

This hearing DRAFT of a proposed new Chapter 18.22 JCC would amend and recodify provisions principally contained within existing Chapter 18.15 of the Jefferson County Code. The language embodied within this DRAFT is based upon preliminary direction provided by the Planning Commission. "Clean copy" language not highlighted or underlined is substantively the same as the existing code; language depicted with double-underlining or strike-outs and double-underlining is proposed new or amendatory language.

1 **JEFFERSON COUNTY PLANNING COMMISSION**
2 **HEARING DRAFT:**
3 **Proposed New Chapter 18.22 JCC, "Critical Areas"**
4

5 Note: Definitions continue to reside in Chapter 18.10 JCC, with the following new definitions proposed
6 for inclusion:

7
8 **18.10.030 C definitions.**

9 "Channel migration zone" means an area within the lateral extent of likely stream channel movement
10 that is subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion
11 and shifts in the location of stream channels, as shown on Jefferson County's Channel Migration Zone
12 maps. "Channel migration zone" means the corridor that includes the present channel, the severe
13 channel migration hazard area and the moderate channel migration hazard area. "Channel migration
14 zone" does not include areas that lie behind an arterial road, a public road serving as a sole access
15 route, a state or federal highway or a railroad. "Channel migration zone" may exclude areas that lie
16 behind a lawfully established flood protection facility that is likely to be maintained by existing programs
17 for public maintenance consistent with designation and classification criteria specified by public rule.
18 When a natural geologic feature affects channel migration, the channel migration zone width will
19 consider such natural constraints.

20

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- 1 18.22.160 Classification/designation
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- 35 18.22.400 Aquifer recharge area report
- 36 18.22.410 Drainage and erosion control plan
- 37 18.22.420 Geotechnical report
- 38 18.22.430 Grading plan
- 39 18.22.440 Habitat management plan
- 40 18.22.450 Wetland delineation report
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- 42 **ARTICLE IX Alternative Protection Standards – Critical Area Stewardship Plans**
- 43 18.22.460 Critical area stewardship plans (CASPs) – generally
- 44 18.22.470 CASP contents – existing conditions
- 45 18.22.480 Description of the management proposal
- 46 18.22.490 Maintenance

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- 1 18.22.500 Performance standards
- 2 18.22.510 As built plan requirement
- 3 18.22.520 Periodic monitoring
- 4 18.22.530 Contingency planning
- 5 18.22.540 Failure to submit required reports
- 6 18.22.550 Waiver
- 7
- 8 **ARTICLE X Stewardship Incentives; Watershed Monitoring; Residential BMPs**
- 9 18.22.560 Purpose
- 10 18.22.570 Conservation futures
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- 13 18.22.600 Cost sharing incentives
- 14 18.22.610 Static buffer widths for voluntarily enhanced critical areas
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- 17 18.22.640 Residential best management practices (BMPs)
- 18

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Article I – Purposes

18.22.010 Purposes - generally.

The purposes of the Jefferson County Critical Areas regulations codified within this Chapter are to:

- (1) Provide a voluntary "stewardship approach" to critical area protection and preservation that is simple, user-friendly, flexible, and fair.
- (2) Protect the functions and values of Jefferson County's critical areas (i.e., synonymous with "critical areas" under the Growth Management Act and including: critical aquifer recharge areas; frequently flooded areas; geologically hazardous areas; fish and wildlife habitat conservation areas; and wetlands)
- (3) Implement the Comprehensive Plan of Jefferson County;
- (4) Support the orderly planned use of Jefferson County's land resources;
- (5) Permit developments that will provide a desirable and stable economic environment consistent with the rural characteristics of Jefferson County and protection of its critical areas and natural features;
- (6) Permit flexibility that will encourage a more creative approach in the development of land, while ensuring the retention, protection and use of the County's open spaces, critical areas and natural ecosystems;
- (7) Ensure that Jefferson County's natural constraints on development are recognized and considered in planning decisions;
- (8) Protect the public health, safety and general welfare of the residents of Jefferson County;
- (9) Preserve the integrity of water resources by ensuring a balanced program controlling storm water runoff and ground water recharge;
- (10) Prevent pollution of surface and subsurface water resources;
- (11) Protect the habitat of flora and fauna established by Jefferson County as fish and wildlife habitat conservation areas;
- (12) Minimize the hazards incident to development on or adjacent to steep slopes or other geologically hazardous areas;
- (13) Protect the fundamental and inalienable right of the residents of Jefferson County to a healthful environment and the reasonable use of their property;
- (14) Provide a means for every resident of Jefferson County to participate fairly and equitably in the land use decision-making process and contribute to the preservation and enhancement of the environment;
- (15) Encourage in-fill of undeveloped residential lands consistent with limits imposed by critical areas; and
- (16) Provide for regulatory review processes that are proportional in scale, time and cost, to the scope and scale and costs of the development actions proposed.

