Commissioners, no docketed plan amendment application from the public that is denied by Board may be reinitiated for three (3) years after its consideration by the Board.
- a. The Board of County Commissioners may approve an earlier reapplication if the applicant demonstrates a substantial change in circumstances. In no case may such a petition be considered in consecutive years.
  - b. This limitation does not apply to amendments previously proposed by the Board of County Commissioners, Planning Commission, Planning Director, or the Department Director responsible for the administration of a development regulation.

**18.155.060 Annual docket application review procedures.**

- A. The annual docket application review will occur pursuant to the schedule below:

**TABLE A. ANNUAL DOCKET APPLICATION REVIEW**

DUE BY	PROCESS
July 1	Notice shall be published no less than 28 days prior to the docket application due date informing the public of the current calendar year docket close date
August 1	Applications due
September 1	List of all amendments (public, Board of County Commissioners, Planning Commission, or staff requests) presented to the Planning Commission
October 1	Planning Commission reviews the proposed docket items, holds public hearing on docket items, and makes recommendation to the Board of County Commissioners
November 30	Board of County Commissioners determines the docketing request outcomes (include, exclude, or defer)
November 30	Board of County Commissioners approval of docket by Resolution no later than the end of November

B. For inclusion on any given annual docket, applications initiated by the public must be submitted before August 1 of the prior year. Applications received on or after August 1 of each calendar year shall be reviewed during the next annual docket cycle. A legal ad noting the close date of the current calendar year docket cycle should be published in the paper of record no less than 28 days before the close date.

C. The Planning Director shall forward to the Planning Commission a complete listing of all new applications for amendments requested by the public, the Board of County Commissioners, Planning Commission, or the Planning Director, no later than September 1 of each year. The list shall also include any applications deferred from a previous docket.

D. The Planning Director shall review the proposed annual docket items with the Planning Commission by October 1 of each year. The Planning Commission shall review and, after holding a duly advertised public hearing, make a recommendation to the Board of County Commissioners of any proposed amendments that should be included on or excluded from the annual review docket, or be deferred to the next annual cycle or periodic review docket cycle.

- a. **Include.** The Board of County Commissioners' decision to include an application in the annual docket is procedural only and does not constitute a decision by the Board as to whether the proposed amendment will ultimately be approved.
  - b. **Exclude.** The Board of County Commissioners' decision to exclude an application from the docket terminates the application without prejudice to the applicant or the proposal.
  - c. **Defer.** The Board of County Commissioners' decision to defer an application means the application may be considered, as specified by the Board, either for the next annual docket cycle or the next periodic review docket cycle.
- E. In making its docket recommendation, the Planning Commission should consider the following:
- a. The application is deemed complete;
  - b. The application, in light of all proposed amendments being considered for inclusion in the year's annual docket, can be reasonably reviewed within the staffing resources and operational budget allocated to the Department by the Board of County Commissioners;
  - c. The proposed amendment would not require additional amendments to the comprehensive plan or development regulations not otherwise addressed in the application, and is consistent with other goals, objectives, and policies of the comprehensive plan;
  - d. The proposed plan amendment raises policy, land use, or scheduling issues, or that the proposal is comprehensive enough in nature that it would more appropriately be addressed as part of a periodic review cycle;
  - e. The application proposes a regulatory or process change that for which no amendment to the comprehensive plan is required and should be reviewed for potential consideration as a part of the work plan;
  - f. The application lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at a later time.
- F. The selected proposed amendments collectively shall be known as the annual review docket for the next calendar year, and shall be adopted by Board of County Commissioners Resolution, preferably by October 31 but no later than November 30 of each calendar year.

