

# CRITICAL AREAS REGULATIONS

**Okanogan County  
Office Of Planning And Development**

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1 **Okanogan County Critical Area Regulations**

2 **Article I Critical Areas Administration**

3 **14.12.010 Purpose/Authority**

4 A. Pursuant to the requirements of the Growth Management Act of 1990 (as  
5 amended), RCW 36.70A, Okanogan County hereby adopts these Critical Area  
6 Regulations to protect wetlands, areas with critical recharging effect on potable  
7 water, frequently flooded areas, geologically hazardous areas, and fish and  
8 wildlife habitat conservation areas, as defined herein.  
9

10 B. The purpose of these regulations include, but are not limited to, the following:  
11

- 12 1. To protect those areas providing critical recharge to groundwater used for  
13 potable supply;
- 14 2. To minimize road building in all critical areas to the greatest extent possible;
- 15 3. To promote innovative, efficient design of proposed projects wherever  
16 possible;
- 17 4. To recognize the economic value of wildlife;
- 18 5. To look for realistic opportunities to maintain and improve habitat where  
19 feasible;
- 20 6. To communicate Okanogan County goals, policies, and strategies for critical  
21 areas regulation to local, state and federal agencies;
- 22 7. To reduce the risk of life and property loss as a result of avoidable flood  
23 damage;
- 24 8. To reduce the risk of life and property loss as a result of failure to avoid or  
25 mitigate development in geologically hazardous areas;
- 26 9. To avoid or minimize damage to regulated wetlands wherever possible;
- 27 10. To require activities not dependent on wetland location to locate at upland  
28 sites;
- 29 11. To strive for no net loss of the functions and values of regulated wetlands by  
30 requiring restoration and / or enhancement of degraded wetlands.  
31 Recommend the creation of new wetlands to offset unavoidable losses due to  
32 development.  
33

34 C. Further, Okanogan County declares that "critical areas" are characterized as  
35 either Resource Critical Areas or Hazard Critical Areas, as follows:  
36

- 37 1. Resource Critical Areas - Wetlands, areas with critical recharging effect on  
38 potable water, and fish and wildlife habitat conservation areas are critical  
39 areas that are regulated for the purpose of protecting these resources from  
40 human activity that would cause undue damage to wetlands, wildlife habitat or  
41 wildlife movement; or would endanger public safety or health by adversely  
42 affecting aquifer recharge areas. Resource critical areas shall not be altered  
43 except as otherwise provided in this chapter or subsequent administrative  
44 rules.

45  
46 2. Hazard Critical Areas - Frequently flooded areas and geologically hazardous  
47 areas are critical areas that are regulated for the purpose of protecting the  
48 public from human activities that would affect public safety because it would  
49 place residential or other permanent human structures in the hazard critical  
50 areas as further defined in this chapter. Such activity will only be allowed as  
51 provided in this chapter.  
52

53 **14.12.020 Administrative Implementation**

- 54 A. As provided herein, Okanogan County Planning staff and the Planning  
55 Commission are directed to interpret and apply these Critical Area Regulations to  
56 accomplish the regulatory intent and purpose stated in this section. All effort  
57 shall be made to integrate any procedures required to assure compliance with  
58 this chapter with the Okanogan County Zoning Code, Subdivision Ordinance,  
59 Shoreline Master Program, Flood Damage Prevention Ordinance, and State  
60 Environmental Policy Act Ordinances.  
61  
62 B. When any alteration of a Category I wetland is proposed, a public hearing shall  
63 be held pursuant to the public notice and other procedural requirements of  
64 Okanogan County Zoning Code Chapter 17.19.  
65  
66 C. Comments from the public, Federal, Tribal, and state agencies consulted for  
67 comment on development applications subject to this chapter, shall comply with  
68 the requirements set forth pursuant to Chapter 43.21C RCW, SEPA, and Chapter  
69 36.70B RCW and implementing regulations.  
70

71 **14.12.030 Applicability**

- 72 A. All land use activities, outside shoreline jurisdiction under Chapter 90.58 RCW  
73 (Shoreline Management Act) whether or not a permit or authorization is required,  
74 shall comply with the requirements of this chapter. Responsibility for the  
75 enforcement of this chapter shall rest with the Director of Planning and  
76 Development or the Director's designee. For the purposes of this chapter, "land  
77 use activities" shall include but not be limited to excavations, fills, boundary line  
78 adjustments, building permits, any flood plain development permit, subdivision,  
79 short subdivision, binding site plan, zone reclassification, cluster subdivision,  
80 planned unit development, planned destination resort, and any other  
81 development or use permit that would require approvals under existing or  
82 subsequently adopted Okanogan County Codes and/or Ordinances, as  
83 administered by the Office of Planning and Development, unless expressly  
84 exempted from this chapter.  
85  
86 B. As authorized in RCW 36.70A.710(1)(a), Okanogan County has opted in to the  
87 Voluntary Stewardship Program for unincorporated areas used for agricultural  
88 activities as an alternative to protecting critical areas through the development  
89 regulations under RCW 36.70A.060. The Voluntary Stewardship Program applies

90 to all unincorporated property upon which agricultural activities occur within a  
91 participating watershed as authorized in RCW 36.70A.710(5).  
92

93  
94 **14.12.040 Preliminary Investigation / Site Visit**

- 95 A. Upon the receipt of an application, the Administrator or designee shall consult all  
96 critical area maps. After referring to the maps, the Administrator or designee  
97 may perform a preliminary site visit (the cost of which is included in the permit  
98 application fee) to determine by visual observation, together with the known  
99 scientific evidence, whether or not critical areas may exist on the development  
100 site. Before the Administrator declares that critical areas do not exist, contrary to  
101 information provided on critical area maps, the Administrator may consult the  
102 affected agencies of expertise.  
103
- 104 B. If the Administrator or designee is unable to confirm the existence or non-  
105 existence of critical areas, a second site visit shall be performed, including the  
106 agency of expertise, the Administrator or designee, and the applicant.  
107
- 108 C. If a determination concerning critical areas cannot be made after a second site  
109 visit, the Administrator shall specify, with the agency of expertise, the required  
110 contents of a special study that will determine the existence or absence of critical  
111 areas, as defined in this chapter. Special studies will be circulated to the  
112 agencies of expertise during review of the development application.

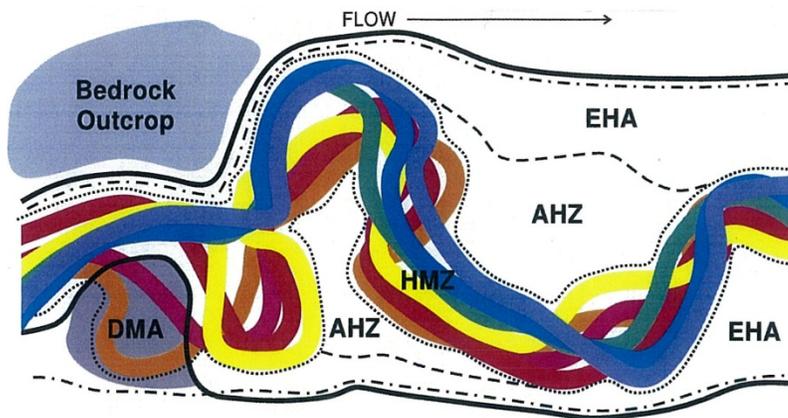
113 **14.12.050 Special Studies and Map Amendments - When Required**  
114

- 115 A. When sufficient information to identify the existence of or to evaluate the effects  
116 of a development proposal on critical areas is not provided or available, the  
117 Director shall notify the applicant that special studies are required. A special  
118 study shall be prepared by professionals with documented expertise and shall  
119 identify, locate, and describe any critical areas contained in the development site,  
120 and discuss how the development proposal meets the requirements of this  
121 chapter. The cost of a special study shall be the responsibility of the applicant.  
122
- 123 B. A special study or map amendment of any existing regulatory map shall gather  
124 information needed to complete the Site Plan as required by Section XI. Special  
125 Studies shall identify, locate, and describe critical areas contained in the  
126 development site or that such critical areas do not exist; amount and type of  
127 encroachment or alteration of the critical area; and discuss how the proposed  
128 development will meet the requirements of this chapter.  
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131 C. For special studies and map amendments of any existing regulatory map related  
132 to Fish and Wildlife Habitat Conservation Areas, the study shall identify, locate  
133 and describe specific fish and wildlife habitat within one half (0.5) mile of the  
134 proposed development. Off-site study may be accomplished using the best  
135 available mapping and data to estimate the location and function of adjacent  
136 habitat such as: movement corridors, fawning areas, spring range, riparian  
137 areas, etc... The map shall also identify topography and specific vegetative  
138 communities present, structures, roads, fences, human activity areas, and lands  
139 which have been converted from native vegetation. A written summary of current  
140 and historical wildlife use (this shall include a list of species and their seasonal  
141 use of the site proposed for amendment) and current residential, recreational, or  
142 commercial use of the property. A section of the written summary shall be  
143 directed at describing the positive / negative impacts to wildlife of any proposed  
144 or anticipated development.

146 D. For special studies and map amendments of any existing regulatory map related  
147 to channel migration zones shall include a site specific special study of a channel  
148 migration hazard prepared by a licensed engineer, geologist, or engineering  
149 geologist who is experienced in fluvial geomorphology, river dynamics, and/or  
150 geotechnical engineering. The study shall have the severe channel migration  
151 boundary defined as the outer combined limit of the following:

152 1. Refer to the following conceptual diagram of the pieces of a CMZ (DOE #03-  
153 06-027, 2003):



154  
155  
156 2. The HMZ is defined as the outer limit of identifiable historical channel  
157 locations. Historical channel locations can be identified through review of  
158 aerial photographs, survey, field reconnaissance, or as new channels are  
159 established through on-going river processes;

160 3. The AHZ is defined as areas within or adjacent to the active channel corridor  
161 that are at risk for sudden channel changes or where the current channel may  
162 move in response to flood events or other hydrologic, hydraulic, geomorphic,  
163 or other floodplain changes;

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4. The EHZ is defined by multiplying the representative average annual rate of erosion by 50 years, and applying the resulting distance perpendicular away from the direction of flow along the outer most boundary of either the HMZ or the AHZ, whichever is further from the river. Determine the representative average annual rate of channel migration at a given location or reach by dividing the lateral distance eroded during a corresponding elapsed time shown in sequential aerial photographs, historical maps, or surveys. Do not include any measurements from reaches that had some form of armoring on the banks. Historical records will need to be checked closely for this information. The average annual channel migration rate based on comparison of the 1954 and 1998 aerial photographs for the Methow and Okanogan River provided in the study can be used for specific site locations.
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179
5. When a natural geologic feature such as a bedrock outcrop, valley wall, or high terrace (i.e. ancient floodplain surface represents a constraint to the predicted migration, the channel migration corridor shall abut that natural geologic feature. These areas may be designated as DMA's.
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6. When a structure such as an arterial road or flood hazard reduction facilities are likely to be protected from future bank erosion due to existing program for public maintenance, the corridor width may be modified to incorporate the boundaries of such structures. These areas may be designated as DMA's. Note that the County can make no assurances regarding the ongoing or continued maintenance of public flood hazard reduction facilities such as levees and revetments, nor for the replacement of public flood hazard reduction facilities should they be damaged by flood events or other natural disasters.
- 189  
190  
191
7. The Moderate CMZ is defined as the area between the outside severe zone boundary and the current FEMA boundary. As such, the outer boundaries of the moderate zone are defined by existing FEMA NFIP flood regulations.
- 192
8. The study must include:
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194
- (a) Vicinity Map and site map with scale, north arrow, and parcel number.
- 195  
196
- (b) Clear statement of the requested revision or exception to the provisions of the County's channel migration hazard maps;
- 197
- (c) Clear presentation of all required study steps (as outlined above);
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199  
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- (d) A clearly stated conclusion of the Special Study results that support the requested revision, show how the data presented refutes the data used in the County study/maps, and calculate the new results using the new information; and;
- 202  
203
- (e) A clearly marked map showing the requested revision to the County's channel migration hazard map.
- 204

205 **14.12.060 Appeal of Administrative Decisions**

206 Administrative interpretations and administrative decisions pursuant to Section 14.12 of  
207 this title may be appealed, by applicants or parties of record, to the Board of Adjustment  
208 as provided for in Section 14.12.060 of this chapter.

- 209
- 210 A. Authority of the Board of Adjustment. The board of adjustment shall hear and  
211 decide appeals from any order, requirement, permit decision or determination  
212 made by the administrator under this code. (Ord. 92-12 § 5 (App. A), 1992).
- 213 B. Who May Appeal-Place of filing-Time Limit. Appeals may be taken to the board  
214 of adjustment by any person aggrieved, or by any officer, department, board or  
215 bureau of the county affected by any decision of an administrative official. Such  
216 appeals shall be filed in writing in duplicate with the administrator, as secretary  
217 for the board of adjustment, within 20 days of the action being appealed. The  
218 section does not create any additional notice requirements of the administrator.  
219 (Ord. 92-12 § 5 (App. A), 1992).
- 220 C. Setting for Hearing-Notice-Transmittal of Records. Upon the filing of an appeal  
221 from an administrative determination, the board of adjustment itself, or  
222 administrator as secretary for the board of adjustment, shall schedule a hearing  
223 with the board of adjustment to be held within 60 days of the receipt of the  
224 appeal, at which time the matter will be considered. At least a ten-day notice of  
225 such time and place together with one copy of the written appeal shall be given  
226 to the official whose decision is being appealed. At least 10-day notice of the time  
227 and place shall also be given to any adverse parties of record in the case. The  
228 officer from whom the appeal is being taken shall transmit to the board of  
229 adjustment all of the records pertaining to the decision being appealed from,  
230 together with such additional written report as he deems pertinent. (Ord. 92-12 §  
231 5 (App. A), 1992).
- 232 D. Scope of Authority on Appeal. The board of adjustment may, in conformity with  
233 the Planning Enabling Act (Chapter [36.70 RCW](#)) and this code, reverse or affirm,  
234 wholly or in part, or may modify the order, requirement, decision or determination  
235 appealed from, and may make such order, requirement, decision or  
236 determination as should be made and, to that end, shall have all the powers of  
237 the officer from whom the appeal was taken insofar as the decision on the  
238 particular issue is concerned. (Ord. 92-12 § 5 (App. A), 1992).
- 239 E. Decision. Within 35 days following the termination of the public hearing on an  
240 appeal from an administrative determination, the Board of Adjustment shall sign  
241 its written order. In making the order it shall include written non verbatim record  
242 of the case, the findings of fact, upon which the decision is based.
- 243 F. Notice of Decision. Within five days of the decision, the order of the Board of  
244 Adjustment shall be mailed to the applicant and all persons who are specifically  
245 identified as parties of record or who have indicated an interest in being notified  
246 of the decision.

247 G. Appeal of Board of Adjustment Decision. The decision by the board of  
248 adjustment on an appeal from an administrative determination shall be final and  
249 conclusive unless a timely land use petition is filed and served pursuant to the  
250 Land Use Petition Act (Chapter [36.70C](#) RCW). Appeals must be submitted by  
251 those with standing according to RCW [36.70C.060](#).

252 H. Records-The appeal filed pursuant to this code, the evidence of notice, the  
253 electronic verbatim record of proceedings, although minutes of the proceedings  
254 may be nonverbatim, other material accepted as evidence, and the written order  
255 announcing a decision along with the findings of fact shall become a part of the  
256 official records of the board of adjustment.

257 **14.12.070 Critical Areas - Maps and Inventories**

258 The known distribution of critical areas in Okanogan County is displayed on the  
259 following maps on file in the Office of Planning and Development.

260 A. Critical Areas Maps -Regulatory. At the adoption of this chapter, the official  
261 critical areas map titled "Okanogan County Critical Areas Map" will be adopted.  
262 The distribution of critical areas within Okanogan County is described and  
263 displayed in reference materials and on maps maintained by the department.  
264 These reference materials, in the most current form, are intended for general  
265 information only and do not depict site-specific designations. They are intended  
266 to advise Okanogan County, applicants and other participants in the  
267 development permit process that a critical area may exist and that further study,  
268 review and consideration may be necessary. These reference materials shall  
269 include but are not limited to the following:

- 270 1. Okanogan County Level 1 Critical Fish & Wildlife Habitat Areas for  
271 Threatened, Endangered and Sensitive species(2012, as amended);
- 272 2. Okanogan County Level 2 Habitat and Species of Local Concern (two maps)  
273 ((2012, as amended);
- 274 3. Okanogan County Level 3 Locally Important Habitat and Species (2012, as  
275 amended);
- 276 4. Okanogan County Identified Critical Areas and Steep Slopes Maps (2012);
- 277 5. Flood Insurance Rate Maps ;
- 278 6. Flood Boundary and Floodway Maps as amended;
- 279 7. Channel Migration Zone Maps (Methow Channel Migration Hazard Zone  
280 Maps and Okanogan Flood Hazard Zone Component Maps 2012 as  
281 amended)
- 282 8. US Fish and Wildlife Service National Wetlands Inventory, as amended;
- 283 9. U.S.G.S. 7.5 Minute Series Topographic Quadrangle Maps;
- 284 10. Aerial photos; and
- 285 11. WDFW Priority Habitats and Species (2009 as amended)

- 286 12. Department of Natural Resources Heritage Maps and Data, as amended;  
287 13. Natural Resource Conservation Service Soil Survey of Okanogan County  
288 Area Washington (2010 as amended)

289  
290 B. Critical Areas identified through the development review process

- 291 1. Applicants may propose amendments to regulatory maps as they become  
292 available, using maps and data resulting from special studies. Map  
293 amendments may be processed at any time and shall be processed in  
294 accordance with Zoning Code Chapter 17.37. Agency review shall be  
295 accomplished in accordance with Zoning Code section 17.19.080 B.