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Article II – Administrative Provisions

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18.22.020 Applicability.

Any land use or development activity that is subject to a development permit or approval under JCC Title 18 may only be undertaken on land located within or containing a critical area or its buffer if the provisions of this Chapter 18.22 are met. Uses and activities in critical areas or their buffers for which no permit or approval is required by any other provision of county code remain subject to the development standards and other requirements of this chapter. Applicants for development permits or approvals subject to Articles VI and/or Article VII of this Chapter 18.22 may, in lieu of the prescriptive requirements set forth therein, elect to comply with the Critical Area Stewardship Plan provisions set forth in Article IX of this Chapter.

18.22.030 Identification and mapping of critical areas.

The approximate location and extent of critical areas within county is displayed on various inventory maps available at the Jefferson County Department of Community Development. The critical areas maps are provided only as a general guide to alert the viewer to the possible location and extent of critical areas ~~and are generally found to be accurate within 300 feet.~~ The maps may not be relied on to establish the existence or boundaries of a critical area, or to establish whether all of the elements necessary to identify an area as a critical area actually exist. Conditions in the field control: in the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail. To the extent practicable, the County shall ensure that its critical area maps are updated as inventories are completed in compliance with the requirements of the Growth Management Act.

24

18.22.040 Allowable uses.

All uses shall be subject to requirements specified in Table 3-1 of JCC 18.15.040, and Chapter 18.15 JCC for the underlying district, unless otherwise specified in this code.

28

18.22.050 Coverage.

(1) This Chapter 18.22 applies to all uses and activities and development activities within that may adversely affect critical areas or their designated buffers, unless otherwise exempted under JCC sections 18.22.070, 18.22.230 and 18.22.320. The following permits and approvals shall be subject to, and coordinated with, the requirements of this section: clearing and grading; site plan approval; sewage disposal; subdivision or short subdivision; binding site plans; building permit; planned residential development; shoreline substantial development; variance; conditional use permit; certain forest practice permits (Class IV general, Class III conversion option harvest plans); other permits leading to the development or alteration of land; and rezones if not combined with another development permit. In instances where a proposal involves a parcel of real property with more than one critical area or critical area buffer, the standards that pertain to each identified critical area shall apply. When provisions of this section conflict with one another, or when provisions of this section conflict with any other local law, the provision that provides more protection to the critical area shall apply. No permit involving a designated critical area shall be approved unless it is determined to be in compliance with this code.

(2) Any action taken in a critical area designated under this chapter that is in violation of the standards and conditions contained herein is expressly prohibited.

18.22.060 General exceptions.

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1 The administrator may grant an exception to the requirements of this Chapter 18.22. In deciding
2 determining whether an exception is appropriate, the administrator shall require determine that the
3 proposed land or water use will not create significant adverse environmental impacts that cannot be
4 mitigated. In making this determination, the administrator may require that an applicant prepare a
5 special report (per Article VIII of this chapter). In granting an exception, the administrator may require
6 conditions of approval, including mitigation, as necessary to ensure that the subject land or water use
7 action will not pose a risk of adverse environmental impacts.