**18.155.070 Application requirements.**

- A. All applications for amendment of the comprehensive plan or development regulations submitted by the public shall, in a format established by the county, and contain the following:
  - a. Application form signed by the owner(s) of record, address, telephone numbers and agent information;
  - b. A description of the proposed amendment including proposed map or text changes;
  - c. The location of the proposed amendment shown on an assessor's map dated and signed by the applicant, if the proposal is for a land use map or zoning atlas amendment;
  - d. A legal description and a notarized signature of one (1) or more owners, if a change in the zoning atlas is requested by owner(s) concurrent with a requested land use map amendment;
  - e. An explanation of why the amendment is being proposed and, if applicable, how or why the map or text is in error;
  - f. An explanation of anticipated impacts to be caused by the change;
  - g. An explanation of how the proposed amendment is consistent with GMA, the countywide planning policies, the comprehensive plan and adopted findings of fact and legislative intent;
  - h. An explanation of how the change affects development regulations or how the amendment brings the development regulations into compliance with the plan;
  - i. If applicable, an explanation of why existing comprehensive plan language should be added, modified, or deleted;
  - j. A SEPA checklist, if required; and
  - k. Fees as set by the Board of County Commissioners.
- B. The county may prescribe additional application requirements.
- C. Persons wishing to initiate an amendment are encouraged, but not required, to use the pre-application process.

**18.155.080 Plan amendments—Review and public notice procedures.**

- A. Review of annual docket items shall occur pursuant to the schedule below:

**TABLE B. REVIEW OF DOCKETED PROPOSED AMENDMENTS**

DUE BY	PROCESS
November 30 of prior year	Docket approval, per section 18.155.060 and posted to web site
Throughout the year	Planning Commission to hold work session public hearing(s) on proposed amendment(s)
No later than November 30	Board of County Commissioners to review and make a decision to approve, deny, or defer action on each item on the docket (may include identification of items that will be continued into next docket cycle)

B. Public Notification. Information regarding any proposal pursuant to this chapter shall be broadly disseminated to the public at minimum as provided in subsection 1 below, as well as by any of the other following methods as determined to be appropriate by the Planning Director.

- a. Publishing a paid public notice at least ten (10) days prior to a public hearing in the official newspaper of record;
- b. Distributing a press release;
- c. Posting notice on the Department's website;
- d. Posting notice at the County Courthouse, the local library, and/or other "hot spots" of public involvement.

C. Public Notification - Site-specific comprehensive plan map and zoning atlas amendments. Where public notice is otherwise required by this chapter, such notice shall be mailed directly to the owners of the affected properties, and to all property owners within 300 feet of the subject property.

D. Public Participation. In addition to public notice as otherwise required by this chapter, the public shall have the opportunity to participate in county legislative matters via public hearing before the Planning Commission, via public hearing before the Board of County Commissioners if the Board opts to hold its own public hearing, by written comment, and by other forums as appropriate (per RCW 36.70A.140).

E. The Planning Commission shall evaluate the proposed amendments as follows:

- a. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other

plan elements or regulations necessary to maintain consistency also under annual review by the Planning Commission and Board of County Commissioners?;

- b. Do all applicable elements of the comprehensive plan support the proposed amendment or revisions?;
  - c. Does the proposed amendment or revision more closely meet the goals, objectives and policies of the comprehensive plan?;
  - d. Is the proposed amendment or revision consistent with the countywide planning policies?;
  - e. Does the proposed amendment or revision comply with the requirements of the GMA?; and
  - f. Are the assumptions underlying the applicable portions of the comprehensive plan or development regulations no longer valid because new information is available which was not considered at the time the plan or regulation was adopted?
- F. The Planning Commission shall hold one (1) public hearing on the proposed amendments and shall forward the Board of County Commissioners its recommendations and findings of fact and legislative intent.
- G. Upon receipt of a recommendation on all or any part of a plan, plan amendment or development regulation from the Planning Commission, the Board of County Commissioners shall schedule review of the proposal to consider and take action on the proposed amendments. The Board of County Commissioners' decision to either approve, deny, or defer action on each item in the annual review docket concludes that year's annual docket cycle, which should occur no later than November 30 of each calendar year.
- H. With each adopted amendment the Board of County Commissioners shall also adopt findings of fact and legislative intent to support the change in the comprehensive plan and/or development regulations. The Board of County Commissioners may choose to incorporate by reference the findings of fact and legislative intent prepared by either the Department or the Planning Commission if the Board so agrees and desires. The Board may also decide to adopt its own findings of fact and legislative intent.
- I. Findings shall identify, as applicable, the following:
- a. The local circumstances, if any, that have been relied on in reaching a decision on the proposed amendment; and
  - b. How the planning goals of Chapter 36.70A RCW have been balanced in the decision on the proposed amendment.
- J. The Planning Director shall notify the State of Washington pursuant to RCW 36.70A.106 prior to the adoption of comprehensive

plan amendments, development regulations or annual review amendments.