296

297 **14.12.080 Definitions**

298 Words not defined in this Chapter shall be as defined in the Okanogan County Zoning  
299 Code. Words not found in either document shall be as defined in the Webster's Third  
300 New International Dictionary, latest edition.

301

302 **A**

303 *Active Fault* - A fault that is considered likely to undergo renewed movement within a  
304 period of concern to humans. Faults are commonly considered to be active if the fault  
305 has moved one or more times in the last 10,000 years, but faults may also be  
306 considered active in some cases if movement has occurred in the last 500,000 years.

307

308 *Alluvial Fans* - A cone-shaped deposit of alluvium made by a stream where it runs out  
309 onto a level plain or meets a slower stream. The fans generally form where streams  
310 issue from mountains upon the lowland.

311

312 *Alteration* - Any human induced change in an existing condition of a critical area or its  
313 buffer. Alterations include, but are not limited to grading, filling, channelizing, dredging,  
314 clearing (vegetation), construction, compaction, excavation or any other activity that  
315 changes the character of the critical area.

316

317 *Applicant* - A person who files an application for permit under this chapter and who is  
318 either the owner of the land on which that proposed activity would be located, a contract  
319 purchaser, or the authorized agent of such a person.

320

321 *Aquifer Recharge Areas* - Areas which, due to the presence of certain soils, geology,  
322 and surface water, act to recharge ground water by percolation.

323

324 *Avalanche Hazard* - A large mass of snow or ice, sometimes accompanied by other  
325 material, moving rapidly down a mountain slope.

326

327 *Avulsion Hazard Zone (AHZ)*-The portion of the Channel Migration Zone (CMZ) that  
328 delineated avulsion hazards not accounted for in the Historical Migration Zone. An  
329 avulsion means a sudden abandonment of a part of the whole of a meander belt by a  
330 stream for some new course.

331

332 **B**

333 *Base Flood* - A flood event having a one percent (1%) chance of being equaled or  
334 exceeded in any given year, also referred to as the 100-year flood.

335

336 *Best management practices* - Conservation practices or systems of practices and  
337 management measures that: **1.** Control soil loss and reduce water quality degradation  
338 caused by high concentrations of nutrients, animal waste, toxics, and sediment; and **2.**  
339 Minimize adverse impacts to surface water and groundwater flow, circulation patterns,  
340 and to the chemical, physical, and biological characteristics of wetlands.

341

342 *Bogs* - A swamp or tract of wet land covered, in many cases, with peat.

343

344 *Buffer* - An area contiguous to a critical area boundary that is required for the continued  
345 maintenance, functioning, and/or structural stability of a critical area.

346

347 *Built Environment* - A hard surface area which either prevents or retards the entry of  
348 water into the soil. Examples include, but are not limited to, structures, concrete or  
349 asphalt paving, gravel roads, packed earthen materials, railroad beds, dikes, haul roads  
350 and oiled or macadam surfaces.

351

352 **C**

353 *Channel Migration Hazard*- means any increase in the potential risk of channel change  
354 (i.e. avulsion), erosion, scour, or other response in flood characteristics resulting from  
355 the location of a structure, placement of fill, or other activity occurring in the floodplain or  
356 channel migration zone.

357

358 *Channel Migration Zone (CMZ)*- means those areas subject to risk from lateral channel  
359 movement due to stream bank destabilization, rapid stream channel changes (i.e.  
360 avulsion), stream bank erosion, and/or shifts in location of stream channels, as shown  
361 on Okanogan County's Channel Migration Zone Hazard Maps.

362

363 *Compensation project* - Actions necessary to replace project-induced wetland and  
364 wetland buffer losses, including land acquisition, planning, construction plans,  
365 monitoring and contingency actions.

366

367 *Compensatory mitigation* - Replacing project-induced wetland losses or impacts, and  
368 includes, but is not limited to, the following:

369 "Restoration" - Actions performed to reestablish wetland functional characteristics and  
370 processes which have been lost by alterations, activities, or catastrophic events within  
371 an area which no longer meets the definition of a wetland.

372 "Creation" - Actions performed to intentionally establish a wetland at a site where it  
373 did not formerly exist.

374 "Enhancement" - Actions performed to improve the condition of existing degraded  
375 wetlands so that the functions they provide are of a higher quality.

376  
377 *Critical Aquifer Recharge Areas* - Areas with a critical recharging effect on aquifers used  
378 for potable water, including areas where an aquifer that is a source of drinking water is  
379 vulnerable to contamination that would affect the potability of the water, or is susceptible  
380 to reduced recharge.

381  
382 *Critical Areas* - Critical areas include: Critical Aquifer Recharge Areas, Fish and Wildlife  
383 Habitat Conservation Areas, Frequently Flooded Areas, Geologically Hazardous Areas,  
384 and Wetlands, as defined in RCW 36.70A and this chapter.

385  
386 **D**  
387 *Developable Area* - A site or portion of a site that may be utilized as the location of  
388 development, in accordance with the rules of this chapter.

389 *Development* - means any construction or activity which changes the basic character,  
390 use or intensity of use of the land on which the construction or activity occurs.  
391 Development includes subdivision of land for the purpose of sale or lease which  
392 requires platting under the Okanogan County subdivision code. (Ord. 92-12 § 5 (App.  
393 A), 1992).

394 **E**  
395 *Endangered* - Any fish or wildlife species that is native to the state of Washington and is  
396 seriously threatened with extinction throughout all or a significant portion of its range  
397 with the state, and is listed in the Federal Register/Endangered Species Act of 1973  
398 and/or State Listing in accordance with WAC 232-12-014 and WAC 232-12-011.

399  
400 *Erosion*- The process whereby wind, rain, water, and other natural agents mobilize and  
401 transport particles.

402  
403 *Erosion hazard areas* - At least those areas identified by the United State Department of  
404 Agriculture National Resources Conservation Service as have a "severe" rill and inter-rill  
405 erosion hazard.

406  
407 *Erosion Hazard Zone (EHZ)* - means the area of the CMZ unaccounted for in the AHZ  
408 or the HMZ that delineated channel susceptibility to lateral bank erosion.

409  
410 *Exotic* - Any species of plants or animals that are foreign to the planning area.

411

412 *Existing and Ongoing Agriculture* - includes activities involved in the preparation,  
413 cultivation and production of crops, animal or fiber products, land registered in a federal  
414 or state conservation program and lands which have been approved by the County as  
415 Open Space Farm and Agricultural Conservation Land pursuant to RCW Chapter 84.34.  
416 Existing and ongoing activities include the operation and maintenance of farm and stock  
417 ponds, drainage ditches, irrigation ditches or systems including laterals or canals,  
418 changes between agricultural activities and the normal maintenance, repair or operation  
419 of existing serviceable structures, facilities or improved areas. An operation or activity  
420 ceases to be ongoing when the area on which it was conducted is converted to a  
421 nonagricultural use (subdivision, etc.). Forest practice activities are not included in this  
422 definition. However Christmas tree operations are included in agricultural activities.  
423

424 **F**

425 *Fault* - A fracture along which there has been displacement of the sides relative to one  
426 another parallel to the fracture.

427

428 *Fault line* - The intersection of a fault surface with the surface of the earth.

429

430 *Fish and Wildlife Habitat Conservation Areas* - are areas that serve a critical role in  
431 sustaining needed habitats and species for the functional integrity of the ecosystem,  
432 and which, if altered, may reduce the likelihood that the species will persist over the  
433 long term. These areas may include, but are not limited to, rare or vulnerable ecological  
434 systems, communities, and habitat or habitat elements including seasonal ranges,  
435 breeding habitat, winter range, and movement corridors; and areas with high relative  
436 population density or species richness.

437 *Flood or Flooding* - A general and temporary condition of partial or complete inundation  
438 of normally dry land areas from the overflow of inland waters and / or the unusual and  
439 rapid accumulation of runoff of surface waters from any source.

440

441 *Flood Plain* - The total land area adjoining a river, stream, watercourse or lake subject  
442 to inundation by the base flood.

443

444 *Flood Protection Elevation* - The elevation that is one (1) foot above the base flood  
445 elevation.

446

447 *Floodway* - The channel of a river or other watercourse and the adjacent land area that  
448 must be reserved in order to discharge the base flood without cumulatively increasing  
449 the surface water elevation more than one (1) foot. Also known as the "zero rise  
450 floodway."

451

452 *Fluvial Geomorphology*- means the science that addresses the form, configuration,  
453 changes that may take place, and the evolution of rivers and streams.

454

455 *Frequently Flooded Areas* - are lands in the flood plain subject to at least a one percent  
456 or greater chance of flooding in any given year, or within areas subject to flooding due

457 to high groundwater. These areas include, but are not limited to, streams, rivers, lakes,  
458 coastal areas, wetlands, and areas where high groundwater forms ponds on the ground  
459 surface.

460

461 **G**

462 *Geologically Hazardous Areas* - are areas that because of their susceptibility to erosion,  
463 sliding, earthquake, or other geological events, are not suited to siting commercial,  
464 residential, or industrial development consistent with public health or safety concerns.  
465 Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and  
466 volcanic.

467

468 *Growth Management Act* - RCW 36.70A, as amended.

469

470 **H**

471 *High intensity land use* - Land uses which are associated with moderate or high levels  
472 of human disturbance or substantial wetland habitat impacts including, but not limited to,  
473 medium and high density residential including lots with greater than 1 dwelling unit per  
474 acre, and Planned Developments where the density is greater than the underlying  
475 zoning density, multifamily residential, active recreation, and commercial and industrial  
476 land uses greater than 1500 square feet, except home industries.

477

478 *Historical Migration Zone (HMZ)* - means the portion of CMZ that the channel occupied  
479 in the historical record (i.e. as shown on historical aerial photographs, identified through  
480 survey and/or field reconnaissance, or defined by newly established channel  
481 alignments.

482

483 *Hydric Soil* - A soil that is saturated, flooded or ponded long enough during the growing  
484 season to develop anaerobic conditions in the upper part. The presence of hydric soil  
485 shall be determined following the methods described in the "Federal Manual for  
486 Identifying and Delineating Jurisdictional Wetlands" as amended.

487

488 **I**

489 *In-kind compensation* - To replace wetlands with substitute wetlands whose  
490 characteristics closely approximate those destroyed or degraded by a regulated activity.  
491 It does not mean replacement "in-category."

492

493 *Intermittent Streams* - A stream which flows only at certain times when it receives water  
494 from springs or from some surface source, such as melting snow or rain.

495

496 *Inter-rill* - Inter-rills are areas subject to sheetwash.

497

498 **L**

499 *Landslide hazard areas* - are areas at risk of mass movement due to a combination of  
500 geologic, topographic, and hydrologic factors. These areas are typically susceptible to

501 landslides because of a combination of factors including: bedrock, soil, slope gradient,  
502 slope aspect, geologic structure, ground water, or other factors.

503

504 *Lek* – those specific assembly locations where animals (such as the sharp tailed grouse  
505 and sage grouse) carry on display and courtship behavior

506

507 *Low-Intensity Land Use* - Land uses which are associated with low levels of human  
508 disturbance or low wetland habitat impacts, including, but not limited to, passive  
509 recreation, Planned Developments where the density is less than or equal to the  
510 underlying zoning density, open space, or agricultural or forest management uses. The  
511 lowest residential density requirement for any given district qualifies as low-intensity  
512 use, PROVIDED, that the density requirement does not exceed 1 du/acre. Commercial  
513 and industrial uses smaller than 1500 square feet in size are also considered low-  
514 intensity land uses.

515

516 *Low-Intensity, Recreation Activities* - Activities that are compatible with the natural  
517 environment, are contoured and compatible with the land, contain no paved surfaces  
518 and accommodate wildlife usage. Activities that result in large concentrations of people  
519 are not considered recreational activities that are compatible with the natural  
520 environment.

521

522 **M**

523 *Mine hazard areas* - Areas that are directly underlain by, adjacent to, or affected by  
524 mine workings such as adits, tunnels, drifts, or air shafts with the potential for creating  
525 large underground voids susceptible to collapse, tailings piles, and waste rock. In  
526 addition, tailings and waste rock piles have the potential for being mine hazard areas.

527

528  
529 *Mitigation* - Avoiding, minimizing or compensating for adverse critical areas impacts.  
530 Mitigation, in the following order of preference is:  
531 1. Avoiding the impact altogether by not taking a certain action or parts of an  
532 action;  
533 2. Minimizing impacts by limiting the degree or magnitude of the action and its  
534 implementation, by using appropriate technology, or by taking affirmative steps  
535 to avoid or reduce impacts;  
536 3. Rectifying the impact by repairing, rehabilitating or restoring the affected  
537 environment;  
538 4. Reducing or eliminating the impact over time by preservation and maintenance  
539 operations during the life of the action;  
540 5. Compensating for the impact by replacing, enhancing, or providing substitute  
541 resources or environments;  
542 6. Monitoring the impact and the compensation project and taking appropriate  
543 corrective measures. Mitigation for individual actions may include a  
544 combination of the above measures.

545  
546 *Moderate Channel Migration Zone*- A channel migration zone shall be designated as  
547 moderate hazard when it lies outside the severe hazard channel migration zone and  
548 within the FEMA floodplain boundary.

549  
550 **N**  
551 *Native Vegetation* - Plant species which are indigenous to the area in question.

552  
553 *Non-Conformity* - An existing use or structure that is not in compliance with current  
554 regulations.

555  
556 **O**  
557 *Off-site compensation* - To replace wetlands away from the site on which a wetland has  
558 been impacted by a regulated activity.

559  
560 *On-site compensation* - To replace wetlands on the site on which a wetland has been  
561 impacted by a regulated activity.

562  
563 **P**  
564 *Porous Soil Types* - Soils, as identified by the Soil Conservation Service, that contain  
565 voids, pores, interstices or other openings which allow the passing of water.

566  
567 *Private Wildlife Open Space* - Land retained in an open condition in perpetuity for fish  
568 and wildlife conservation or enhancement purposes. Lands within this type of open  
569 space dedication may include but are not limited to, portions and combinations of forest  
570 habitats, grasslands, shrub steppe, on-site watersheds, 100 year flood plains, County  
571 shorelines or shorelines of state-wide significance, riparian areas and wetlands.

572

573 **R**  
574 *Repair or maintenance* - An activity that restores the character, scope, size, and design  
575 of a serviceable area, structure, or land use to its previously authorized and undamaged  
576 condition. Activities that change the character, size, or scope of a project beyond the  
577 original design and drain, dredge, fill, flood, or otherwise alter additional regulated  
578 wetlands are not included in this definition.

579  
580 *Rills* - Steep-sided channels resulting from accelerated erosion. A rill is generally a few  
581 inches deep and not wide enough to be an obstacle to farm machinery. Rill erosion  
582 tends to occur on slopes, particularly steep slopes with poor vegetative cover.

583  
584 *Riparian* - are transitional areas between terrestrial and aquatic ecosystems and are  
585 distinguished by gradients in biophysical conditions, ecological processes, and biota.  
586 They are areas through which surface and sub surface hydrology connect water bodies  
587 with their adjacent uplands. They include those portions of terrestrial ecosystems that  
588 significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a  
589 zone of influence). Riparian areas are adjacent to perennial, intermittent, and  
590 ephemeral streams, lakes, and estuarine-marine shorelines. The width of these areas  
591 depends upon slope and vegetation cover, but for the purposes of this regulation,  
592 includes a maximum of 200 feet, measured on the slope of the land, from the ordinary  
593 high water mark on each side of the perennial streams, rivers, lakes, ponds, marshes,  
594 wetlands, Types 1-5 Waters, etc.

595  
596 **S**  
597 *Seeps* - A spot where water oozes from the earth, often forming the source of a small  
598 stream.

599  
600 *Seismic Hazard Areas* - Areas that are subject to severe risk of damage as a result of  
601 earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

602  
603 *Seismic Design Category C* - The area identified in the 2009 Uniform Building Code as  
604 amended. This design category determines the structural engineering requirements for  
605 buildings constructed in the County.

606  
607 *Serviceable* - Presently usable.

608  
609 *Severe Channel Migration Zone*- A channel migration zone shall be designated as  
610 severe when it lies within the boundaries of HMZ; and/or within the AHZ; and/or within  
611 the channels probable EHZ as predicted to occur within the next 50 years and as  
612 measured in either direction from the outside edge of either the HMZ or the AHZ as  
613 defined, whichever is furthest from the river.

614  
615 *Significant portion of its range* - That portion of a species range likely to be essential to  
616 the long term survival of the population in Washington.

617

618 *Species* - Any group of animals classified as a species or subspecies as commonly  
619 accepted by the scientific community.

620  
621 **T**  
622 *Threatened* - Fish or wildlife species that are native to the state of Washington and are  
623 listed in WAC 232-12-011(1) as amended and those listed in the Federal Register as a  
624 threatened species.

625  
626 **U**  
627  
628 **V**  
629 *Variance* - An adjustment in the application of the regulations of a zoning ordinance to a  
630 particular piece of property, in a situation where the property, because of special  
631 circumstances found to exist on the land, is deprived as a result of the imposition of the  
632 zoning regulations of privileges commonly enjoyed by other properties in the same  
633 vicinity and zone.

634  
635 *Volcanic hazard areas* - Areas that are subject to inundation by pyroclastic flows, lava  
636 flows, debris flows, mud flows, or related flooding resulting from volcanic activity.