8
9 **18.22.070 General exemptions.**

10 The following activities in critical areas or their buffers are exempt from the requirements of this
11 chapter:

- 12 (1) Agricultural activities when undertaken pursuant to best management practices to minimize
13 impacts to critical areas and consistent with JCC Chapter 18.20.030.
- 14 (2) Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09
15 RCW and forest practice regulations, Title 222 WAC, and which are exempt from Jefferson
16 County jurisdiction.
- 17 (3) Maintenance or reconstruction of existing public or private roads, paths, bicycle ways, trails,
18 bridges, and associated storm drainage facilities when undertaken pursuant to best
19 management practices to minimize impacts to critical areas and to immediately restore any
20 disturbed critical area or its buffer, provided that reconstruction does not involve expansion of
21 facilities.
- 22 (4) Maintenance and repair of existing drainage facilities or systems, including, but not limited to,
23 ditches, culverts, catch basins, and outfalls when undertaken pursuant to best management
24 practices to minimize impacts to critical areas and immediately to restore any disturbed critical
25 area or its buffer.
- 26 (5) Utility activities, when undertaken pursuant to best management practices to minimize impacts
27 to critical areas and immediately to restore any disturbed critical area or its buffer:
28 (a) Normal and routine maintenance or repair of existing utility facilities or rights-of-way.
29 (b) Installation, construction, relocation and replacement, operation, repair, or alteration of all
30 utility lines, equipment, or appurtenances, not including substations, in improved road
31 rights-of-way.
- 32 (6) Reconstruction, remodeling, or maintenance of existing structures. This exemption shall not
33 apply to reconstruction which is proposed as a result of structural damage associated with a
34 Geologically Hazardous Area and does not allow further intrusion into a wetland, fish and wildlife
35 habitat conservation area and/or their buffers.
- 36 (7) Site investigative work. Site investigative work necessary for land use application submittals,
37 including but not limited to surveys, soil logs, and percolation tests involving no fill or use of
38 heavy equipment in a wetland, or a fish and wildlife habitat conservation area or their buffers,
39 provided that disturbed critical areas and their buffers are immediately restored and best
40 management practices are implemented and excavation for soil logs or percolation tests are
41 filled.
- 42 (8) Emergency action. Action taken which is necessary to resolve or prevent imminent threat or
43 danger to public health or safety, or to public or private property, or serious environmental
44 degradation. If the nature of the emergency is such that it is not possible to first seek review, the
45 Department, as well as any federal or state agencies with jurisdiction (e.g., the US Army Corps
46 of Engineers), must be notified of the action within thirty (30) days of the conclusion of the

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- 1 emergency work. Prior to any emergency work that would require issuance of a hydraulic
- 2 permit approval (HPA) permit, approval shall first be obtained from the Washington State
- 3 Department of Wildlife.
- 4 (9) Artificial wetlands and artificial ponds.
- 5 (10) Flood Control. Operation, maintenance and repair of dikes, ditches, reservoirs, and other
- 6 structures and facilities which were created or developed as part of normal flood control
- 7 activities on or prior to (INSERT DATE), except that this exemption does not extend to the
- 8 permanent draining or permanent alteration of any regulated wetland.
- 9 (11) Irrigation. Operation, maintenance and repair of ditches, reservoirs, ponds and other structures
- 10 and facilities which were created or developed as part of normal irrigation activities on or prior to
- 11 (Note: insert applicable date).
- 12 (12) Recreational Uses. Swimming, boating and fishing. Construction, placement of docks, piers,
- 13 boat launches and floats in lakes (provided that the proposed action complies with the
- 14 requirements of the Shoreline Management Act), in deep water habitats one (1) acre or greater
- 15 in size when such activities are for recreational purposes and do not involve alteration of or
- 16 construction through, over or in a regulated wetland.
- 17 (13) Existing Residential Landscaping. Planting, irrigating, fertilizing, spraying, mowing and pruning
- 18 and maintenance and repair of structures when such activities are part of existing normal
- 19 residential landscaping activities and no building permit is required. This exemption does not
- 20 allow further intrusion into a wetland, fish and wildlife habitat conservation area, geologically
- 21 hazardous area or their buffers.
- 22 (14) All wetlands wherein wetland conditions are being maintained only because of man-induced
- 23 water, and it can be determined that the wetland conditions would no longer exist if the activity
- 24 (for example, irrigation or pumping water) were to be terminated.
- 25 (15) Removal or destruction of noxious weeds listed in Chapter 16-750 WAC is the responsibility of
- 26 the landowner, provided that, the following conditions are met:
- 27 (a) The removal or control of noxious weeds shall follow guidelines issued by the Jefferson
- 28 County Noxious Weed Control Board. The Jefferson County Noxious Weed Control
- 29 Board shall coordinate with the Department of Planning and Community Development (in
- 30 preparation of the guidelines) for the control of noxious weeds in wetlands.
- 31 (b) All herbicide applications in aquatic environments shall conform to the rules of the
- 32 Department of Ecology, Department of Agriculture and Department of Natural Resources,
- 33 pursuant to WAC 173-201, WAC 16-228, and WAC 222-38.

35 **18.18.080 Nonconforming uses.**

- 36 (1) Any use or structure in existence on the effective date of this Chapter 18.22 that does not meet
- 37 the buffer requirements of this chapter for any designated critical area shall be considered a
- 38 legal nonconforming use.
- 39 (2) Any use or structure for which an application has vested or for which a permit has been
- 40 obtained prior to the effective date of the ordinance codified in this chapter, that does not meet
- 41 the buffer requirements of this chapter for any designated critical area, shall be considered a
- 42 legal nonconforming use.
- 43 (3) A legal nonconforming use or structure may be maintained or repaired without limitation by this
- 44 chapter.
- 45 (4) A legal nonconforming use or structure that has been damaged or destroyed by fire or other
- 46 calamity may be restored and its immediately previous use may be resumed.