K. Within ten (10) days of adoption, the Planning Director shall transmit the adopted plan amendment(s) to the state.

**18.155.090 Periodic review and update procedures.**

A. The periodic review cycle is established in accordance with RCW 36.70A.130. The periodic review docket shall include:

- a. A comprehensive review to provide for a cumulative analysis of the twenty-year plan and its implementing regulations based upon official population growth forecasts and other relevant data in order to consider substantive changes to planning policies language, and changes to the urban growth areas;
- b. Items deferred by the Board of County Commissioners in a prior year to be placed on the periodic review docket;
- c. County priority review and update items that can be reasonably reviewed within the staffing resources and operational budget allocated to the Department by the Board of County Commissioners; and
- d. Items identified for review and updates due to legislative changes, as identified on the Department of Commerce periodic review checklist.

B. The periodic review docket shall be separate from the annual review docket; the dockets may, however, be considered concurrently as per section 18.155.050.

**18.155.100 Appeals.**

Appeals of decisions to amend the comprehensive plan or development regulations shall comply with the procedures set forth in Chapter 36.70A RCW.

**18.155.110 Severability.**

If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FOR COMPREHENSIVE PLAN DOCKETING PROCEDURES

**WHEREAS:** The Columbia County Planning Commission having held public meetings on December 10<sup>th</sup>, 2018, and January 14<sup>th</sup>, 2019, and having fully considered the entire record and all public testimony, correspondence, Growth Management requirements and all those matters of record presented to the Planning Commission, recommends adoption of these amendments to the Columbia County Code during the 2020 Comprehensive Plan amendment cycle.

**NOW:** The Columbia County Planning Commission recommends to the Board of County Commissioners its approval of the Comprehensive Plan Docketing Procedures as supported by the following findings:

1. Discussion regarding these proposed amendments took place during the Columbia County Planning Commission regular meetings on 12/10/2018 and 1/14/2019; and,
2. Notice of the regular meeting schedule, including location, date, and time was advertised in the Paper of Record on January 25<sup>th</sup>, 2018; and,
3. Notice of the regular meeting schedule for 2019, including location, date, and time was advertised in the paper of record on December 27<sup>th</sup>, 2018; and
4. The Planning Commission feels the policies do comply with the purpose and intent of the Growth Management Act and does bring the County into compliance; and,
5. It is unlikely that adopting the policies will have a disruptive effect on the stability and continuation of land use patterns on land in Columbia County; and,
6. The policies do not unreasonably restrict or prevent use of land within Columbia County; and,
7. The public interest will best be served by the policies.
8. Final adoption of the docketing procedures provided herein will occur in conjunction with the adoption of Columbia County's 2020 periodic update to the Comprehensive Plan and associated development regulations.

CONCLUSIONS

Based on the above Findings, and following review of the record, and the recommendations of the Planning Director and after consideration of the Columbia County Comprehensive Plan, consideration for the public health, safety and welfare of the citizens of Columbia County, the Planning Commission recommends approval of the Docketing Procedures herein to the Board of County Commissioners, to be adopted as part of the 2020 Comprehensive Plan and associated development regulations.

Dated this 14<sup>th</sup> day of January, 2019

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Bryan Martin, Chair

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Meagan Bailey, Planning Director

**Chapter 18.45  
COMMERCIAL AND INDUSTRIAL ZONES<sup>1</sup>**

Sections:

[18.45.010 Purpose.](#)

**18.45.010 Purpose.**

The purpose of this chapter providing for the establishment of commercial and industrial zones is as follows:

- A. To establish standards for the height and size of buildings, the areas and dimensions of yards and open spaces.
- B. To provide for facilities to minimize traffic congestion and hazards.
- C. To provide for facilities and the operation of both commercial and industrial uses to minimize noise, vibration, water, and air pollution and fire and safety hazards within those zones.
- D. To provide areas within Columbia County that would be compatible to commercial and industrial type uses.