637  
638 **W**  
639 *Water Typing System* - Waters classified according to WAC 222-16-030 as follows:  
640 **Type S Water** - "**Type S Water**" means all waters, within their bankfull width, as  
641 inventoried as "shorelines of the state" under chapter [90.58](#) RCW and the rules  
642 promulgated pursuant to chapter [90.58](#) RCW including periodically inundated  
643 areas of their associated wetlands.

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**Type F Water** - means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories:

- (a) Waters, which are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;
- (b) Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type F Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:
  - i. The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and
  - ii. Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;
- (c) Waters, which are within a federal, state, local, or private campground having more than 10 camping units: Provided, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

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(d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:

- i. The site must be connected to a fish habitat stream and accessible during some period of the year; and
- ii. The off-channel water must be accessible to fish.

**Type NP Water** - means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.

**Type NS Water** - means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters.

*Wetlands* - "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

*Wetland buffers / wetland buffer zones* - Those areas that surround and protect a wetland from adverse impacts to the functions and values of a wetland.

*Wetland Categories, Categories of wetlands or wetland types* - Wetland categories are generated based on the rarity, sensitivity to disturbance, and functions they provide using the "Washington State Wetland Rating System for Eastern Washington".

*Wetland edge* - The boundary of a wetland as delineated, based on the definitions contained in this chapter.

731  
732 *Wetland functions and values* - The beneficial roles served by wetlands may include,  
733 but are not limited to: water quality protection and enhancement; fish and wildlife  
734 habitat; food chain support; flood storage, conveyance and attenuation; groundwater  
735 recharge and discharge; erosion control; historical, archaeological and aesthetic value  
736 protection; and recreation. These beneficial roles are not listed in order of priority.  
737 *Wetland rating system* - The system of evaluating wetlands functions and values.  
738  
739

740 **14.12.090 General Exemptions**

741 The provisions of this Chapter do not apply to the following circumstances when  
742 determined applicable by the Director or designee:

- 743
- 744 A. Emergencies that threaten public health and safety and that require remedial or  
745 preventative action in a time frame too short to allow for compliance with the  
746 requirements of this chapter.
  - 747
  - 748 B. Operation, Maintenance, or Repair of existing structures, infrastructure  
749 improvements, utilities, public or private roads, dikes, levees, or drainage  
750 systems, if the activity does not further alter or increase the impact to, or  
751 encroach further within the critical area or buffer and there is no increased risk to  
752 life or property as a result of the proposed operation, maintenance, or repair.
  - 753
  - 754 C. Voluntary Stewardship Lands as authorized by RCW 36.70A.710.
  - 755
  - 756
  - 757 D. Recreation, education, and scientific research that does not degrade the critical  
758 area.
  - 759
  - 760 E. The removal of trees from critical areas and buffers that are hazardous, posing a  
761 threat to public safety, or posing an imminent risk of damage to private property.
  - 762
  - 763 F. Forest practices in accordance with the provisions of RCW 76.09 and WAC 222.
  - 764

765 **14.12.100 Reasonable Use Exception**

- 766 A. If an applicant for a development proposal demonstrates that application of this  
767 Chapter would deny all reasonable economic use of the subject property,  
768 reasonable economic development of the property will be allowed if the applicant  
769 also demonstrates:
- 770
  - 771 1. That no reasonable economic use with materially less impact on Critical  
772 Areas is feasible; and,
  - 773
  - 774 2. That there will be no material damage to nearby public or private property and  
775 no material threat to the health and / or safety of people on or off the property  
776 as a result of the proposed development.
  - 777
  - 778
- 779 B. Requests for Reasonable Use Exceptions shall be heard by the Planning  
780 Commission, which shall make a recommendation for approval, modification, or  
781 disapproval to the Board of County Commissioners, who shall issue a final  
782 decision.
- 783

784 C. This chapter shall be interpreted to respect constitutional rights to property to the  
785 full extent recognized by the law of the United States and the State of  
786 Washington.

787 **14.12.110 Non-Conforming Uses and Structures**

788 All issues relevant to Non-Conforming Uses or structures shall be processed pursuant  
789 to Section 17.36 of the Okanogan County Zoning Code.  
790

791 **14.12.120 Amendments**

792 Amendments to this Chapter shall be authorized and processed in the same manner  
793 and under the same statutory authority as amendments to any other portion of the  
794 Okanogan County Zoning Code.  
795

796 **14.12.130 Variances**

797 Requests for variance, as defined herein and in the Okanogan County Zoning Code  
798 Chapter 17.34, shall be processed in the same manner and under the same statutory  
799 authority as provided for Variances in Chapter 17.34.  
800

801 **14.12.140 Conflict of Regulations**

802 If more than one Okanogan County development regulation applies to any lands  
803 identified in this Chapter or a particular development application, then the most  
804 restrictive regulation shall apply.  
805

806 **14.12.150 Application Requirements**

807 A. General Application Requirements

808 A Site Plan, drawn to scale, showing critical areas must be submitted with each  
809 application for development approval. For parcels greater than five (5) acres, the  
810 site plan may be limited to the area within 330 feet of proposed structures  
811 (adjacent properties need not be mapped). The site plan may be combined with  
812 or accompany site plan requirements for other County approvals, and, unless the  
813 Administrator waives one or more of the following information requirements, site  
814 plans shall include the following:  
815

- 816 1. An aerial photograph at a scale no smaller than 1" = 400' showing the entire  
817 parcel of land owned by the applicant;  
818
- 819 2. A site plan at 1"=50' showing existing improvements and natural features  
820 (such as rivers, cliffs, streams, ponds, etc.), including critical areas (such as  
821 specific wildlife habitat or wetland areas), within 330 feet of the proposed  
822 structures;  
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3. Boundaries and dimensions of the site(s);
4. The location of proposed sites and specifications for all development activities;
5. The purposes of the project and an explanation why the proposed activity cannot be located at another location on-site, that is not impacted by critical areas;
6. Location and identification of all existing and proposed roads, easements, driveways, and parking areas on or abutting the parcel;
7. A description of the vegetative cover around wetlands and streams, and identification of dominant species. Identification of existing vegetation in general, which would include identification of all evergreen trees greater than eight (8) inches in diameter and all deciduous trees greater than twelve (12) inches in diameter, as measured four and one half (4.5) feet above ground level, to be retained after completion of the development;
8. Location of existing vegetation and vegetation to be removed;
9. Proposed revegetation, including location, species and maintenance plan;
10. Approximate elevations of the site and adjacent lands within the critical area and its buffer;
11. Sketch of existing and proposed changes to topography which would include steep slopes, ravines, grading, etc.;
12. Open Space: Amount, location, function and maintenance plan for contiguous private wildlife open space or other open space;
13. Mitigation: Show the extent to which measures to lessen potential adverse impacts to critical areas are incorporated into the project design, including but not limited to enhancement of habitat, provision of replacement habitat, public education, consideration of remaining open space areas for viable functional habitat, migration corridors etc.; and,
14. A list of all property owners within 300' of a Category I wetland and all properties contiguous to the parcel to be developed, if a public hearing is required. If the owner of the parcel to be developed owns another parcel or parcels of real property which lies contiguous to the parcel to be developed, notice shall be given to owners of real property located within 300 feet of any portion of the boundaries of such contiguously located parcels.

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B. The applicant and the administrator or designee shall visit the site together during the application process.

C. Critical Area Report Requirements

1. The critical area report shall demonstrate when implemented, that loss of habitat function is minimal.
2. The critical area report shall identify how impacts from the proposed project shall be mitigated, as well as the necessary maintenance and monitoring.
3. The Critical Area Report shall include a written report identifying the goals and objectives of the compensation proposed including the following:
  - (a) A detailed description of the vegetation on and adjacent to the project area.
  - (b) Identification of any threatened, endangered, or sensitive species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species.
  - (c) A description of the anticipated impacts to the critical areas and the mitigating actions proposed and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area;
  - (d) A discussion of the following mitigation measures as they relate to the proposal:
    - 1) Avoiding the impact altogether by not taking a certain action or parts of an action;
    - 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
    - 3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
    - 4) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

- 906 (e) The Critical Area Report shall include measurable specific criteria  
907 for evaluating whether or not the goals and objectives of the  
908 mitigation project have been successfully attained and whether or  
909 not the requirements of this Title have been met, including but not  
910 limited to the following mitigation measures:
- 911 1) Establishment of buffer zones,
  - 912 2) Preservation of critically important plants and trees,
  - 913 3) Limitation of access to the habitat conservation area,
  - 914 4) Seasonal restriction of construction activities,
  - 915 5) Establishment of a timetable for periodic review of the plan.
- 916 (f) The Critical Area Report shall include written specifications and  
917 descriptions of the mitigation proposed, such as: The proposed  
918 construction sequence, timing, and duration; Grading and  
919 excavation details; Erosion and sediment control features; A  
920 planting plan specifying plant species, quantities, locations, size,  
921 spacing, and density; and Measures to protect and maintain plants  
922 until established.
- 923 (g) Written specifications shall be accompanied by detailed site  
924 diagrams, scaled cross-sectional drawings, and topographic maps  
925 showing slope percentage and final grade elevations, and any other  
926 drawings appropriate to show construction techniques or  
927 anticipated final outcome.
- 928 (h) A detailed discussion of on-going management practices which will  
929 protect the habitat area after the project site has been fully  
930 developed, including proposed monitoring, contingency,  
931 maintenance and surety programs.

932 **14.12.160 Emergency Permit**

- 933 A. Notwithstanding the provisions of this chapter or any other laws to the contrary,  
934 the Administrator may issue an emergency permit if:
- 935
  - 936 1. The Administrator determines that an unacceptable threat to life or severe  
937 loss of property will occur if an emergency permit is not granted; and  
938
  - 939 2. The anticipated threat or loss may occur before a permit can be issued or  
940 modified under the procedures otherwise required by this chapter and other  
941 applicable laws.  
942  
943

944 B. Any emergency permit granted shall incorporate, to the greatest extent  
945 practicable and feasible but not inconsistent with the emergency situation, the  
946 standards and criteria required for nonemergency activities under this act and  
947 shall:

948  
949 1. be limited in duration to the time required to complete the authorized  
950 emergency activity, and

951  
952 2. require the restoration of any wetland altered as a result of the emergency  
953 activity.

954  
955 C. Issuance of an emergency permit by the Administrator does not preclude the  
956 necessity to obtain necessary approvals from appropriate federal and state  
957 authorities.

958  
959 D. Notice of the issuance of the emergency permit and request for public comments  
960 shall be published at least once a week on the same day of the week for two  
961 consecutive weeks in a newspaper having a general circulation in Okanogan  
962 County no later than 10 days after issuance of the emergency permit.

963  
964 E. The emergency permit may be terminated at any time without process upon a  
965 determination by the Administrator that the action was not or is no longer  
966 necessary to protect human health or the environment.  
967

968 **14.12.170 Performance Bonds**

969 A. The Administrator may require the applicant of a development proposal to post a  
970 cash performance bond or other security acceptable to the Administrator in an  
971 amount and with surety and conditions sufficient to fulfill the requirements of this  
972 Code. The amount and the conditions of the bond shall be consistent with the  
973 purposes of this chapter. In the event of a breach of any condition of any such  
974 bond, the Administrator may institute an action in a court of competent  
975 jurisdiction upon such bond and prosecute the same to judgment and execution.  
976 The Administrator shall release the bond upon determining that:

977  
978 1. all activities, including any required compensatory mitigation, have been  
979 completed in compliance with the terms and conditions of the permit and the  
980 requirements of this chapter; and

981  
982 2. upon the posting by the applicant of a maintenance bond.

983  
984 B. Until such written release of the bond, the principal or surety cannot be  
985 terminated or canceled.

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988 **14.12.180 Maintenance Bonds**  
989 The Administrator may require the holder of a development permit issued pursuant to  
990 this chapter to post a cash performance bond or other security acceptable to the  
991 Administrator in an amount and with surety and conditions sufficient to guarantee that  
992 structures, improvements, and mitigation required by the permit or by this chapter  
993 perform satisfactorily for a minimum of two (2) years after they have been completed.  
994 The Administrator shall release the maintenance bond upon determining that  
995 performance standards established for evaluating the effectiveness and success of the  
996 structures, improvements, and/or compensatory mitigation have been satisfactorily met  
997 for the required period. For compensation projects, the performance standards shall be  
998 those contained in the mitigation plan developed and approved during the permit review  
999 process pursuant to the **Mitigation Plans** section. The maintenance bond applicable to  
1000 a compensation project shall not be released until the Administrator determines that  
1001 performance standards established for evaluating the effect and success of the project  
1002 have been met.  
1003

1004 **14.12.190 Enforcement**

- 1005 A. Noncompliance with any section of this ordinance may result in enforcement  
1006 actions.  
1007  
1008 1. Civil and / or criminal penalties.  
1009  
1010 2. Orders and penalties issued pursuant to this subsection may be appealed as  
1011 provided for within the Appeals section.  
1012  
1013 B. All enforcement shall be conducted pursuant to this Chapter and Chapter 17.38,  
1014 of the Okanogan County Zoning Ordinance.  
1015

1016 **Article II Aquifer Recharge Areas**  
1017  
1018

1019 **14.12.200 Exemptions**

- 1020 This section shall not apply to:  
1021 A. artificially diverted or stored water  
1022 B. the construction of a single family residence  
1023 C. any land use that has less than 50% of the aquifer recharge area on the parcel,  
1024 covered with non-porous surfaces  
1025 D. Structures and activities that currently and legally exist within aquifer recharge  
1026 areas at the time of adoption of this chapter.  
1027  
1028  
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1030 **14.12.210 Classification / Rating System**

1031 To date, no specific aquifer recharge studies have been performed in the County. It is  
1032 generally acknowledged that the following areas have the potential to be aquifer  
1033 recharge areas: rivers and creeks especially at their headwaters, forests, wetlands,  
1034 lakes and ponds, alluvial fans, and areas within the 100 year flood plain. These areas  
1035 are only considered aquifer recharge areas if certain porous soil types as identified by  
1036 the Soil Conservation Service, 1980 Soil Survey of Okanogan County Area,  
1037 Washington, are found to be present.  
1038

1039 **14.12.220 Designation / Mapping**

1040 As no aquifer recharge areas have been mapped within the County, the County shall  
1041 rely on existing soil and surficial geologic information in conjunction with the above  
1042 classification list of potential aquifer recharge areas, to determine where unmapped  
1043 aquifer recharge areas are in the County. As aquifer recharge areas are identified, the  
1044 County shall use the location to develop the aquifer recharge base map for the County.  
1045  
1046

1047 **14.12.230 Regulations**

1048 These regulations apply to all activities that require a permit from the County Office of  
1049 Planning and Development and are only imposed on areas of aquifer recharge:  
1050 Critical Aquifer Recharge Protection areas shall be regulated as follows:  
1051

- 1052 A. Parcels requiring septic systems shall be subject to the minimum lot size  
1053 requirement of the Okanogan County Health District, in order to protect against  
1054 ground water contamination.  
1055
- 1056 B. Commercial and industrial uses involving the processing, use, storage, or  
1057 production of hazardous, toxic, or dangerous materials shall meet applicable  
1058 federal, state, and local regulations within critical aquifer recharge areas because  
1059 of the potential for introduction of those materials to ground water.  
1060
- 1061 C. Agricultural and forest practices shall adhere to all applicable local, state, and  
1062 federal laws regarding feedlots, pesticide and fertilizer application, forest  
1063 conversions, and shall be conducted in a manner so as to limit introduction of  
1064 contaminants to ground water.  
1065
- 1066 D. All new developments / construction must comply with the requirements and  
1067 recommendations of the Washington State Department of Health and the  
1068 Department of Ecology, as they pertain to ground water protection.  
1069
- 1070 E. The County Health District shall comply with any state or federally required well-  
1071 head protection program for the County's public water supplies.  
1072  
1073

1074 F. Any application for a county permit for a use that utilizes or generates hazardous  
1075 or toxic materials, shall be required to comply with state and federal regulations  
1076 (the Clean Drinking Water Act and the Clean Water Act) that pertain to  
1077 hazardous or toxic materials.  
1078

1079 G. All household hazardous waste shall be disposed of according to the County's  
1080 Moderate Risk Waste Management Plan, 2003 as amended.  
1081

1082 H. All new development activity shall comply with the maximum lot coverage  
1083 required in that zone. When no maximum lot coverage is specified, and the  
1084 proposed development is in an area identified as a critical aquifer recharge area,  
1085 then a maximum of 50% of the land area within the boundaries of the aquifer  
1086 recharge area shall be maintained in impervious surfaces. This allows for the  
1087 continued recharging of the aquifer.  
1088

1089 **14.12.240 Second Opinion Process**

1090 A. In the event that staff has determined that a site potentially contains a critical  
1091 aquifer recharge area (see classification section), the applicant, at their own  
1092 expense, shall have an Aquifer Recharge Site Evaluation performed. The site  
1093 evaluation shall be conducted by a qualified, licensed engineer or geologist with  
1094 appropriate hydrological background and experience and shall characterize the  
1095 site and its relationship to the aquifer. Such testing and analysis shall include,  
1096 but not be limited to the following:  
1097

- 1098 1. depth to ground water and / or impermeable soil layer;
- 1099
- 1100 2. aquifer properties such as hydraulic conductivity and gradients;
- 1101
- 1102 3. soil texture, permeability, and contaminant attenuation properties;
- 1103
- 1104 4. characteristics of the vadose zone (the unsaturated top layer of soil and  
1105 geologic material) including permeability and attenuation properties, and other  
1106 relevant facts;
- 1107
- 1108 5. the degree to which the aquifer is usable as a potable water source; the  
1109 feasibility of protective measures to preclude further degradation, the  
1110 practicability of treatment measures to maintain potability, and availability of  
1111 alternative potable water sources.  
1112

1113 B. The scope of the study shall be in direct relationship to the scope of the proposed  
1114 development.  
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## Article III Fish and Wildlife Habitat Conservation Areas

### **14.12.250 Exemptions**

- A. Removal of riparian vegetation within 30 feet of an existing structure, for the purposes of fire separation.
- B. Removal of riparian vegetation within 30 feet of permitted additions that will be attached to an existing structure.
- C. Structures and activities that currently and legally exist within fish and wildlife habitat conservation areas at the time of adoption of this Chapter.
- D. Clearing of riparian vegetation for community trail system where an easement or deed is granted to a public entity. Maximum clearing width shall be 14 (fourteen) feet.