47 **18.18.090 Reasonable economic use variance.**

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- 1 (1) Generally. If the application of this Chapter 18.22 would deny all reasonable economic use of
2 the property, the applicant, upon denial of a permit due to the requirements of this chapter, may
3 apply for a reasonable economic use variance.
- 4 (2) Staff recommendation and burden of proof. Upon application to the department, the department
5 shall prepare a recommendation to the hearing examiner. The property owner and/or applicant
6 for a reasonable economic use variance shall bear the burden of proving that the property is
7 deprived of all reasonable economic use.
- 8 (3) Hearing examiner process. The hearing examiner shall conduct a public hearing on the variance
9 request. Decisions of the hearing examiner shall be final and conclusive unless appealed to the
10 appellant examiner. Public notice shall be provided as follows:
- 11 (a) The department shall arrange for at least one publication of the notice of hearing to
12 appear in a newspaper of general circulation within the county at least 10 days before the
13 hearing. Payment of all publication fees shall be the responsibility of the applicant.
- 14 (b) The department shall send notice to adjacent property owners advising them of the
15 hearing. The notice shall be mailed to the owners of record of all property lying within 300
16 feet of the property at issue, at least 10 days before the public hearing. Names and
17 addresses of adjacent property owners shall be provided to the department by the
18 applicant, subject to department approval.
- 19 (c) The department shall provide the applicant with at least two copies of the hearing notice,
20 and one copy of an affidavit of posting. The applicant shall post the notices and maintain
21 them in place for at least 10 days prior to the hearing, not including the day of posting or
22 the day of the hearing. The notices shall be placed in conspicuous locations on or near
23 the property and shall be removed by the applicant after the hearing. Notices shall be
24 mounted on easily visible boards provided by the department. The affidavit of posting
25 shall be signed, notarized, and returned to the department at least 10 days prior to the
26 hearing.
- 27 (d) All hearing notices shall include a legal description of the property involved, and a
28 concise description of the variance requested in nonlegal language.
- 29 (4) Hearing examiner - required findings. A reasonable economic use variance may be granted
30 only when the hearing examiner finds that the application meets all of the following criteria:
- 31 (a) No reasonable economic use with less impact on the critical area or its buffer is possible.
- 32 (b) There is no feasible on-site alternative to the proposed activities that would allow a
33 reasonable economic use with less adverse impacts to critical areas or associated
34 buffers. Feasible on-site alternatives shall include, but are not limited to:
- 35 (i) Reduction in density;
- 36 (ii) Phasing of project implementation;
- 37 (iii) Change in timing of activities; and
- 38 (iv) Revision of road or parcel layout or related site planning considerations.
- 39 (c) The proposed variance will result in the minimum feasible alteration or impairment to the
40 critical area functional characteristics and existing contours, vegetation, fish and wildlife
41 resources, and hydrological conditions.
- 42 (d) Disturbance of critical areas has been minimized by locating any necessary alteration in
43 critical area buffers to the minimum extent possible.
- 44 (e) The proposed variance will not cause degradation to surface or groundwater quality.
- 45 (f) The proposed variance complies with all federal, state and local statutory and common
46 law, including the Endangered Species Act, and statutory laws related to sediment

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- 1 control, pollution control, floodplain restrictions, and on site wastewater disposal, and
- 2 common law relating to property and nuisance.
- 3 (g) There will be no material damage to nearby public or private property and no material
- 4 threat to the health or safety of people on or off the property.
- 5 (i) The inability to derive reasonable economic use of the property is not the result of actions
- 6 by the applicant in segregating or dividing the property and creating the undevelopable
- 7 condition after the effective date of the regulations codified in this chapter.
- 8 (5) Conditions.
- 9 (a) In granting approval for reasonable economic use variances, the hearing examiner may
- 10 require mitigating conditions that will, in the examiner's judgment, substantially secure the
- 11 objectives of this chapter.
- 12 (b) In granting approval for reasonable economic use variances involving designated
- 13 wetlands, the hearing examiner shall consider the following mitigating conditions:
- 14 (i) Provision of a mitigation plan demonstrating how the applicant intends to
- 15 substantially restore the site to predevelopment conditions following project
- 16 completion; and
- 17 (ii) The restoration, creation or enhancement of wetlands and their buffers in order to
- 18 offset the impacts resulting from the applicant's actions; the overall goal of any
- 19 restoration, creation or enhancement project shall be no net loss of wetlands
- 20 function and acreage.
- 21

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Article III – Critical Aquifer Recharge Areas

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3 18.22.100 Classification.