Subject	Zone District		
	C-1	LI-1	HI-1
Maximum building height	35 feet	60 feet, 35 feet adjacent to residential zone. May add 1 foot for each 2-foot increase in setback.	None
Minimum parcel size	1/2 acre w/water and sewer	1 acre w/water and sewer	2 acres
Setbacks			
Front			
County road	25 feet + 1/2 ROW from centerline	20 feet	45 feet
State highway	80 feet from ROW	20 feet	45 feet
Private road	10 feet from ROW	20 feet	45 feet

Side	10 feet	20 feet (0 feet if no road frontage)	25 feet (30 feet on corner)
Rear	50 feet	20 feet (0 feet if no road frontage)	25 feet
Minimum road frontage or lot width	100 feet	200 feet	200 feet
Minimum lot depth	100 feet	200 feet	200 feet
Signage	1 freestanding monument sign, 1 square foot of signage for each 10 feet of road frontage.		
	<ol style="list-style-type: none"> <li>1. Any external sign displayed shall pertain only to the use conducted within the building.</li> <li>2. Artificially illuminated signs shall not be permitted if they face an abutting agricultural residential zone (AR-1).</li> <li>3. All signs shall be mounted flat against the buildings.</li> <li>4. Moving or intermittent flashing signs are prohibited.</li> </ol>		

Notes:

1. C-1 zone:

- a. The minimum lot size of this zone shall be one-half acre when a public water supply and public sewer facility is used, except that motels, hotels, and planned area developments shall meet the following requirements: 9,200 square feet shall be required for three-dwelling-unit buildings. Each additional unit shall require an additional 1,000 square feet.
- b. When use of a private water supply and/or private sewage system is contemplated, the minimum lot size in this zone shall be as deemed appropriate by the Columbia County health department in accordance with Chapter 248-96 WAC or any other applicable regulation.

2. L-I zone:

- a. A use which creates a nuisance because of noise, smoke, odor, dust, gas, or water pollution is prohibited.
- b. Materials shall be stored and the ground shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health or fire hazard.
- c. Landscaping. There shall be a 10-foot landscaped buffer adjacent to public roads and 20 feet adjacent to residentially zoned property. Minimum five-foot-wide landscaped planters shall

- separate buildings and other structures from parking and driveways.
- d. Service, manufacturing, assembly, fabrication, processing and storage activities, except as permitted as an accessory use or by approval of a CUP or PUD, shall be wholly within an enclosed building or where permitted screened from view, except from abutting industrial property, by a permanently maintained sight-obscuring fence at least six feet high. Barbed or razor wire shall not be permitted where abutting residential or commercial zones and must be specifically approved for use where visible from a public right-of-way.
  - e. Points of access from a public street to properties in an LI-1 zone shall be so located as to minimize traffic hazards in areas of high traffic and be well lighted and defined by a landscaped planter.
  - f. Building entrances or other openings adjacent to or across the street from an agricultural-residential zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect land uses in the AR zone. All exterior lighting shall be designed to keep light and glare on site.
  - g. A public water and waste water system shall be utilized where available and allowed, otherwise systems meeting state health and DOE requirements are required. In UGAs nonpublic systems shall be designed to allow future connection to public infrastructure.
  - h. The site shall be designed to deliver stormwater to an approved public system or maintain all stormwater generated on site in conformance with state of Washington stormwater management standards.
  - i. All access to public roads shall be provided with a paved apron a minimum 30 feet deep measured from the property line.
3. H-I zone:
- a. All buildings housing manufacturing processes or industrial uses shall be located at least 200 feet from the nearest zone classified other than industrial, and all other buildings or structures shall be at least 100 feet from a nonindustrial zone.
  - b. All minimum setback requirements shall be increased one foot for each one foot that the building or structure exceeds 45 feet in height.

[Ord. 2017-03 (Exh. E); Ord. 2015-02 § 2; Ord. 95-01 § 13; Ord. 90-02 § 12.]

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<sup>1</sup> Code reviser's note: CCC 18.45.020 through 18.45.050 were editorially removed at the request of the county.

Prior legislation: Ord. 2017-04.