### **14.12.260 Classification / Rating System**

Level I Habitat consists of Threatened, Endangered, and Sensitive Species as identified on the Federal Register and /or the Washington State Listing as designated on the maps on file in the Office of Planning and Development.

Level II habitat consists of fish and wildlife habitat of local concern which are:

- Mule Deer Spring Range
- Mule Deer fawning areas
- Mule Deer migration corridor
- Mule Deer staging area
- Mule Deer critical winter range
- Mule Deer key winter range,
- Riparian habitat,
- Shrub Steppe,
- Mountain Goat,
- Great Blue Heron,
- Cliffs,
- Big Horn Sheep
- Golden Eagle
- Harlequin Duck

1155 Level III habitat consists of other locally important habitat and species which are:

- 1156 • White Tailed Deer,
- 1157 • Long-billed Curlew,
- 1158 • Chuckar,
- 1159 • Blue Grouse,
- 1160 • Mule Deer winter range.

1161 **14.12.270 Designation / Mapping**

1162 A. **Level I Habitat:**

1163 The habitat of Threatened, Endangered and Sensitive Species as identified on  
1164 the Federal Register and/or the Washington State Listing as designated on the  
1165 maps on file in the Office of Planning and Development.

1166 B. **Level II Habitat:**

1167 Habitat of fish and wildlife of local concern, as designated on the maps on file in  
1168 the Office of Planning and Development, which is *essential* to sustaining fish and  
1169 wildlife populations. Habitat may include rare and/or unique features.

1170 C. **Level III Habitat:**

1171 Habitat as designated on the maps on file in the Office of Planning and  
1172 Development, as locally important to fish and wildlife.

1173 **14.12.280 Development Applications**

1174 The following standards apply to land division and/or new construction of single and  
1175 multi-family residences, structures for commercial or recreational purposes.

1176 **14.12.290 Map Amendments**

1177 Applicants for land division or other development permit completing special studies may  
1178 apply for Critical Areas Map amendment pursuant to Section III Critical Areas - Maps  
1179 and Inventories.

1180 **14.12.300 Level I - Habitat Standards**

1181 A. Any development applications or ground disturbing activities except agricultural  
1182 activities authorized under OCC 14.12.090 in level I habitat as identified on  
1183 Okanogan County critical area maps shall prepare a critical area report in  
1184 accordance with OCC 14.12.150C.

1185 B. The conservation or enhancement of habitat through a habitat management plan,  
1186 conservation easement, or other instrument in accordance with a critical area  
1187 report (OCC 14.12.150C) may qualify for a tax deferral under the open space tax  
1188 program (OCC 14.08) or for a density bonus utilizing the Cluster Subdivision  
1189 process.

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1191 **14.12.310 Level II - Habitat Standards**

1192 Development Requirements

1193 The provisions of this section apply to all development proposed in Level II Habitat.

1194 **A. *Native Revegetation Standards***

1195 1. Revegetation shall be required to re-establish desirable native plants or plants  
1196 that enhance local fish and wildlife population in all areas disturbed by  
1197 construction outside of the primary outdoor use areas of a development.  
1198 Plantings shall consist primarily of a combination of native grasses, forbs,  
1199 shrubs, trees and/or ground cover. Note: To reduce noxious weed invasion  
1200 and increase recovery of native vegetation, revegetation should be  
1201 accomplished within the first growing season following disturbance of the site.

1202 2. Installation and Maintenance

1203 (a) Plantings required in this section shall be installed to the  
1204 satisfaction of the County in conformance with the approved site  
1205 plan, and scheduled to avoid seasonal conflicts which could affect  
1206 plant survival.

1207 3. *Performance Assurance and Enforcement*

1208 Performance bonds may be required, except for single family dwellings, in  
1209 accordance with Zoning Code, Title 17, Planned Development Section  
1210 17.19.080 D (3).

1211 B. The conservation or enhancement of habitat through a habitat management plan,  
1212 conservation easement, or other instrument in accordance with a critical area  
1213 report (OCC 14.12.150C) may qualify for a tax deferral under the open space tax  
1214 program (OCC 14.08) or for a density bonus utilizing the Cluster Subdivision  
1215 process.

1216 **14.12.320 Level III Habitat Standards**

1217 A. The conservation or enhancement of habitat through a habitat management plan,  
1218 conservation easement, or other instrument in accordance with a critical area  
1219 report (OCC 14.12.150C) may qualify for a density bonus utilizing the Cluster  
1220 Subdivision process.

1221 **14.12.330 Level II Riparian Habitat Conservation Areas**

1222 A. Riparian vegetation buffer requirements are intended to provide habitat for fish  
1223 and wildlife for the long term. (e.g., breeding, rearing, escape cover, important  
1224 travel corridors, streamside shade, foraging, spawning etc.). They are also  
1225 intended to mitigate impacts from development along shorelines and to enhance  
1226 shoreline habitat for water quality, fish, and wildlife. Note: Riparian vegetation  
1227 should not be removed unless there is no other alternative. Riparian vegetation  
1228 protection measures help prevent erosion, slow flood waters and helps filter  
1229 contaminants, water storage and release and aquifer recharge.

- 1230  
1231  
1232
1. Roads -- Roads shall be kept to a minimum. Roads within riparian areas shall not run parallel with the water body and, where crossings are necessary, shall cross riparian areas at as near right angles as possible.
- 1233
2. **Vegetation Removal Standards –**
- 1234
- (a) Type NP and NS Waters
- 1235
- Lots or parcels with shoreline frontage:
- 1236
- i. A view/access corridor to the ordinary high water mark may be cleared of riparian vegetation, as long as the view/access corridor does not exceed a width of 25 feet; **or**
- 1237
- 1238
- 1239
- 1240
- ii. An equal amount of riparian vegetation, as in (a) above, may be removed, in no more than 2 areas, to meet other development needs, i.e. trails, picnic sites, etc., **and**
- 1241
- 1242
- 1243
- 1244
- (b) Remaining vegetation shall be maintained as riparian habitat.
- 1245
- 1246
- Noxious weeds in riparian areas are not considered native vegetation and should be controlled.
- 1247
- B. Buffer Widths:** Riparian buffer widths are intended to protect riparian. Water bodies classified by the Water Typing System (WAC 222-16-030) have the recommended buffer widths identified in the table below. Widths shall be measured from the ordinary high water mark or the top of the bank if the ordinary high water mark cannot be identified. A buffer area shall have the width recommended in the table below, EXCEPT WHERE:.
- 1248
- 1249
- 1250
- 1251
- 1252
1. The previously existing built environment isolates portions of the riparian buffer from the waterbody. In that circumstance, the regulated riparian buffer shall extend from the ordinary high water mark to the waterward edge of the built environment, or;
- 1253
- 1254
- 1255
- 1256
2. The Administrator shall have the authority to reduce buffer widths established in section (table below) pursuant to 14.12.330C Riparian Assessment or 14.12.330E Buffer Width Averaging or 14.12.330D Administrative Buffer Reduction.
- 1257
- 1258
- 1259
- 1260
- 1261

1262 3. Standard Riparian Buffer Width Table

Riparian Buffer Widths	
Type S	150 feet
Type F	150 feet (100 feet if no anadromous fish)
Type Np	50 feet
Type Ns	25 feet
Lakes and Ponds	75

1263  
1264  
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1267

**C. Riparian Assessment Criteria**

Riparian assessment is conducted on a site specific basis upon request of the applicant who demonstrates unique conditions on site which are clearly delineated on the property.

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1. A site assessment of the riparian area will be conducted by the Administrator or designee.
2. Delineation of the riparian boundary will be conducted based on vegetation composition and soil characteristics.

1272  
1273

3. The delineation of the riparian boundary shall not adversely affect the buffer's functional value.

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4. Sites which have prior buffer width reduced or modified by administrative action are not eligible for further reduction under this section. No additional buffer reduction is eligible under this process, except as authorized in OCC 17.34 Variances.

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**D. Administrative Reduction of Standard Riparian Buffer Area Width.**

The Administrator shall have authority to reduce buffer widths established through section 14.12.330B on a case specific basis for single family residences and low intensity uses as identified in 14.12.080, placed on legal lots subject to standard mitigation sequencing in section Critical Area Report C(1)(d), and when the applicant demonstrates to Administrators satisfaction that the following criteria have been met or the applicant can appeal the administrators decision under section 14.12.060(Administrative Appeals):

1286  
1287  
1288  
1289

1. Buffer width reduction shall not adversely affect the designated habitat conservation area and buffer's functional value.
2. Buffer width reduction is contingent upon the submittal and approval of a Critical Area Report in accordance with section 14.12.150C.

1290

1291 E. **Riparian Buffer Width Averaging.** Riparian buffer width averaging  
1292 The required buffer widths may be modified by the Administrator for single family  
1293 dwellings and low intensity uses as identified in 14.12.080, legal lots subject to  
1294 standard mitigation sequencing in section 14.12.150C(3)(d), and when the  
1295 applicant demonstrates to Administrators satisfaction that the following criteria  
1296 have been met:

- 1297 1. The designated habitat conservation area contains variations in sensitivity  
1298 due to existing physical characteristics or the character of the buffer varies in  
1299 slope, soils, or vegetation;
- 1300 2. The width averaging shall not adversely affect the designated habitat  
1301 conservation area and buffer's functional value;
- 1302 3. The total area contained within the buffer after averaging is no less than that  
1303 contained within the standard buffer prior to averaging.
- 1304 4. Buffer width averaging is contingent upon the submittal and approval of a  
1305 Critical Area Report in accordance with section 14.12.150C.

1306 F. **Access Standards**  
1307 Proposed roads and/or access routes shall be kept to a minimum and shared  
1308 whenever practical. Structures shall be built as close to existing access routes  
1309 as practical.

1310 **Article IV Frequently Flooded Areas**  
1311

1312 **14.12.340 General Provisions**  
1313 A. **Statutory Authorization**

1314 The State of Washington has authorized, in RCW 86.12.200, county  
1315 governments to adopt Comprehensive Flood Control Management Plans for any  
1316 drainage basin that is located wholly or partially within the county. Chapter  
1317 86.16.041 RCW requires counties to adopt Flood Plain Management Ordinances.  
1318 Furthermore, the State of Washington has given, in RCW 86.16.020, local  
1319 governments the authority to exercise state-wide flood plain management  
1320 regulations through the administration of the National Flood Insurance Program  
1321 by adoption of regulations designed to promote the public health, safety, and  
1322 general welfare of its citizenry. RCW 86.16.045 authorizes the County to adopt  
1323 Flood Plain Management Ordinances or requirements that exceed the minimum  
1324 federal requirements of the National Flood Insurance Program without following  
1325 the procedures provided in RCW 86.16.031 (8).

1326

1327 **B. PURPOSE AND INTENT**

1328 It is the purpose and intent of this ordinance to promote the public health,  
1329 safety, and general welfare by ensuring that development activities in or  
1330 around flood plains, riverine flood areas and lacustrine flood areas do not  
1331 negatively affect the lands ability to reduce flood and storm drainage and to  
1332 minimize and eliminate public and private losses due to flood conditions in  
1333 specific areas by provisions designed:

- 1334 1. To protect human life and health;
- 1335 2. To minimize expenditure of public money and costly flood control projects;
- 1336 3. To minimize the need for rescue and relief efforts associated with flooding  
1337 and generally undertaken at the expense of the general public;
- 1338 4. To minimize prolonged business interruptions;
- 1339 5. To minimize damage to public facilities and utilities such as water and gas  
1340 mains, electric, telephone and sewer lines, streets, and bridges located in  
1341 areas of special flood hazard.
- 1342 6. To help maintain a stable tax base by providing for the sound use and  
1343 development of areas of special flood hazard so as to minimize future flood  
1344 blight areas;
- 1345 7. To provide a method to notify potential buyers that property is in an area of  
1346 special flood hazard; and,
- 1347 8. To ensure that those who occupy the areas of special flood hazard assume  
1348 responsibility for their actions.

1349 **C. METHODS OF REDUCING FLOOD LOSSES**

1350 To accomplish its purpose and intent, this ordinance includes the following  
1351 methods and provisions for reducing flood losses:

- 1352 1. restricting or prohibiting uses which are dangerous to health, safety, and  
1353 property due to water or erosion hazards, or which result in damaging  
1354 increases in erosion or in flood heights or velocities;
- 1355 2. requiring that uses vulnerable to floods, including facilities which serve such  
1356 uses, be protected against flood damage at the time of initial construction;
- 1357 3. controlling the alteration of natural flood plains, stream channels, and natural  
1358 protective barriers, which help accommodate or channel flood waters;
- 1359 4. controlling filling, grading, dredging, and other development in floodways  
1360 which may increase flood damage; and;
- 1361 5. preventing or regulating the construction of flood barriers in floodways which  
1362 will unnaturally divert flood waters or may increase flood hazards in other  
1363 areas.

1364

1365 D. **SOURCES**

- 1366 1. Federal Emergency Management Agency, "Guide to Flood Insurance Rate  
1367 Maps", FIA-14, May 1988, or any additions or revisions which supersede such  
1368 publication.
- 1369 2. Merriam Webster's Collegiate Dictionary, 10th ed., 1984.
- 1370 3. Okanogan County Critical Areas Regulations, Ordinance No. 94-2 (adopted  
1371 February 2, 1994) and subsequent amendments thereto.
- 1372 4. Master Program for Okanogan County Shoreline Management adopted July  
1373 7, 1987, and subsequent amendments thereto.

1374 E. **DEFINITIONS OF TERMS**

1375 Unless specifically defined below, words or phrases used in this ordinance shall  
1376 be interpreted so as to give them the meaning they have in common usage and  
1377 to give this ordinance its most reasonable application. For the purposes of this  
1378 section the following definitions are to be used:

- 1379 1. **Appeal** A request for review of the Administrator's interpretation of any  
1380 provisions of this chapter.
- 1381 2. **Area Of Shallow Flooding** A designated AO or AH Zone on the Flood  
1382 Insurance Rate Map (FIRM). The base flood depths range from one to three  
1383 feet; a clearly defined channel does not exist; the path of flooding is  
1384 unpredictable and indeterminate; and, velocity flow may be evident. AO is  
1385 characterized as sheet flow and AH indicates ponding.
- 1386 3. **Area Of Special Flood Hazard** The land in the flood plain within a  
1387 community subject to a one percent or greater chance of flooding in any given  
1388 year. Designation on maps always includes the letter A.
- 1389 4. **Basement** Any area of the building having its floor sub-grade (below ground  
1390 level) on all sides
- 1391 5. **Base Flood** The flood having a one percent chance of being equaled or  
1392 exceeded in any given year. Also referred to as the "100-year flood."  
1393 Designation on maps always includes the letters A or V.
- 1394 6. **Base Flood Elevation (BFE)** The height of the base flood in relation to the  
1395 National Geodetic Vertical Datum of 1929 (or other datum where specified).
- 1396 7. **Critical Facility** A facility for which even the slight chance of flooding might  
1397 be too great. Critical facilities include, but are not limited to churches,  
1398 schools, day care centers, prisons and detention facilities, group care  
1399 facilities, sewage treatment facilities, nursing homes, hospitals, police , fire  
1400 and emergency response installations, installations which produce, use, or  
1401 store hazardous materials or hazardous waste.

1402

- 1403 8. **Day Care Center** Any licensed or non licensed child care facility that  
1404 provides care during part of the twenty-four hour day in a facility other than  
1405 the family abode of the person or persons under whose direct care children  
1406 are placed.
- 1407 9. **Detailed Study Areas** Those areas covered by the current Flood Insurance  
1408 Study (FIS) for unincorporated areas of Okanogan County that have been  
1409 studied by detailed methods, including areas so identified in the FIS, any area  
1410 for which a Letter of Map Amendment (LOMA) or Letter of Map Revision  
1411 (LOMR) has been issued, and any areas studied in detail at the request of the  
1412 Federal Emergency Management Agency (FEMA) since publication of the  
1413 current FIS. Detailed study entails the use of hydrologic and hydraulic study  
1414 methods to determine flood hazard data.
- 1415 10. **Detention Facility** Any establishment dedicated to the incarceration of  
1416 those members of a society deemed punishable for unlawful acts committed  
1417 against property and or against any individual or group member of the general  
1418 public.
- 1419 11. **Development** Any man-made change to improved or unimproved real  
1420 estate, including but not limited to buildings or other structures, mining,  
1421 dredging, filling, grading, paving, excavation or drilling operations or storage  
1422 of equipment or materials located within the area of special flood hazard, to  
1423 include those associated areas relevant to flood management.
- 1424 12. **Effective FIRM** The latest FIRM issued by FEMA, which is in effect as of the  
1425 date shown in the title box of the FIRM as "EFFECTIVE DATE," "REVISED,"  
1426 or "MAP REVISED ."
- 1427 13. **Encroachment** The construction, placement of fill, or similar alteration of  
1428 topography in the flood plain that reduces the area available to convey  
1429 floodwaters.
- 1430 14. **FIRM** Flood Insurance Rate Map (see "effective FIRM")
- 1431 **15. Flood or Flooding**
- 1432 (a) **A general and temporary condition of partial or complete**  
1433 **inundation of normally dry land areas from:**
- 1434 1) The overflow of inland or tidal waters.
- 1435 2) The unusual and rapid accumulation or runoff of surface waters  
1436 from any source.
- 1437 3) Mudslides (i.e., mudflows) which are proximately caused by  
1438 flooding as defined in paragraph (a)(2) of this definition and are  
1439 akin to a river of liquid and flowing mud on the surfaces of  
1440 normally dry land areas, as when earth is carried by a current of  
1441 water and deposited along the path of the current.