4 Critical aquifer recharge areas are naturally susceptible due to the existence of permeable soils
5 or a seawater wedge in coastline aquifers. Certain overlying land uses can lead to water quality and/or
6 quantity degradation. The following classifications define critical aquifer recharge areas.

7 (1) Susceptible aquifer recharge areas are those with geologic and hydrologic conditions that
8 promote rapid infiltration of recharge waters to groundwater aquifers. For the purposes of this
9 Article III, unless otherwise determined by preparation of an aquifer recharge area report
10 authorized under this article, the following geologic units, as identified from available State of
11 Washington Department of Natural Resources geologic mapping, define susceptible aquifer
12 recharge areas for east Jefferson County:

- 13 (a) Alluvial fans (Ha);
- 14 (b) Artificial fill (Hx);
- 15 (c) Beach sand and gravel (Hb);
- 16 (d) Dune sand (Hd);
- 17 (e) Floodplain alluvium (Hf);
- 18 (f) Vashon recessional outwash in deltas and alluvial fans (Vrd);
- 19 (g) Vashon recessional outwash in meltwater channels (Vro);
- 20 (h) Vashon ice contact stratified drift (Vi);
- 21 (i) Vashon ablation till (Vat);
- 22 (j) Vashon advance outwash (Vao);
- 23 (k) Whidbey formation (Pw); and
- 24 (l) Pre-Vashon stratified drift (Py).

25 (2) Those areas meeting the requirements of susceptible aquifer recharge areas (above) and which
26 are overlain by the following land uses as identified in this code are subject to the provisions of
27 the protection standards in this article:

- 28 (a) All industrial land uses;
- 29 (b) All commercial uses;
- 30 (c) All rural residential land uses:
 - 31 (i) Requiring a discretionary use or conditional use permit, or
 - 32 (ii) With nonconforming uses that would otherwise require a discretionary use or
 - 33 conditional use permit;
- 34 (d) Unsewered planned rural residential developments;
- 35 (e) Unsewered residential development with gross densities greater than one unit per acre.

36 (3) Special aquifer recharge protection areas include:

- 37 (a) Sole source aquifers designated by the U.S. Environmental Protection Agency in
38 accordance with the Safe Drinking Water Act of 1974 (Public Law 93-523);
- 39 (b) Special protection areas designated by the Washington Department of Ecology under
40 Chapter 173-200 WAC;
- 41 (c) Wellhead protection areas determined in accordance with delineation methodologies
42 specified by the Washington Department of Health under authority of Chapter 246-290
43 WAC;
- 44 (d) Groundwater management areas designated by the Washington Department of Ecology
45 in cooperation with local government under Chapter 173-100 WAC.

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1 (4) Seawater intrusion protection zones (SIPZ) are aquifers and land overlying aquifers with some
2 degree of vulnerability to seawater intrusion. SIPZ are defined either by proximity to marine
3 shoreline or by proximity to groundwater sources that have demonstrated high chloride
4 readings. All islands and land area within one-quarter mile of marine shorelines and associated
5 aquifers together compose the coastal SIPZ. Additionally, areas within 1,000 feet of a
6 groundwater source with a history of chloride analyses above 100 milligrams per liter (mg/L) are
7 categorized as either at risk (between 100 mg/L and 200 mg/L) or high risk (over 200 mg/L)
8 SIPZ. Individual groundwater sources with a history of chloride analyses above 200 mg/L shall
9 be considered "sea-salt water intrusion areas," which are among the "sources or potential
10 sources of contamination" listed in Washington Administrative Code (WAC) 173-160-171,
11 implementing code for the Water Well Construction Act.

12
13 In some cases, high chloride readings may be indicative of connate seawater (i.e., relic
14 seawater in aquifers as opposed to active seawater intrusion). When best available science or a
15 hydrogeologic assessment demonstrate that high chloride readings in a particular area are due
16 to connate seawater, the area in question shall not be considered an at risk or high risk SIPZ.
17 When the status of an area is in question, the UDC administrator is responsible for making the
18 determination based upon recommendation from county department of health and human
19 services.

20
21 **18.22.110 Designation.**

22 Jefferson County shall prepare and exhibit dated critical aquifer recharge area maps which
23 demonstrate the approximate distribution of the susceptible aquifer recharge areas, special aquifer
24 recharge protection areas, and seawater intrusion protection zones. The critical aquifer recharge area
25 maps shall be periodically revised, modified, and updated to reflect additional information.

26
27 **18.22.120 Applicability.**

28 (1) The following land use activities are considered high impact land uses due to the probability
29 and/or potential magnitude of their adverse effects on groundwater and shall be prohibited in
30 susceptible aquifer recharge areas and special aquifer recharge protection areas. In all other
31 areas of the county outside of susceptible aquifer recharge areas and special aquifer recharge
32 protection areas, these activities shall require an aquifer recharge area report pursuant to this
33 Article III:

- 34 (a) Chemical manufacturing and reprocessing;
- 35 (b) Creosote/asphalt manufacturing or treatment (except that asphalt batch plants may be
36 permitted in susceptible aquifer recharge areas only if such areas lie outside of special
37 aquifer recharge protection areas and only if best management practices are
38 implemented pursuant to JCC 18.20.240 (2)(h)(iv) and 18.30.170 and an accepted
39 aquifer recharge area report);
- 40 (c) Electroplating and metal coating activities;
- 41 (d) Hazardous waste treatment, storage and disposal facilities;
- 42 (e) Petroleum product refinement and reprocessing;
- 43 (f) Underground storage tanks for petroleum products or other hazardous materials;
- 44 (g) Recycling facilities as defined in this code;
- 45 (h) Solid waste landfills;
- 46 (i) Waste piles as defined in Chapter 173-304 WAC;

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- 1 (j) Wood and wood products preserving;
- 2 (k) Storage and primary electrical battery processing and reprocessing.
- 3 (2) All other land uses shall be subject to the protection standards contained in this article and
- 4 mitigating conditions included with an aquifer recharge area report, where applicable.
- 5 (3) Seawater Intrusion Protection Zones. Marine shorelines and islands are susceptible to a
- 6 condition that is known as seawater intrusion. Seawater intrusion is a condition in which the
- 7 saltwater/freshwater interface in an aquifer moves inland so that wells drilled on upland areas
- 8 cannot obtain freshwater suitable for public consumption without significant additional treatment
- 9 and cost. Maintaining a stable balance in the saltwater/freshwater interface is primarily a
- 10 function of the rate of aquifer recharge (primarily through rainfall) and the rate of groundwater
- 11 withdrawals (primarily through wells). New development, redevelopment, and land use activities
- 12 on islands and in close proximity to marine shorelines in particular should be developed in such
- 13 a manner to maximize aquifer recharge and maintain the saltwater/freshwater balance to the
- 14 maximum extent possible.

15

16 **18.22.130 Protection standards.**

- 17 (1) General. The following protection standards shall apply to land use activities in susceptible
- 18 aquifer recharge areas and special aquifer protection areas, and when specified in seawater
- 19 intrusion protection zones, unless mitigating conditions have been identified in a critical aquifer
- 20 recharge report that has been prepared pursuant to this Article III.
- 21 (2) Stormwater Disposal.
- 22 (a) In all critical aquifer recharge areas, stormwater runoff shall be controlled and treated in
- 23 accordance with best management practices and facility design standards as identified
- 24 and defined in the Stormwater Management Manual for the Puget Sound Basin, as
- 25 amended, and the stormwater provisions contained in Chapter 18.30 JCC.
- 26 (b) To help prevent seawater from intruding landward into underground aquifers, all new
- 27 development activity on Marrowstone Island, Indian Island and within one-quarter mile of
- 28 any marine shoreline shall be required to infiltrate all stormwater runoff on site. The
- 29 administrator will consider requests for exceptions to this policy on a case-by-case basis.
- 30 This provision is interpreted as establishing a hierarchy in which the first and best
- 31 alternative is on-site infiltration using drywells or other methods, the second best
- 32 alternative is direct discharge into marine waters through a stormwater tightline. In order
- 33 to utilize the least preferred alternative, which is considered an exception to the policy,
- 34 applicants must demonstrate through a geotechnical or similar report prepared by a
- 35 licensed professional that both on-site infiltration and upland off-site disposal are not
- 36 practicable or feasible. The report must include cost figures for comparison.
- 37
- 38 (3) On-Site Sewage Disposal.
- 39 (a) All land uses identified in JCC 18.22.120 and special aquifer recharge protection areas
- 40 that are also classified as susceptible aquifer recharge areas (as defined in this article)
- 41 shall be designated areas of special concern pursuant to WAC 246-272-21501.
- 42 (i) Such designation shall identify minimum land area and best management
- 43 practices for nitrogen removal as design parameters necessary for the protection
- 44 of public health and groundwater quality.
- 45 (ii) Best management practices (BMPs) shall be adopted by action of the Board of
- 46 Health.