1442 (b) The collapse or subsidence of land along the shore of a lake or  
1443 other body of water as a result of erosion or undermining caused  
1444 by waves or currents of water exceeding anticipated cyclical levels  
1445 or suddenly caused by an unusually high water level in a natural  
1446 body of water, accompanied by a severe storm, or by an  
1447 unanticipated force of nature, such as flash flood or an abnormal  
1448 tidal surge, or by some similarly unusual and unforeseeable event  
1449 which results in flooding as defined in paragraph (a)(1) of this  
1450 definition.

1451

1452 16. **Flood Damage** Harmful inundation, water erosion of soil, stream banks and  
1453 beds, harmful deposition by water of eroded and shifting soils and debris  
1454 upon property or in the beds of streams, or other bodies of water, damages  
1455 by high water to public roads, highways, bridges, utilities and to works built for  
1456 protection against floods or inundation, the interruption by floods of travel,  
1457 communication and commerce, and all other high water influences and  
1458 results which adversely affect the public health and safety of property. (RCW  
1459 86.16.120)

1460 17. **Flood Insurance Rate Map** The insurance and flood plain management  
1461 map issued by FEMA that identifies, based on detailed or approximate  
1462 analysis, areas of 100 year flood hazard in a community. Also shown on the  
1463 FIRM are actuarial insurance rate zones. In areas studied by detailed  
1464 analysis, the FIRM also shows BFE's and 500 year flood plain boundaries.

1465 18. **Flood Insurance Study** The engineering study provided by the Federal  
1466 Insurance Administration to identify flood-prone areas and other flood data  
1467 within a community.

1468 19. **Flood Plain or Flood Prone Area** Any land area subject to inundation by  
1469 water from any source (see definition of "flooding").

1470 20. **Flood Plain Management** The operation of a program of corrective and  
1471 preventive measures for reducing flood damage, including to but not limited  
1472 to, emergency preparedness plans, flood control works, and flood plain  
1473 management regulations.

1474 21. **Flood Plain Management Regulations** Those zoning ordinances,  
1475 subdivision regulations, building codes, health regulations, special purpose  
1476 ordinances (such as a flood plain ordinance) and other applications of police  
1477 power. The term describes such state or local regulations, in any  
1478 combination thereof, which provide standards for the purpose of flood  
1479 damage prevention and reduction.

1480 22. **Floodway** The channel of a river or other watercourse and the adjacent land  
1481 areas that must be reserved in order to discharge the base flood without  
1482 cumulatively increasing the water surface elevation more than one foot.

- 1483  
1484  
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23. **Group Care Facility** An agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis.
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24. **Lacustrine Flood Hazard Area** Those areas subject to inundation by flooding from lakes or ponds.
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25. **Lowest Floor** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.
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26. **Manufactured Home** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
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27. **Manufactured Home Park Or Subdivision** A parcel (or contiguous parcels) of land having two or more manufactured home sites for sale, rent, lease or transfer of ownership.
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28. **Meander Belt** The area within which a stable river channel can be expected to move back and forth in the present climate. Instability resulting from land use changes or channel constraint can cause erosion beyond the meander belt. Riparian wetlands and related features such as oxbows and sloughs occur within the meander belt.
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29. **New Construction** structures for which the start of construction commenced on or after the effective date of this ordinance.
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30. **Non-Detailed Study Areas** Those areas covered by the current Flood Insurance Study (FIS) for unincorporated areas of Okanogan County that have been studied by approximate methods. Study by approximate methods entails extrapolation of data computed for detailed study areas.
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31. **Recreational Vehicle** A vehicle which is a) built on a single chassis; b) 400 square feet or less when measured at the largest horizontal projection; c) designed to be self propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
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32. **Regulatory Floodway** The channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment so that the 100-year flood discharge can be conveyed without increasing the base flood elevation more than a specified amount.
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33. **Riverine Flood Hazard Area** Those areas related to, formed by, or resembling a river (including tributaries), streams, creeks, etc., subject to inundation by flooding.

1524 34. **Start Of Construction** Includes substantial improvement, and means the  
1525 date the building permit was issued, provided the actual start of construction,  
1526 repair, reconstruction, placement or other improvement was within 180 days  
1527 of the permit issuance date. The actual start means either the first placement  
1528 of permanent construction of a structure on a site, such as the pouring of  
1529 slabs or footings, the installation of piles, the construction of columns, or any  
1530 work beyond the stage of excavation. Permanent construction does not  
1531 include land preparation, such as clearing, grading and filling; nor does it  
1532 include the installation of streets and/or walkways; nor does it include  
1533 excavation for a basement, footings, piers, or foundation or the erection of  
1534 temporary forms.

1535 35. **Structure** A walled and roofed building including a gas or liquid storage tank  
1536 that is principally above ground.

1537 36. **Substantial Improvement** & Substantial Damage Any repair, reconstruction,  
1538 or improvement of a structure, the cost of which equals or exceeds 50 percent  
1539 of the market value of the structure either:

1540 (a) before the improvement or repair is started, or

1541 (b) if the structure has been damaged and is being restored, before the  
1542 damage occurred. For the purposes of this definition substantial  
1543 improvement is considered to occur when the first alteration of any  
1544 wall, ceiling, floor, or other structural part of the building  
1545 commences, whether or not that alteration affects the external  
1546 dimensions of the structure.

1547  
1548 **The term does not include:**

1549 (a) any alteration of a structure listed on the National Register of  
1550 Historic Places or a State Inventory of Historic Places.

1551 (b) any project for improvement and or of a structure to comply with  
1552 existing state or local health, sanitary, or safety code  
1553 specifications which are solely necessary to assure safe living.

1554 37. **Variance** A grant of relief from the requirements of this chapter which  
1555 permits construction in a manner that would otherwise be prohibited by this  
1556 chapter.

1557 38. **Water Surface Elevation** The height, in relation to NGVD of 1929 (or other  
1558 datum where specified), of floods of various magnitudes and frequencies in  
1559 lacustrine (lake) and riverine flood hazard areas.

## 1560 F. Exemptions

1561 Exemptions include those structures and activities that currently and legally exist  
1562 within the 100-year flood plain, at the time of adoption of this chapter.

1563

1564 **G. Classification / Rating System**  
1565 Frequently flooded areas are lands within the flood plain (including the floodway)  
1566 that are subject to a one percent (1%) or greater chance of flooding in any given  
1567 year. These areas shall be consistent with all designations of the Federal  
1568 Emergency Management Agency (FEMA) and the National Flood Insurance  
1569 Program. These are designated on the FEMA Flood Insurance Rate maps set by  
1570 the Federal Insurance Administration.

1571 **H. Designation / Mapping**  
1572 The County shall use the FEMA Flood Insurance Rate maps prepared by the  
1573 Federal Insurance Administration, a portion of the National Flood Insurance  
1574 program, to identify the 100-year flood plain in the County. These maps are  
1575 subject to update based on new information. Elevation surveys stamped by a  
1576 licensed surveyor are adequate proof of true elevation for development  
1577 purposes.

1578 **I. Lands to Which this Ordinance Applies**  
1579 This ordinance shall apply to all areas of special flood hazard within the  
1580 jurisdiction of Okanogan County, identified on Flood Insurance Rate Maps as  
1581 100-year flood plains and maps associated with other special flood studies.

1582 **J. Basis For Establishing The Areas Of Special Flood Hazard**  
1583 1. The basis for establishing Local Flood Plain Management regulations shall be  
1584 the areas designated as special flood hazard areas on the most recent maps  
1585 provided by the Federal Emergency Management Agency for the National  
1586 Flood Insurance Program. Best available information shall be used if these  
1587 maps are not available or sufficient. (RCW 86.16.051).  
1588 2. The areas of special flood hazard identified by the Federal Insurance  
1589 Administration in a scientific and engineering report entitled The Flood  
1590 Insurance Study for the Okanogan County area (revised May 2, 1994 and its  
1591 subsequent revisions) with accompanying Flood Insurance Rate Maps and  
1592 any revisions thereto are hereby adopted by reference and declared to be a  
1593 part of this ordinance. The Flood Insurance Study and FIRMs are on file at  
1594 the Okanogan County Office of Planning and Development.

1595 **K. Penalties for Noncompliance**  
1596 1. No structure or land shall hereafter be constructed, located, extended,  
1597 converted, or altered without full compliance with the terms of this ordinance  
1598 and other applicable regulations.  
1599 2. Violation of the provisions of this ordinance by failure to comply with any of its  
1600 requirements including violations of conditions and safeguards established in  
1601 connection with conditions shall constitute a gross misdemeanor.

1602

- 1603 3. Any person who violates this ordinance or fails to comply with any of its  
1604 requirements shall upon conviction thereof be fined not more than three  
1605 hundred dollars (\$300.00) or imprisoned for not more than ninety (90) days,  
1606 or both, for each violation, and in addition shall pay all costs and expenses  
1607 involved in the case.
- 1608 4. Nothing herein contained shall prevent Okanogan County from taking such  
1609 other lawful action as is necessary to prevent or remedy any violation.

1610 **L. Abrogation And Greater Restrictions**

1611 This ordinance is not intended to repeal, abrogate, or impair any existing  
1612 easements, covenants, or deed restrictions. However, where this ordinance  
1613 and another ordinance, easement, covenant, or deed restriction conflict or  
1614 overlap, whichever imposes the more stringent restrictions shall prevail.  
1615

1616 **M. Interpretation**

1617 In the interpretation and application of this ordinance, all provisions shall be:

- 1618 1. Considered as minimum requirements;  
1619 2. Liberally construed in favor of the governing body; and,  
1620 3. Deemed neither to limit nor repeal any other powers granted under State  
1621 statutes.  
1622

1623 **N. Warning and Disclaimer of Liability**

1624 The degree of flood protection required by this ordinance is considered  
1625 reasonable for regulatory purposes and is based on scientific and engineering  
1626 considerations. Larger floods can and will occur on rare occasions. Flood  
1627 heights may be increased by man-made or natural causes. This ordinance does  
1628 not imply that land outside the area of special flood hazards or uses permitted  
1629 within such areas will be free from flooding or flood damages. This ordinance  
1630 shall not create liability on the part of Okanogan County, any officer or employee  
1631 thereof, or the Federal Insurance Administration, for any flood damages that  
1632 result from reliance on this ordinance or any administrative decision lawfully  
1633 made hereunder.  
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1635 **14.12.350 Protection Standards**

1636 **A. General Protection Standards**

1637 In all areas of special flood hazards, the following standards are required:

- 1638 1. All development shall conform to the provisions of the Zoning Code, and the  
1639 Uniform Building Code, all of which contain safeguards to reduce the risk of  
1640 damage from flooding.  
1641

1642 2. Any use or development shall maintain the pre-development movement  
1643 (volume and velocity) of surface water and prevent or minimize the unnatural  
1644 diversion of flood water to otherwise flood-free areas which could necessitate  
1645 expensive and environmentally disruptive flood control methods. All  
1646 development applications shall clearly delineate the 100 year flood plain  
1647 boundary.

1648 **3. Anchoring**

1649 (a) All new construction and substantial improvements shall be  
1650 anchored to prevent flotation, collapse, or lateral movement of the  
1651 structure. Substantial improvements shall include any raw  
1652 sewage line or extension of any such line.

1653 (b) All manufactured homes must be anchored to prevent flotation,  
1654 collapse or lateral movement, and shall be installed using  
1655 methods and practices that minimize flood damage. Anchoring  
1656 methods may include, but are not limited to, use of over-the-top or  
1657 frame ties to ground anchors (Reference FEMA's Manufactured  
1658 Home Installation in Flood Hazard Areas guidebook for additional  
1659 techniques). See specific standards in Section 14.12.350B(4).

1660 **4. Construction Materials and Methods**

1661 (a) All new construction and substantial improvements shall be  
1662 constructed with materials and utility equipment resistant to flood  
1663 damage.

1664 (b) All new construction and substantial improvements shall be  
1665 constructed using methods and practices that minimize flood  
1666 damage.

1667 (c) Electrical, heating, ventilation, plumbing, and air-conditioning  
1668 equipment and other service facilities shall be designed and/or  
1669 otherwise elevated or located so as to prevent water from entering  
1670 or accumulating within the components during conditions of  
1671 flooding.

1672 **5. Utilities**

1673 (a) All new and replacement water supply systems shall be designed  
1674 to eliminate infiltration of flood waters into the system;

1675 (b) New and replacement sanitary sewage systems shall be designed  
1676 to eliminate infiltration of flood waters into the systems and  
1677 discharge from the systems into flood waters.

1678 (c) On-site waste disposal systems shall be located to avoid  
1679 impairment to them or contamination from them during flooding.

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- 6. Subdivision, Short Plat, Binding Site Plan, Planned Development Proposals**
- 1683           **(a)** All subdivision, short plat, binding site plan, planned development  
1684 proposals shall be consistent with the need to minimize flood  
1685 damage;
- 1686           **(b)** All subdivision, short plats, binding site plan, planned  
1687 development proposals shall have public utilities and facilities  
1688 such as sewer, gas, electrical, and water systems located and  
1689 constructed to minimize flood damage;
- 1690           **(c)** All subdivision, short plat, binding site plan, planned development  
1691 proposals shall have adequate drainage provided to reduce  
1692 exposure to flood damage; and
- 1693           **(d)** Where base flood elevation data has not been provided or is not  
1694 available from another authoritative source, it shall be generated  
1695 for subdivision, short plat, binding site plan, planned development  
1696 proposals and other proposed developments which contain at  
1697 least 5 lots or 5 acres (whichever is less).

1698 **7. Review of Building Permits**

- 1699           **(a) Detailed Study Area**
- 1700                   Information required by this ordinance for a detailed study  
1701 area shall be provided by a professional licensed surveyor  
1702 and or a professional licensed engineer.
- 1703           **(b) Non-Detailed Study Area**
- 1704                   Information required by this ordinance for a non-detailed study  
1705 area shall be provided by a professional licensed engineer.  
1706 Computations of water surface elevations/base flood elevations  
1707 in open channels may be documented utilizing the Quick-2  
1708 computer program (or its FEMA authorized revisions or  
1709 replacement programs).
- 1710           1) Where elevation data is not available either through the Flood  
1711 Insurance Study, FIRM or from another authoritative source  
1712 (Section 14.12.360C(1)(b) applications for building permits shall  
1713 be reviewed to assure that proposed construction will be  
1714 reasonably safe from flooding. The test of reasonableness is a  
1715 local judgment and includes use of historical data, high water  
1716 marks, recent surveys, photographs of past flooding, etc., where  
1717 available. Failure to elevate at least two (2) feet above adjacent  
1718 grade in these zones may result in higher insurance rates.
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**B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 14.12.340J(1)(b) BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 14.12.360C(1)(b), Use of Other Base Flood data, the following provisions are required:

**1. Residential Structure**

- (a)** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation.
- (b)** Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a registered professional engineer and shall meet or exceed the following minimum criteria:

  - 1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - 2) The bottom of all openings shall be no higher than one foot above grade.
  - 3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c)** No structures for human habitation or any sewage disposal facilities shall be constructed or placed in areas inundated by the 100-year flood within areas identified in the Comprehensive Plan as the Methow Review Subarea.
- (d)** Small Structures: A low cost building such as a detached garage, boathouse, pole barn, or storage shed, that is no larger than 576 square feet, less than 10% of the value of the property, and is not used for human habitation may be exempt from the elevation requirement of section 14.12.350B(1)(a), provided:

  - 1) It is used only for parking or storage;
  - 2) It is constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters;
  - 3) It is anchored to prevent flotation which may result in damage to other structures;
  - 4) All portions of the structure below the Base Flood Elevation must be constructed of flood-resistant materials;

- 1760 5) Service utilities such as electrical and heating equipment meet  
1761 the standards of 14.12.350A(4)(c) and 14.12.350A(5);
- 1762 6) It has openings to allow free flowage of water that meet the  
1763 criteria in section 14.12.350B(1)(b);
- 1764 7) It must comply with floodway encroachment provisions of  
1765 section 14.12.350C.
- 1766 8) A variance for wet floodproofing is obtained in accordance with  
1767 14.12.360(D).