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- 1 (b) As new information becomes available that would classify an area as a special aquifer
2 recharge protection area or an area of special concern under this article, said area may
3 be designated as such by the county. Any additional areas of special concern designated
4 through this process shall receive the same protections identified in subsection (3)(a) of
5 this section.
- 6 (4) Golf Courses and Other Turf Cultivation. In all critical aquifer recharge areas, golf courses shall
7 be developed and operated in a manner consistent with the most current edition of "Best
8 Management Practices for Golf Course Development and Operation," King County Department
9 of Development and Environmental Services. Recreational and institutional facilities (e.g., parks
10 and schools) with extensive areas of cultivated turf shall be operated in a manner consistent
11 with portions of the aforementioned best management practices pertaining to fertilizer and
12 pesticide use, storage, and disposal. In seawater intrusion protection zones, golf courses and
13 other turf cultivation using groundwater for irrigation shall be prohibited, unless the water source
14 is located outside of seawater intrusion protection zones or in an approved public water supply.
- 15 (5) Commercial Agriculture. Commercial agricultural activities, including landscaping operations,
16 must be operated in accordance with best management practices for fertilizer, pesticide, and
17 animal waste management as developed by the Jefferson County Conservation District.
- 18 (6) Above-Ground Storage Tanks. Above ground tanks shall be fabricated, constructed, installed,
19 used and operated in a manner which prevents the release of hazardous substances or
20 dangerous wastes to the ground or groundwater. Above-ground storage tanks intended to hold
21 or store hazardous substances or dangerous wastes are provided with an impervious
22 containment area, equivalent to or greater than 100 percent of the tank volume, enclosing and
23 underlying the tank, or ensure that other measures are undertaken as prescribed by the Uniform
24 Fire Code which provide an equivalent measure of protection.
- 25 (7) Mining and Quarrying. Mining and quarrying performance standards containing groundwater
26 protection best management practices pertaining to operation, closure, and the operation of
27 gravel screening, gravel crushing, cement concrete batch plants, and asphalt concrete batch
28 plants, where allowed, are contained in Chapters 18.20 and 18.30 JCC.
- 29 (8) Hazardous Materials. Land use activities that generate hazardous waste, which are not
30 prohibited outright under this code, and which are conditionally exempt from regulation by the
31 Washington Department of Ecology under WAC 173-303-100, or which use, store, or handle
32 hazardous substances, shall be required to prepare and submit a hazardous materials
33 management plan that demonstrates that the development will not have an adverse impact on
34 groundwater quality. The facility owner must update the hazardous materials management plan
35 annually.
- 36 (9) Well Drilling, Land Division, and Building Permits in Seawater Intrusion Protection Zones.
- 37 (a) Well Drilling. The Washington State Department of Ecology regulates well drilling
38 pursuant to the Water Well Construction Act. Proposed wells, including those exempt
39 from permitting requirements, must be sited at least 100 feet from "known or potential
40 sources of contamination," which include "sea-salt water intrusion areas" (WAC 178-160-
41 171), unless a variance is obtained from Ecology per WAC 173-160-106.
- 42 (b) Subdivisions. Applications for land division (Chapter 18.35 JCC) must include specific
43 and conclusive proof of adequate supplies of potable water through a qualifying
44 hydrogeologic assessment (relevant components of an aquifer recharge area report per
45 JCC 18.22.400) that demonstrates that the creation of new lots and corresponding use of

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1 water will not impact the subject aquifer such that water quality is degraded by seawater
2 intrusion.

3 (i) Marrowstone Island Subdivision Moratorium. Due to documented seawater
4 intrusion on Marrowstone Island and the existence of undeveloped lots of record,
5 Jefferson County has imposed a moratorium on additional land divisions on the
6 island until such time as public water is available or it is demonstrated through the
7 well monitoring program that groundwater quality is not degrading due to seawater
8 intrusion.

9 (c) Building Permits.

10 (i) Evidence of potable water may be an individual well, connection to a public water
11 system, or an alternative system. Whatever method is selected, the regulatory and
12 operational standards for that method must be met, including Jefferson County
13 health codes and Washington Administrative Code. Pursuant to Section 4 of the
14 state "Guidelines for Determining Water Availability for New Buildings" (Ecology
15 Publication 93-27), investigation and identification of well interference problems
16 and impairment to senior rights is the responsibility of the Washington Department
17 of Ecology. If the possibility of a problem is suspected, the local permitting
18 authority should contact Ecology.