1768 2. **Agricultural Structure:** New construction and substantial improvement of any  
1769 agricultural structure shall either have the lowest floor, including basement,  
1770 elevated at a minimum one foot above baseflood elevation; or meet the  
1771 floodproofing requirements of 14.12.350B(3) Agricultural construction or  
1772 other accessory structures that constitute a minimal investment and comply  
1773 with the floodway encroachment standards may be exempt from the  
1774 floodproofing and elevation requirements of section 14.12.350B(3) below by  
1775 Variance when such structures, together with attendant utility sanitary  
1776 facilities:

- 1777 (a) Have a low potential for structural flood damage;
- 1778 (b) Are designed and oriented to allow the free passage of  
1779 floodwaters through the structure in a manner affording minimum  
1780 flood damage; and
- 1781 (c) Ensure that all electrical and mechanical equipment subject to  
1782 floodwater damage and permanently affixed to the structure be  
1783 elevated a minimum of one foot above the base flood elevation or  
1784 higher, or floodproofed;
- 1785 (d) Are constructed and placed on the building site so as to offer the  
1786 minimum resistance to the flow of floodwaters; and
- 1787 (e) Will not be used for human habitation
- 1788 (f) All such structures shall be anchored to resist flotation, collapse,  
1789 and lateral movement, and that only flood resistant materials are  
1790 used for elements of the buildings below the base flood elevation.

1791 **3. Nonresidential Structure**

1792 New construction and substantial improvement of any commercial, industrial  
1793 or other nonresidential structure shall either have the lowest floor, including  
1794 basement, elevated one foot or more above the level of the base flood  
1795 elevation; or, together with attendant utility facilities, shall:

- 1796 (a) be flood-proofed so that below one foot above the base flood level  
1797 the structure is watertight with walls substantially impermeable to  
1798 the passage of water;



1838 2) The manufactured home chassis is supported by reinforced  
1839 piers or other foundation elements of at least equivalent  
1840 strength that are no less than 36 inches in height above grade  
1841 and be securely anchored to an adequately anchored  
1842 foundation system to resist flotation, collapse, and lateral  
1843 movement.

1844 (c) All manufactured homes to be placed within Zone A shall be  
1845 elevated and anchored to resist flotation, collapse, or lateral  
1846 movement. Methods of anchoring may include, but not be limited  
1847 to use of over the top or frame ties to ground anchors. This  
1848 requirement is in addition to local requirements for resisting wind  
1849 forces.  
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## 1851 5. Recreational Vehicles

1852 (a) Recreational vehicles placed on sites within Zones A1-30, AH and  
1853 AE on the community's FIRM shall:

1854 1) Be on the site for fewer than 180 calendar days during a  
1855 calendar year, and

1856 2) Be fully licensed and ready for highway use, on its wheels or  
1857 jacking system, is attached to the site only by quick disconnect  
1858 types utilities and security devices, and has no permanently  
1859 attached additions, or

1860 3) Be elevated on a permanent foundation such that the lowest  
1861 floor of the recreational vehicle is elevated one foot or more  
1862 above the base flood elevation and be securely anchored to an  
1863 adequately anchored foundation system to resist flotation,  
1864 collapse and lateral movement.

## 1865 6. Critical Facilities

1866 Construction of new critical facilities shall be, to the extent possible, located  
1867 outside the limits of the Special Flood Hazard Area (SFHA) (100-year flood  
1868 plain). Construction of new critical facilities shall be permissible within the  
1869 SFHA if no feasible alternative site is available. Critical facilities constructed  
1870 within the SFHA shall have the lowest floor elevated to three feet or more  
1871 above the level of the base elevation (100-year) at the site. Flood-proofing  
1872 and sealing measures shall be taken to ensure that toxic substances will not  
1873 be displaced by or released into flood waters. Two access routes elevated to  
1874 or above the level of the base flood plain shall be provided to all critical  
1875 facilities. Such elevated access routes shall not increase the base flood  
1876 elevation by one foot or more.

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## C. FLOODWAYS

1. Located within areas of special flood hazard established in Section 14.12.340J are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) Restriction of land uses within designated floodways include the prohibition of construction or reconstruction of residential structures except for:

- 1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
- 2) repairs, reconstruction, or improvements to a structure of which the cost does not exceed fifty percent of the market value of the structure in either,
  - i. before the repair or reconstruction is started, or
  - ii. if the structure has been damaged, and is being restored, before damage occurred.

NOTE: Work done on a structure to comply with existing health, sanitary, or safety codes, or to structures identified as historic places may be excluded in the fifty percent determination, only if agreed upon and approved by the Planning Director.

(b) The minimum requirements for national flood insurance program, and

(c) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a professional engineer is provided demonstrating through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels, increase flood velocities or erosion potential on or off-site, or diminish the flood alleviation capacity of the river system.

(d) If Section 14.12.350C, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.12.350, PROVISIONS FOR FLOOD HAZARD REDUCTION.

**NOTE: Where base flood elevations have been provided but floodways have not, Section 14.12.050D, applies.**

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**D. ENCROACHMENTS**

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point as determined by a registered professional engineer.

**E. STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)**

1. Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas the following provisions apply:

- (a)** New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified).
- (b)** New construction and substantial improvements of nonresidential structures within AO zones shall either:
  - 1) have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - 2) together with attendant utility and sanitary facilities, be completely flood-proofed to one foot above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 14.12.350B3(c).
- (c)** Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

- 1956 (d) Recreational vehicles placed on sites within AO Zones on the
- 1957 community's FIRM either:
- 1958 1) be on the site for fewer than 180 consecutive days, and
- 1959 2) be fully licensed and ready for highway use, on its wheels or
- 1960 jacking system, is attached to the site only by quick disconnect
- 1961 type utilities and security devices, and has no permanently
- 1962 attached additions; or
- 1963 3) Meet the requirements of 14.12.350E above and the elevation
- 1964 and anchoring requirements for manufactured homes.

1965  
1966 **F. SEVERABILITY**

1967 If any section or provision of this ordinance shall be adjudged to be invalid or  
1968 unconstitutional, such adjudication shall not affect the validity of the ordinance as  
1969 a whole or any section, provision, or part thereof not adjudged to be invalid or  
1970 unconstitutional.

1971 **14.12.360 ADMINISTRATION**

1972 **A. ESTABLISHMENT OF DEVELOPMENT PERMIT**

1973 1. Development Permit Required. A development permit shall be obtained  
1974 before construction or development begins within any area of special flood  
1975 hazard established in Section 14.12.340J. The permit shall be for all  
1976 structures including manufactured homes, as set forth in 14.12.340E,  
1977 DEFINITIONS, and for all development including fill and other activities, also  
1978 as set forth in the DEFINITIONS.

1979 2. Application for Development Permit

1980 (a) Application for a development permit shall be made on forms  
1981 furnished by the Okanogan County Office of Planning and  
1982 Development and may include but not be limited to: two (2)  
1983 copies of plans drawn to scale showing the nature, location,  
1984 dimensions, and elevations of the area in question; existing or  
1985 proposed structures, fill, storage of materials, drainage facilities,  
1986 and the location of the foregoing.

1987 (b) The following specific information is required on plan drawings:

- 1988 1) elevation in relation to mean sea level, of the lowest floor
- 1989 (including basement) of all structures;
- 1990 2) elevation in relation to mean sea level to which any structure
- 1991 has been flood-proofed;
- 1992 3) certification by a registered professional engineer that the flood-
- 1993 proofing methods for any nonresidential structure meet the
- 1994 flood-proofing criteria in Section 14.12.350B3;

- 1995 4) description of the extent to which a watercourse will be altered
- 1996 or relocated as a result of proposed development;
- 1997 5) certified topographic data; and
- 1998 6) hydrologic and hydraulic analyses. (Applicable for non-detailed
- 1999 study areas only).
- 2000 7) Information required by this ordinance for a detailed study area
- 2001 shall be provided by a professional licensed surveyor or a
- 2002 professional licensed engineer.
- 2003 8) Information required by this ordinance for a non-detailed study
- 2004 area shall be provided by a professional licensed engineer on a
- 2005 stable base mylar.

**B. DESIGNATION OF THE ADMINISTRATOR**

- 2006
- 2007 1. The Director of the Okanogan County Office of Planning and Development is
- 2008 hereby appointed to administer and implement this ordinance by granting or
- 2009 denying development permit applications in accordance with its provisions.
- 2010 2. The Director may at his/her discretion delegate the Administrative
- 2011 requirements of this ordinance.

**C. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

- 2012
- 2013 1. Duties of the Administrator shall include, but not be limited to:

**(a) Permit Review**

- 2014
- 2015 1) Review all development permits to determine that the permit
- 2016 requirements of this ordinance have been satisfied.
- 2017 2) Review all development permits to determine that all necessary
- 2018 permits have been obtained from those Federal, State, or local
- 2019 governmental agencies from which prior approval is required.
- 2020 3) Review all development permits to determine if the proposed
- 2021 development is located in the floodway. If located in the
- 2022 floodway, assure that the encroachment provisions of Section
- 2023 14.12.350 are met.

**(b) Use of Other Base Flood Data**

2024 When base flood elevation data has not been provided in

2025 accordance with Section 14.12.340J, BASIS FOR ESTABLISHING

2026 THE AREAS OF SPECIAL FLOOD HAZARD, the Administrator

2027 shall obtain, review, and reasonably utilize any base flood elevation

2028 and floodway data available from a federal, State or other source,

2029 in order to administer Sections 14.12.350.

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**(c) Information to be Obtained and Maintained**

- 1) Where base flood elevation data is provided through the Flood Insurance Study, FIRM or required as in Section 14.12.360(c)(1), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- 2) For all new or substantially improved flood-proofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM or required as in 14.12.360(c)(1):
  - i. Obtain and record the actual elevation (in relation to mean sea level), to which the structure was floodproofed and
  - ii. maintain required flood-proofing certifications.
- 3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

**(d) Alteration of Watercourses**

- 1) Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**(e) Interpretation of FIRM Boundaries**

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.12.360D.

**D. APPEAL AND VARIANCE PROCEDURES AND VARIANCE CONDITIONS**

**(a) Procedures**

- 1) The Okanogan County Board of Adjustment/Hearings Examiner as established by Okanogan County Commissioners shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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- 2) The Okanogan County Board of Adjustment/Hearings Examiner shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this ordinance.
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- 3) Those aggrieved by the decision of the Okanogan County Board of Adjustment/Hearings Examiner, or any taxpayer, may appeal such decision to Okanogan County Superior Court.
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- 4) In passing upon such applications, the Okanogan County Board of Adjustment/Hearings Examiner shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
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- i. the danger that materials may be swept onto other lands to the injury of others;
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- ii. the danger to life and property due to flooding or erosion damage;
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- iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
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- iv. the importance of the services provided by the proposed facility to the community;
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- v. the necessity to the facility of a waterfront location, where applicable;
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- vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
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- vii. the compatibility of the proposed use with existing and anticipated development;
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- viii. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
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- ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
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- x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

2108 xi. the cost of providing governmental services during  
2109 and after flood conditions, including maintenance and  
2110 repair of public utilities and facilities such as sewer,  
2111 gas, electrical, and water systems, and streets and  
2112 bridges.

2113 5) Upon consideration of the factors of Section 14.12.360D(a)4,  
2114 and the purposes of this ordinance, the Okanogan County  
2115 Board of Adjustment/Hearings Examiner may attach such  
2116 conditions to the granting of variances as it deems necessary to  
2117 further the purposes of this ordinance.

2118 6) The Administrator shall maintain the records of all appeal  
2119 actions and report any variances to the Federal Insurance  
2120 Administration upon request.

2121 **(b) Conditions for Variances**

2122 1) Generally, the only condition under which a variance from the  
2123 elevation standard may be issued is for new construction and  
2124 substantial improvements to be erected on a lot of one-acre or  
2125 less in size contiguous to and surrounded by lots with existing  
2126 structures constructed below the base flood level, providing  
2127 items [(i)-(xi)] in Section 14.12.360D(a)(4), have been fully  
2128 considered. As the lot size increases the technical justification  
2129 required for issuing the variance increases.

2130 2) Variances may be issued for the reconstruction, rehabilitation,  
2131 or restoration of structures listed on the National Register of  
2132 Historic Places or the State Inventory of Historic Places, without  
2133 regard to the procedures set forth in this section.

2134 3) Variances shall not be issued within a designated floodway if  
2135 any increase in flood levels during the base flood discharge  
2136 would result.

2137 4) Variances shall only be issued upon a determination that the  
2138 variance is the minimum necessary, considering the flood  
2139 hazard, to afford relief.

2140 5) Variances shall only be issued upon:

2141 i. a showing of good and sufficient cause;

2142 ii. a determination that failure to grant the variance  
2143 would result in exceptional hardship to the applicant;

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- iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 14.12.360D(a)(4), or conflict with existing local laws or ordinances.
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- 6) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
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- 7) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry flood-proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 14.12.360D(b)1, and otherwise complies with Sections 14.12.350A3, and 14.12.350A4, of the GENERAL STANDARDS.
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- 8) Variances may be issued for small accessory structures including but not limited to detached garages, storage sheds, and pole barns where it can be determined that such action will have low damage potential and complies with 14.12.350(B)(1)(d).
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- 9) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.



- 2212 E. If an applicant disagrees with the staff recommendation for setbacks or the extent  
2213 of the hazard present, and could not mitigate the hazard to the point of  
2214 precluding development of the site, the applicant has the option of hiring a  
2215 structural geologist with expertise in erosion hazards, to study the area and  
2216 prepare a report detailing findings and recommendations for the potential for site  
2217 development. The report shall conform to Special Studies Section II C of this  
2218 chapter.
- 2219 F. Disturbance of an Erosion Hazard Area requires reseeding with native  
2220 vegetation, to assist in stabilization of the area and to discourage the infiltration  
2221 of knapweed.

2222 **Landslide Hazard Areas**

2223 **14.12.410 Classification / Rating System**

2224 Landslide hazard areas may include:

- 2225 A. All areas in the County that have historically been prone to land sliding (check  
2226 geologic maps).
- 2227 B. All areas containing soil types identified by the Soil Conservation Service as  
2228 unstable and prone to landslide hazard.
- 2229 C. All areas in the County that show evidence of or are at risk from snow  
2230 avalanches.
- 2231 D. All areas in the County that are potentially unstable as a result of rapid stream  
2232 incision or stream bank erosion.

2233 **14.12.420 Designation / Mapping**

2234 Lands that meet the classification criteria are hereby designated as landslide hazard  
2235 areas and will be mapped by Okanogan County as resources become available.

2236 **14.12.430 Regulations**

- 2237 A. Areas identified as Landslide Hazard Areas shall not be developed unless it is  
2238 demonstrated that the project is structurally safe from the potential hazard, and  
2239 that the development will not increase the hazard risk.
- 2240 B. A reasonable setback for development near a Landslide Hazard Area shall be  
2241 established on a case-by-case basis, based on the type of development  
2242 proposed and the type and extent of Landslide Hazard present.

2243

2244 C. If an applicant disagrees with the staff recommendation for setbacks or the extent  
2245 of the hazard present, and could not mitigate the hazard to the point of  
2246 precluding development of the site, the applicant has the option of hiring a  
2247 qualified professional with experience in landslide hazards, to study the area and  
2248 prepare a report detailing findings and recommendations for the potential for site  
2249 development. The report shall conform to the Special Studies Section of this  
2250 chapter.

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## **Mine Hazard Areas**

### **14.12.440 Classification / Rating System**

2253 Mine Hazard Areas include: Areas that are directly underlain by, adjacent to, or affected  
2254 by mine workings such as adits, tunnels, drifts, or air shafts with the potential for  
2255 creating large underground voids susceptible to collapse, tailings piles, and waste rock.  
2256 In addition, steep and unstable slopes created by open mines, tailings and waste rock  
2257 piles have the potential for being mine hazard areas. Mine hazard areas are based  
2258 upon the identification of active or historic mining activity and site-specific information  
2259 regarding topography and geology.

### **14.12.450 Designation / Mapping**

2261 Lands that meet the classification criteria are hereby designated as mine hazard areas  
2262 and will be mapped by Okanogan County as resources become available.

### **14.12.460 Regulations**

2264 In the event that a development is proposed within 25 feet of one of the above classified  
2265 areas, and a development approval is required by the County, the following regulations  
2266 shall apply:

2267 A. The locations of obvious previous mining activities and workings shall be noted  
2268 on all site plans submitted to the County for any development requiring a permit  
2269 from the County.

2270 B. The applicant shall comply with any known, previously prepared and approved  
2271 site reclamation plan.

2272 C. The applicant should attempt to avoid development directly on any tailings pile.  
2273 A setback for development may be suggested by the Office of Planning and  
2274 Development. If the content of the tailings pile is known to be hazardous, a  
2275 setback for development will be determined based on the known hazard of the  
2276 type and mineral/chemical content of each tailings pile, and an industry standard  
2277 for safety distance from that specific mineral/chemical, based on the proposed  
2278 use of the site.

2279 D. Setbacks from obvious mine workings shall be determined and suggested on a  
2280 case-by-case basis.

2281

2282 E. Development that affects the portion of a site that contains previous mining  
2283 activities may require the applicant to prepare a reclamation plan for restoration  
2284 of the site, if the hazard is determined to be one constituting a significant hazard  
2285 to health and life and is a clear and present danger to human health and the  
2286 environment.

2287 F. If necessary, a geotechnical report may be required to determine safety  
2288 distances for any development of a site containing mine hazards, or for the  
2289 preparation of a reclamation plan for the site. The report shall conform to Special  
2290 Studies Section II of this chapter.

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### **Seismic Hazard Areas**

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#### **14.12.470 Classification / Rating System**

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The majority of Okanogan County is located within Seismic Design Category C in  
2295 accordance with the Uniform Building Code (2009 Edition, as amended).

2296

2297

#### **14.12.480 Designation / Mapping**

2298

There are no known active faults in Okanogan County.

2299

#### **14.12.490 Regulations**

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A. All development activities shall be required to conform to the applicable  
2301 provisions of the Uniform Building Code which contains structural safeguards to  
2302 reduce the risks from seismic activity.

2303

B. No development shall occur on any known active fault line that has the potential  
2304 to cause severe damage to structures. A reasonable setback for development  
2305 shall be required on a case-by-case basis (based on the type and recent activity  
2306 of the particular fault and the proposed development).

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### **Volcanic Hazard Areas**

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#### **14.12.500 Classification / Rating System**

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No Volcanic Hazard Areas are known to exist in Okanogan County. There are,  
2311 however, several active volcanoes that could have impacts on areas of Okanogan  
2312 County. The impacts would include the fall-out of ash. There is no way to prevent the  
2313 impacts of fallen ash, but there are ways to respond to the ash that could lessen its  
2314 impacts.

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2317 **14.12.510 Designation / Mapping**

2318 No mapping is necessary.

2319 **14.12.520 Regulations**

2320 The County shall consider updating its "Emergency Response Program" to address the  
2321 affects of fallen ash and how citizens could help minimize that impact.

2322

2323 **Channel Migration Zones**

2324 **14.12.530 Classification/Rating System**

2325 Those areas subject to risk from lateral channel movement due to stream bank  
2326 destabilization, rapid stream channel changes (i.e. avulsions), stream bank erosion,  
2327 and/or shifts in location of stream channels, as shown on Okanogan County's Channel  
2328 Migration Zone Hazard maps.

2329 A. The CMZ is comprised of two areas defined as severe and moderate channel  
2330 migration zones as outlined in the Channel Migration Study completed for  
2331 Okanogan County located in Appendix A and B.

2332 1. Severe Channel Migration Zone: A channel migration zone shall be  
2333 designated as severe hazard when it lies within the boundaries of HMZ;  
2334 and/or within the AHZ; and/or within the channels probable EHZ as predicted  
2335 to occur within the next fifty years and as measured in either direction from  
2336 the outside edge of either the HMZ or AHZ as defined above, whichever is  
2337 furthest from the river.

2338 2. Moderate Channel Migration Zone: A channel migration zone shall be  
2339 designated as moderate hazard when it lies outside the sever hazard channel  
2340 migration zone and within the FEMA floodplain boundary.

2341 B. When a natural geologic feature will affect the predicted migration, the zone  
2342 width shall be modified to consider such natural constraints; and

2343 C. When structures such as arterial roads or flood hazard reduction facilities are  
2344 likely to be protected from future bank erosion due to existing programs for public  
2345 maintenance, the zone width may be modified to the boundary of such  
2346 structures.

2347 **14.12.540 Designation/Mapping**

2348 Maps are provided for the Methow River in Appendix A and the Okanogan River in  
2349 Appendix B.

2350

2351

2352

2353 **14.12.550 Regulations**

2354 A. New structural flood hazard reduction measures shall be allowed only when it  
2355 can be demonstrated by a scientific and engineering analysis that they are  
2356 necessary to protect existing development.

2357 B. A stormwater management plan may be required on a case by case basis.

2358 C. A geotechnical report and mitigation plan may be required on a case by case  
2359 basis.

2360 D. Moderate Channel Migration Zones

2361 1. Actions allowed within the Moderate Channel Migration Zone will be outlined  
2362 in the Federal Emergency Management Agency (FEMA) National Flood  
2363 Insurance Program (NFIP) regulations as addressed in section 14.12.360  
2364 through 14.12.390.

2365 2. Final subdivisions, short plats, and binding site plans located within the  
2366 moderate hazard channel migration zone shall contain language in the plat  
2367 dedication to indicate lots or portions of lots that are affected by channel  
2368 migration. The dedication on the plat shall read as follows:

2369 (a) "This property is subject to flood inundation as defined by the  
2370 current FEMA FIS for Okanogan County. As such, this property  
2371 may be subject to risks from overbank flooding, bank erosion,  
2372 and/or channel migration. Based on historical data, the channel or  
2373 stream may erode or migrate and change locations over time,  
2374 possibly undercutting or eroding portions of this property.  
2375 Structures and/or property may be at risk from flood inundation  
2376 and/or the migrating channel and could be damaged or destroyed.  
2377 Activities in the migration zone are subject to the provisions of  
2378 14.12.550.

2379 (b) Building setback lines may be drawn on lots, parcels and tracts so  
2380 as to indicate suitable areas for construction of structures or  
2381 improvements.

2382 E. Severe Channel Migration Zones

2383 1. New dwelling and/or accessory structures outside the linear boundaries of the  
2384 flood plain as shown on the FEMA maps and in accordance with OCC  
2385 14.12.360A (floodplain development permit) after the effective date of this  
2386 ordinance will only be allowed pursuant with the requirements outlined below.  
2387 New dwellings shall not be allowed in the severe channel migration zones.

2388

- 2389 2. Within severe channel migration zones, only the following may be allowed in  
2390 regards to the maintenance, repair, structural modification of or addition to a:
- 2391 (a) Existing critical facility or building used as a place of employment.
  - 2392 (b) Existing place of public assembly;
  - 2393 (c) Existing dwelling unit;
  - 2394 (d) Existing accessory dwelling unit or accessory living quarters; or
  - 2395 (e) Existing accessory structures
  - 2396 (f) These shall only be allowed if the following are met:
    - 2397 i. There is no increase in the footprint of any existing  
2398 structure greater than 1500 square feet.
    - 2399 ii. Combined footprint increases outlined in 14.12.550E  
2400 (2)(above section) on the property have not  
2401 exceeded 1500 square feet from the effective date of  
2402 this ordinance.
    - 2403 iii. The footprint can only be expanded in such a way  
2404 that it minimizes the increase of channel migration  
2405 hazard.
    - 2406 iv. The character of use of the structure does not  
2407 change.
    - 2408 v. The capacity of the septic system cannot be  
2409 increased with the allowed combined footprint  
2410 increases.
    - 2411 vi. The septic system can only be replaced for sanitation  
2412 purposes; such upgrade cannot increase the  
2413 capacity of the system.
    - 2414 vii. The maintenance, repair, structural modification or  
2415 addition does not qualify as a substantial  
2416 improvement as set forth in 14.12.340E (NFIP),  
2417 unless;
      - 2418 a. Conducted to comply with regulations  
2419 pertaining to health, sanitation, building or  
2420 fire safety, or
      - 2421 b. The structure is identified as a historic place.
- 2422



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7. Maintenance of existing access routes and related earthworks shall be allowed, provided that all of the following are met;
- 2458           **(a)**    The road carrying capacity cannot increase
- 2459           **(b)**    Must get permits in accordance with Okanogan County  
2460                           14.12.360A(floodplain Development permit)
- 2461           **(c)**    It does not increase the risk of channel migration.
- 2462
8. There shall not be any new roads in the severe channel migration zone.
- 2463
9. Final subdivisions, short plats, and binding site plans located within the  
2464 severe hazard channel migration zone shall contain language in the plat  
2465 dedication to indicate lots or portions of lots that are affected by channel  
2466 migration. The dedication on the plat shall read as follows:
- 2467           **(a)**    “This property is in a severe channel migration zone. Based on  
2468 historical data, the channel or stream is expected to migrate and  
2469 change locations over time, possible undercutting or eroding  
2470 portions of this property. Property and; or structures within the  
2471 channel migration zones may be at risk from the migrating channel  
2472 and could be damaged or destroyed. Activities in the channel  
2473 migration zone are subject to the provisions of 14.12.570.
- 2474           **(b)**    Building setback lines shall be drawn on lots, parcels and tracts so  
2475 as to indicate suitable areas for construction of structures or  
2476 improvements.
- 2477

2478 **Article VI Wetlands**

2479 **14.12.560 Exemptions**

- 2480 A. The following uses shall be allowed within a wetland or wetland buffer:
- 2481 1. Conservation or preservation of soil, water, vegetation, fish, and other  
2482 wildlife;
- 2483 2. Outdoor recreational activities, including, but not limited to, fishing, bird  
2484 watching, hiking, hunting, boating, horseback riding, Nordic skiing, swimming,  
2485 canoeing, and bicycling provided the activity does not alter the wetland by  
2486 changing existing topography, water conditions or water sources;
- 2487 3. The harvesting of wild crops in a manner that is not injurious to natural  
2488 reproduction of such crops and provided the harvesting does not require tilling  
2489 of soil, planting of crops, or alteration of the wetland by changing existing  
2490 topography, water conditions or water sources;
- 2491 4. The maintenance (but not construction) of drainage ditches;
- 2492 5. Education, scientific research, and use of nature trails;
- 2493 6. Navigation aids and boundary markers;
- 2494 7. Boat mooring buoys;
- 2495 8. Site investigative work necessary for land use application submittals such as  
2496 surveys, soil logs, percolation tests and other related activities. In every case,  
2497 wetland impacts shall be minimized and disturbed areas shall be immediately  
2498 restored;
- 2499 9. Normal maintenance, repair, or operation of existing serviceable structures,  
2500 facilities, or improved areas;
- 2501 10. Minor modification of existing serviceable and/or legal non-conforming  
2502 structures shall be allowed to expand a maximum of 25% of the square  
2503 footage existing at the time of the adoption of this chapter (the expansion  
2504 maximum shall include decks, room additions, second floor areas and the  
2505 like, where modification does not further encroach on the buffer and adversely  
2506 impact wetland functions; and
- 2507 11. Structures and activities that currently and legally exist within wetlands buffer  
2508 areas at the time of adoption of this Chapter.
- 2509
- 2510

2511 **14.12.570 Classification / Rating System**

2512 Wetlands shall be classified and rated according to the criteria and procedures  
2513 contained in the "Washington State Wetland Rating System for Eastern Washington",  
2514 (Publication #04-06-015, March 2007), as amended.

2515 **14.12.580 Designation / Mapping**

2516 The approximate location and extent of wetlands in the County are displayed on the  
2517 National Wetlands Inventory Map. The wetland map, along with other supportive  
2518 documentation, are to be used as a guide to the general location and extent of  
2519 wetlands. There may be wetlands that are not shown on the wetlands inventory maps.  
2520 However, each potential wetland must be evaluated by the Administrator to determine  
2521 the applicability of these requirements. In the event that any of the wetland  
2522 designations shown on the maps conflict with the criteria set forth in this chapter, the  
2523 criteria shall take precedence.

2524 A. 14.12.590 Regulated Activities Permit Required development permit is required  
2525 when any alterations are proposed to a wetland.

2526 B. The following activities are regulated in Category I, II, and certain Category III  
2527 and IV wetlands and their buffers, unless specifically listed as an exemption:

2528 1. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals,  
2529 organic matter, or material of any kind;

2530 2. The dumping, discharging, or filling with any material;

2531 3. The draining, flooding, or disturbing of the water level or water table;

2532 4. The driving of pilings;

2533 5. The placing of obstructions;

2534 6. The construction, reconstruction, demolition, or expansion of any structure;

2535 7. The destruction or alteration of native wetlands vegetation (including clearing,  
2536 harvesting, shading through chemicals, intentional burning, or planting of  
2537 vegetation that would alter the character of a wetland, provided that these  
2538 activities are not part of a forest practice governed under chapter 76.09 RCW  
2539 and its rules; or

2540 8. Activities that result in a significant change of water temperature, a significant  
2541 change of physical or chemical characteristics of wetlands water sources,  
2542 including quantity, or the introduction of pollutants.

2543 **14.12.600 Waivers - Wetland Delineation Requirement**

2544 The Administrator may waive the delineation requirement if the use or structure is  
2545 greater than 300 feet away from the OHWM of the wetland.

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2548 **14.12.610 Delineation Required**

- 2549 A. A wetland delineation and categorization shall be performed on property  
2550 containing wetlands where development activities are planned within the wetland  
2551 or wetland buffer.
- 2552 B. The delineation shall be performed by a qualified individual or firm and be  
2553 prepared in the following manner:
- 2554 1. Designating Wetlands. Wetlands are those areas, designated in accordance  
2555 with the U.S. Army Corp of Engineers Wetland Delineation Manual including  
2556 regional supplements as amended, that are inundated or saturated by surface  
2557 or groundwater at a frequency and duration sufficient to support, and that  
2558 under normal circumstances do support, a prevalence of vegetation adapted  
2559 for life in saturated soil conditions. All areas within the county meeting the  
2560 wetland designation criteria in the Identification and Delineation Manual,  
2561 regardless of any formal identification, are hereby designated critical areas  
2562 and are subject to the provisions of this chapter.
- 2563 2. Wetland Ratings. Wetlands shall be rated according to the Washington State  
2564 Department of Ecology wetland rating system found in the Washington State  
2565 Wetland Rating System for Eastern Washington, Ecology Publication No. 04-  
2566 06-015, or as revised by Ecology.
- 2567 C. The location of the outer extent of the wetland buffer and the areas to be  
2568 disturbed pursuant to an approved permit shall be marked in the field, and such  
2569 field marking shall be approved by the Administrator prior to the commencement  
2570 of permitted activities. Such field markings shall be maintained throughout the  
2571 duration of the permit.

2572 **14.12.620 Conditions of Permit Approval**

- 2573 A. Conditions attached to the granting of a wetlands permit shall assure the  
2574 protection of the functions and values of the affected regulated wetlands.
- 2575 B. Development applications shall consider and / or incorporate the following  
2576 provisions, if applicable:
- 2577 1. limiting the degree or magnitude of the regulated activity;
- 2578 2. limiting the implementation of the regulated activity;
- 2579 3. using appropriate and best available technology;
- 2580 4. taking affirmative steps to avoid or reduce impacts;
- 2581 5. sensitive site design and siting of facilities and construction staging areas  
2582 away from regulated wetlands and their buffers;
- 2583 6. involving resource agencies early in site planning; and
- 2584

2585 7. providing protective measures such as siltation curtains, hay bales and other  
2586 siltation prevention measures, scheduling the regulated activity to avoid  
2587 interference with wildlife and fisheries rearing, resting, nesting or spawning  
2588 activities.

2589 **14.12.630 Wetland Buffers**

2590 A. Standard Buffer Zone Widths shall be measured using one of the alternatives  
2591 below except when the previously existing built environment isolates portions of  
2592 the wetland buffer from the waterbody. In that circumstance, the regulated  
2593 wetland buffer shall extend from the ordinary high water mark to the waterward  
2594 edge of the built environment

2595 1. Alternative I- (Table 2): Buffer width based only on the category of wetland  
2596 impacted. The wetland shall be delineated and categorized by a qualified  
2597 professional using the Washington State Delineation Manual for Eastern  
2598 Washington as amended.

2599 (a) Table 2

Category of Wetland	Widths of Buffers
IV	50 ft
III	150 ft
II	200 ft
I	250 ft

2600 2. Alternative II-(Table 3) Wetland buffers based on intensity of land use<sup>1</sup>,  
2601 providing the wetland is delineated and categorized by a qualified  
2602 professional using the Washington State Wetland Identification and  
2603 Delineation Manual for Eastern Washington as amended:

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<sup>1</sup> See Table 4 for a list of uses and their intensity.

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(a) Table 3

Category of Wetland	Land Use with Low Impact *	Land Use with Moderate Impact *	Land Use with High Impact*
IV	25 ft	40 ft	50 ft
III	75 ft	110 ft	150 ft
II	100 ft	150 ft	200 ft
I	125 ft	190 ft	250 ft
* See Table 4 for types of land uses that can result in low, moderate, and high impacts to wetlands.			

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(b) Table 4

Level of Impact from Proposed Change in Land Use	Types of Land Use
High	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Urban</li> <li>• Industrial</li> <li>• Institutional</li> <li>• Retail sales</li> <li>• Residential (more than 1 unit/acre)</li> <li>• High-intensity recreation (golf courses, ball fields, etc.)</li> <li>• Hobby farms</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>• Residential (1 unit/acre or less)</li> <li>• Moderate-intensity open space (parks with biking, jogging, etc.)</li> <li>• Paved trails</li> <li>• Building of logging roads</li> <li>• Utility corridor or right-of-way shared by several utilities and including access/maintenance road</li> </ul>
Low	<ul style="list-style-type: none"> <li>• Forestry (cutting of trees only)</li> <li>• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</li> <li>• Unpaved trails</li> <li>• Utility corridor without a maintenance road and little or no vegetation management.</li> </ul>

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3. Alternative III-Applicants may alternatively evaluate and determine wetland buffer width based on the intensity of the impacts, wetland function, or special characteristics located in the tables below. A critical area report that shows such a reduction will result in preservation of wetland function will be required. Such report and plan must be prepared by a qualified professional and be based on the most current, accurate, and complete scientific and technical information and site specific conditions and analysis.

(a) Table 5: Widths of buffers needed to protect Category I wetlands

<b>Wetland Characteristics</b>	<b>Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)</b>	<b>Other Measures Recommended for Protection</b>
Natural Heritage Wetlands	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft Restore degraded parts of buffer
Bogs	Low - 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer
Forested	Buffer size to be based on score for habitat functions or water quality functions	If forested wetland scores high for habitat, need to maintain connectivity to other natural areas Restore degraded parts of buffer
Alkali	Low – 100 ft Moderate – 150 ft High – 200 ft	No additional surface discharges to wetland or its tributaries Restore degraded parts of buffer

<b>Wetland Characteristics</b>	<b>Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)</b>	<b>Other Measures Recommended for Protection</b>
High level of function for habitat (score for habitat 29 - 36 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas Restore degraded parts of buffer
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
High level of function for water quality improvement (24 – 32 points) and low for habitat (less than 20 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

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(b) Table 6: Widths of Buffers Needed to Protect Category II Wetlands

<b>Wetland Characteristics</b>	<b>Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)</b>	<b>Other Measures Recommended for Protection</b>
High level of function for habitat (score for habitat 29 - 36 points)	Low - 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time

<b>Wetland Characteristics</b>	<b>Buffer Widths by Impact of Proposed Land Use (apply most protective if more than one criterion is met)</b>	<b>Other Measures Recommended for Protection</b>
High level of function for water quality improvement and low for habitat (score for water quality 24 - 32 points; habitat less than 20 points)	Low - 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Vernal pool	Low - 100 ft Moderate – 150 ft High – 200 ft 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 ft Moderate – 60 ft High – 80 ft	
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or sub-basin scale (protection of the water regime in the watershed) Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristics	Low - 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time

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(c) Table 7: Widths of Buffers Needed to Protect Category III Wetlands

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Moderate level of function for habitat (score for habitat 20 - 28 points)	Low - 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time
Not meeting above characteristic	Low - 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time

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(d) Table 8: Widths of Buffers Needed to Protect Category IV Wetlands

Wetland Characteristics	Buffer Widths by Impact of Proposed Land Use	Other Measures Recommended for Protection
Score for all 3 basic functions is less than 30 points	Low - 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time

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B. Standard Wetland Buffer Width Averaging

Standard wetland buffer zones may be modified by averaging buffer widths. Wetland buffer width averaging shall be allowed only where the applicant demonstrates **all** of the following:

1. that the wetland and its buffer contain variations in sensitivity due to existing physical characteristics;
2. that low intensity land uses would be located adjacent to areas where buffer width is reduced, and that such low intensity land uses are guaranteed in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism to not be converted to a high intensity use; **and**
3. that width averaging will not materially degrade the wetland functional values.
4. In no instance shall the buffer width be reduced by more than 50% of the standard buffer or be less than 25 feet.

2647 C. Buffer Integrity  
2648 Except as otherwise specified, wetland buffer zones shall be retained in their  
2649 natural condition. Where buffer disturbance has occurred during construction,  
2650 revegetation with native vegetation may be required.  
2651

2652 D. Permitted Uses in a Wetland Buffer Zone

2653 Activities shall not be allowed in a buffer zone except for the following:

- 2654
- 2655 1. activities having minimal adverse impacts on buffers and no adverse impacts  
2656 on regulated wetlands. These may include but are not limited to: low  
2657 intensity, passive recreational activities such as unpaved trails, wildlife  
2658 watching blinds, short term scientific or educational activities, and sports  
2659 fishing or hunting;  
2660
  - 2661 2. with respect to category III and IV wetlands, stormwater management  
2662 facilities having no reasonable alternative on-site location; or  
2663
  - 2664 3. with respect to category II, III, and IV wetlands, low-intensity development  
2665 having no feasible alternative location.  
2666

2667 **14.12.640 Compensating for Wetlands Impacts.**

2668 As a condition of any permit allowing alteration within wetlands and/or wetland buffers,  
2669 or as an enforcement action pursuant to the **Enforcement** section, the Administrator  
2670 shall require that the applicant engage in the restoration, creation or enhancement of  
2671 wetlands and their buffers in order to offset the impacts resulting from the applicant's or  
2672 violator's actions. The Applicant shall develop a plan that provides for land acquisition,  
2673 construction, maintenance and monitoring of replacement wetlands that recreate, as  
2674 nearly as possible, the original wetlands in terms of function, geographic location and  
2675 setting, and that are larger than the original wetlands. The overall goal of any  
2676 compensatory project shall be no net loss of regulated wetlands functions and values.  
2677 Compensation shall be completed prior to wetland destruction, where possible. All  
2678 wetlands restored, created or purchased shall be maintained as a wetland in perpetuity.

2679

2680 **14.12.650 Compensatory Mitigation**

2681 Compensatory mitigation shall follow an approved mitigation plan pursuant to 14.12.710  
2682 the **Mitigation Plans** section and shall meet the following minimum performance  
2683 standards:

- 2684
- 2685 A. Given the uncertainties in scientific knowledge and the need for expertise and  
2686 monitoring, wetland compensatory projects may be permitted only when the  
2687 Administrator finds that the compensation project is associated with an activity or  
2688 development otherwise permitted and that the restored, created, or enhanced  
2689 wetland will be as persistent as the wetland it replaces. Additionally, every  
mitigation plan shall require and include the following aspects:

- 2690 1. scientific expertise, supervisory capability, and financial resources to carry out  
2691 the project;
- 2692 2. capability for monitoring the site and to make corrections during a two year  
2693 period if the project fails to meet projected goals; and
- 2694 3. protection and management of the compensation area to avoid further  
2695 development or degradation and to provide for long-term persistence of the  
2696 compensation area.

2697 **14.12.660 Wetlands Restoration, Creation, Enhancement, or Compensation**

2698 A. Wetlands mitigation shall be accomplished by any one or combination of the  
2699 following five methods, at the choice of the applicant:

- 2700 1. restoration of an existing wetland on-site,  
2701 2. creation of a new wetland on-site,,  
2702 3. purchase of a wetland, off-site,  
2703 4. compensation by payment to be used to purchase existing wetlands, off-site,  
2704 or  
2705 5. enhancement of an existing degraded wetland.

2706 B. Any applicant who alters wetlands shall restore wetlands, create wetlands,  
2707 contribute for the purchase of wetlands, enhance an existing wetland, or  
2708 purchase wetlands for wetlands preservation in order to compensate for wetland  
2709 losses.

2710 C. The restored, created, enhanced or purchased wetlands shall be a higher  
2711 category than the altered wetland.

2712 D. Restored wetlands, created wetlands, and wetlands purchased for preservation  
2713 shall be determined according to function, acreage, type, location, time factors,  
2714 ability to be self-sustaining and projected success. Wetland functions and values  
2715 shall be calculated using the best professional judgment of a qualified wetland  
2716 ecologist using the best available techniques. Multiple compensation projects  
2717 may be proposed for one project in order to best achieve the goal of no net loss  
2718 of the function and value of the wetland.

2719 E. The following ratios apply to creation of new wetlands, restoration of wetlands, or  
2720 wetlands purchased for preservation which is in-kind, onsite, timed prior to or  
2721 concurrent with alteration, and has a high probability of success. These ratios do  
2722 not apply to remedial actions resulting from illegal alterations. The first number  
2723 specifies the acreage of wetlands requiring replacement and the second  
2724 specifies the acreage of wetlands altered.

2725 **NOTE:** Replacement ratios do not apply to wetlands purchased through the  
2726 Wetland Preservation Fund. The wetlands fee paid by the applicant is based  
2727 on the replacement ratios noted below.

2728

## 1. Wetland Replacement Ratios

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only <sup>2</sup>	Re-establishment or Creation (R/C) and Rehabilitation (RH) <sup>4</sup>	Re-establishment or Creation (R/C) and Enhancement (E) <sup>4</sup>	Enhancement Only <sup>4</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
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal pool	2:1 Replacement has to be seasonally ponded wetland	4:1 Replacement has to be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
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 Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
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>3</sup>	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible <sup>5</sup>	R/C Not considered possible <sup>5</sup>	Case-by-case
Category I Alkali	Not considered possible <sup>5</sup>	6:1 rehabilitation of an alkali wetland	R/C Not considered possible <sup>5</sup>	R/C Not considered possible <sup>5</sup>	Case-by-case
Category I Bog	Not considered possible <sup>5</sup>	6:1 Rehabilitation of a bog	R/C Not considered possible <sup>5</sup>	R/C Not considered possible <sup>5</sup>	Case-by-case
<b>NOTE:</b> Preservation is discussed in the following section.					

<sup>4</sup> 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.

<sup>5</sup> Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some special functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

2731 F. When the applicant chooses to contribute to the Wetland Preservation Fund  
2732 established by Okanogan County, fees shall be paid at the ratios listed above,  
2733 and according to the adopted Okanogan County Land Use Fee Schedule.

2734 In all cases, a minimum acreage replacement ratio of 1.25:1 shall be  
2735 required.

2736 **14.12.670 Wetland Type**

2737 A. In-kind compensation shall be provided except where the applicant can  
2738 demonstrate that:

- 2739 1. the wetland system is already significantly degraded and out-of-kind  
2740 replacement will result in a wetland with greater functional value;
- 2741 2. scientific problems such as exotic vegetation and changes in watershed  
2742 hydrology make implementation of in-kind compensation impossible;
- 2743 3. out-of-kind replacement will best meet identified regional goals (e.g.,  
2744 replacement of historically diminished wetland types).
- 2745 4. where out-of-kind replacement is accepted, greater acreage replacement  
2746 ratios may be required to compensate for lost functional values.

2747 **14.12.680 Location.**

2748 A. On-site compensation shall be provided except where the applicant can  
2749 demonstrate that:

- 2750 1. the hydrology and ecosystem of the original wetland and those who benefit  
2751 from the hydrology and ecosystem will not be substantially damaged by the  
2752 onsite loss; **and**
- 2753 2. onsite compensation is not scientifically feasible due to problems with  
2754 hydrology, soils or other factors; **or**
- 2755 3. compensation is not practical due to potentially adverse impact from  
2756 surrounding land uses; **or**
- 2757 4. existing functional values at the site of the proposed restoration are  
2758 significantly greater than lost wetland functional values; **or**
- 2759 5. that established regional goals for flood storage, flood conveyance, habitat or  
2760 other wetland functions have been established and strongly justify location of  
2761 compensatory measures at another site.

2762 B. Offsite compensation shall occur within the same watershed as the wetland loss  
2763 occurred, provided that Category IV wetlands may be replaced outside of the  
2764 watershed when there is no reasonable alternative.

2765

- 2766 C. In selecting compensation sites, applicants shall pursue siting in the following  
2767 order of preference:
- 2768 i. upland sites which were formerly wetlands;
  - 2769 ii. idled upland sites generally having bare ground or vegetative cover  
2770 consisting primarily of exotic introduced species, weeds, or emergent  
2771 vegetation;
  - 2772 iii. other disturbed upland.

2773 **14.12.690 Timing.**

- 2774 A. Where feasible, compensatory projects shall be completed prior to activities that  
2775 will disturb wetlands, and immediately after activities that will temporarily disturb  
2776 wetlands. In all other cases, except for Category I wetlands, compensatory  
2777 projects should be completed prior to use or occupancy of the activity or  
2778 development which was conditioned upon such compensation. Construction of  
2779 compensation projects shall be timed to reduce impacts to existing wildlife and  
2780 flora.

2781 **14.12.700 Cooperative Restoration, Creation or Enhancement Projects.**

- 2782 A. The Administrator may encourage, facilitate, and approve cooperative projects  
2783 wherein a single applicant or other organization with demonstrated capability  
2784 may undertake a compensation project with funding from other applicants under  
2785 the following circumstances:
- 2786 1. restoration, creation or enhancement at a particular site may be scientifically  
2787 difficult or impossible; or
  - 2788 2. creation of one or several larger wetlands may be preferable to many small  
2789 wetlands.
- 2790 B. Persons proposing cooperative compensation projects shall:
- 2791 1. submit a joint permit application;
  - 2792 2. demonstrate compliance with all standards;
  - 2793 3. demonstrate the organizational and fiscal capability to act cooperatively; and
  - 2794 4. demonstrate that long term management can and will be provided.

2795

2796 **14.12.710 Mitigation Plans**

2797 All wetland restoration, creation and/or enhancement projects required pursuant to this  
2798 chapter either as a permit condition or as the result of an enforcement action shall follow  
2799 a mitigation plan prepared by qualified wetland professionals approved by the  
2800 Administrator. The applicant or violator shall receive written approval of the mitigation  
2801 plan by the Approval Authority prior to commencement of any wetland restoration,  
2802 creation or enhancement activity. Mitigation Plans shall contain the following  
2803 components:

- 2804 A. Baseline Information. A written assessment and accompanying maps of the:
- 2805 1. impacted wetland including, at a minimum, wetland delineation; existing
- 2806 wetland acreage; vegetative, fauna and hydrologic characteristics; soil and
- 2807 substrate conditions; topographic elevations and
- 2808 2. compensation site, if different from the impacted wetland site, including at a
- 2809 minimum: existing acreage; vegetative, faunal and hydrologic conditions;
- 2810 relationship within watershed and to existing waterbodies; soil and substrate
- 2811 conditions, topographic elevations; existing and proposed adjacent site
- 2812 conditions; buffers; and ownership.
- 2813 B. Environmental Goals and Objectives. A written report shall be provided
- 2814 identifying goals and objectives and describing:
- 2815 1. The purposes of the compensation measures including a description of site
- 2816 selection criteria, identification of compensation goals; identification of target
- 2817 evaluation species and resource functions, dates for beginning and
- 2818 completion, and a complete description of the structure and functional
- 2819 relationships sought in the new wetland. The goals and objectives shall be
- 2820 related to the functions and values of the original wetland or if out-of-kind, the
- 2821 type of wetland to be emulated; and
- 2822 2. A review of the available literature and/or experience to date in restoring or
- 2823 creating the type of wetland proposed shall be provided. An analysis of the
- 2824 likelihood of success of the compensation project at duplicating the original
- 2825 wetland shall be provided based on the experiences of comparable projects, if
- 2826 any. An analysis of the likelihood of persistence of the created or restored
- 2827 wetland shall be provided based on such factors as surface and ground water
- 2828 supply and flow patterns, dynamics of the wetland ecosystem; sediment or
- 2829 pollutant influx and/or erosion, periodic flooding and drought, etc., presence of
- 2830 invasive flora or fauna, potential human or animal disturbance, and previous
- 2831 comparable projects, if any.
- 2832 C. Performance Standards. Specific criteria shall be provided for evaluating whether
- 2833 or not the goals and objectives of the project and for beginning remedial action or
- 2834 contingency measures. Such criteria may include water quality standards,
- 2835 survival rates of planted vegetation, species abundance and, diversity targets,
- 2836 habitat diversity indices, or other ecological, geological or hydrological criteria.
- 2837
- 2838

2839 D. Detailed Construction Plans. Written specifications and descriptions of  
2840 compensation techniques shall be provided including the proposed construction  
2841 sequence, grading and excavation details, erosion and sediment control features  
2842 needed for wetland construction and long-term survival, a planting plan  
2843 specifying plant species, quantities, locations, size, spacing, and density; source  
2844 of plant materials, propagules, or seeds; water and nutrient requirements for  
2845 planting; where appropriate, measures to protect plants from predation;  
2846 specification of substrate stockpiling techniques and planting instructions;  
2847 descriptions of water control structures and water-level maintenance practices  
2848 needed to achieve the necessary hydrocycle/hydroperiod characteristics; etc.  
2849 These written specifications shall be accompanied by detailed site diagrams,  
2850 scaled cross-sectional drawings, topographic maps showing slope percentage  
2851 and final grade elevations, and any other drawings appropriate to show  
2852 construction techniques or anticipated final outcome. The plan shall provide for  
2853 elevations which are appropriate for the desired habitat type(s) and which  
2854 provide sufficient tidal prism and circulation data.

2855 E. Monitoring Program. A program outlining the approach for monitoring  
2856 construction of the compensation project and for assessing a completed project  
2857 shall be provided. Monitoring may include, but is not limited to:

- 2858 1. Establishing vegetation plots to track changes in plant species composition  
2859 and density over time;
- 2860 2. using photo stations to evaluate vegetation community response;
- 2861 3. sampling surface and subsurface waters to determine pollutant loading, and  
2862 changes from the natural variability of background conditions (pH, nutrients,  
2863 heavy metals);
- 2864 4. measuring base flow rates and storm water runoff to model and evaluate  
2865 water quality predictions, if appropriate;
- 2866 5. measuring sedimentation rates, if applicable; and
- 2867 6. sampling fish and wildlife populations to determine habitat utilization, species  
2868 abundance and diversity.
- 2869 7. A protocol shall be included outlining how the monitoring data will be  
2870 evaluated by agencies that are tracking the progress of the compensation  
2871 project. A monitoring report shall be submitted annually, at a minimum,  
2872 documenting milestones, successes, problems, and contingency actions of  
2873 the compensation project. The compensation project shall be monitored for a  
2874 period necessary to establish that performance standards have been met, but  
2875 not for a period less than five years.

2876 F. Contingency Plan. Identification of potential courses of action, and any corrective  
2877 measures to be taken when monitoring or evaluation indicates project  
2878 performance standards are not being met.  
2879

- 2880 G. Permit Conditions. Any compensation project prepared pursuant to this section  
2881 and approved by the Administrator shall become part of the application for the  
2882 permit.
- 2883 H. Performance Bonds and Demonstration of Competence.  
2884 Demonstration of financial resources, administrative, supervisory, and technical  
2885 competence and scientific expertise of sufficient standing to successfully execute  
2886 the compensation project shall be provided. A compensation project manager  
2887 shall be named and the qualifications of each team member involved in preparing  
2888 the mitigation plan and implementing and supervising the project shall be  
2889 provided, including educational background and areas of expertise, training and  
2890 experience with comparable projects. In addition, bonds ensuring fulfillment of  
2891 the compensation project, monitoring program, and any contingency measure if  
2892 required pursuant to 14.12.170 or 14.12.180 shall be posted in the amount of one  
2893 hundred twenty (120) percent of the expected cost of compensation.
- 2894 I. Compensatory mitigation is not required for regulated activities, for which a  
2895 permit has been obtained, that occur only in the buffer or expanded buffer and  
2896 which have no adverse impacts to regulated wetlands.