19 (ii) All types of building permits that require proof of potable water use are subject to
20 this policy, specifically building permits for new single-family residences (SFRs) or
21 other structures with plumbing that are not associated with an existing SFR (i.e.,
22 shops or garages with a bathroom).

23 (d) Voluntary and mandatory measures of the Jefferson County seawater intrusion policy
24 apply to development proposals within the coastal, at risk, and high risk SIPZ, and upon
25 Marrowstone Island, in the following manner, in addition to all existing applicable health
26 codes:

27 (i) Coastal SIPZ.

28 (A) Voluntary actions:

29 (I) Water conservation measures;

30 (II) On-going well monitoring for chloride concentration;

31 (III) Submittal of data to county.

32 (B) Mandatory actions:

33 (I) For proof of potable water on a building permit application, applicant
34 must utilize DOH-approved public water system if available;

35 (II) If public water is unavailable, an individual well may be used as proof
36 of potable water subject to the following requirement:

37 1. Chloride concentration of a laboratory-certified well water
38 sample submitted with building permit application;

39 2. Installation of source-totalizing meter (flow).

40 (III) If public water is unavailable, a qualifying alternative system may be
41 used as proof of potable water.

42 (ii) At Risk SIPZ.

43 (A) Voluntary actions:

44 (I) Water conservation measures.

45 (B) Mandatory actions:

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- 1 (I) For proof of potable water on a building permit application, applicant
- 2 must utilize DOH-approved public water system if available;
- 3 (II) If public water is unavailable, an individual well may be used as proof
- 4 of potable water subject to the following requirements:
- 5 1. Chloride concentration of a laboratory-certified well water
- 6 sample submitted with building permit application;
- 7 2. Installation of a source-totalizing meter (flow);
- 8 3. On-going well monitoring for chloride concentration;
- 9 4. Submittal of flow and chloride data to the county per
- 10 monitoring program;
- 11 (III) If public water is unavailable, a qualifying alternative system may be
- 12 used as proof of potable water.
- 13 (iii) High Risk SIPZ.
- 14 (A) Mandatory actions:
- 15 (I) Water conservation measures (per list maintained by UDC
- 16 administrator);
- 17 (II) For proof of potable water on a building permit application, applicant
- 18 must utilize DOH-approved public water system if available;
- 19 (III) If public water is unavailable, an individual well may only be used as
- 20 proof of potable water subject to the following requirements:
- 21 1. Variance from WAC Title 173 standards granted by Ecology
- 22 per WAC 173-160-106 for a new groundwater well within 100
- 23 feet of a sea-salt water intrusion area per WAC 173-160-171
- 24 (i.e., within 100 feet of a groundwater source showing chloride
- 25 concentrations above 200 mg/L or within 100 feet of the
- 26 marine shoreline); or for an existing groundwater well not
- 27 subject to an Ecology variance, applicant must provide a
- 28 hydrogeologic assessment (relevant components of an aquifer
- 29 recharge area report per JCC 18.22.400) which shall be
- 30 transmitted to Ecology for review, demonstrating that use of
- 31 the well does not cause any detrimental interference with
- 32 existing water rights and is not detrimental to the public
- 33 interest;
- 34 2. Chloride concentration of a laboratory-certified well water
- 35 sample submitted with building permit application;
- 36 3. If chloride concentration exceeds 250 mg/L in a water sample
- 37 submitted for a building permit, then the property owner shall
- 38 be required to record a restrictive covenant that indicates a
- 39 chloride reading exceeded the U.S. Environmental Protection
- 40 Agency secondary standard (250 mg/L) under the National
- 41 Secondary Drinking Water Regulations;
- 42 4. Installation of a source-totalizing meter flow;
- 43 5. On-going well monitoring for chloride concentration;
- 44 6. Submittal of flow and chloride data to the county per
- 45 monitoring program;

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- 1 (IV) If public water is unavailable, a qualifying alternative system may be
2 used as proof of potable water.
- 3 (iv) Marrowstone Island. In addition to all voluntary and mandatory actions associated
4 with the applicable SIPZ as described above, the following measures apply to all
5 development proposals on Marrowstone Island that include groundwater
6 withdrawal:
- 7 (A) Voluntary Actions.
- 8 (I) Installation of times together with new well pump installations to
9 enable pump use limitation to low demand times.
- 10 (B) Mandatory Actions.
- 11 (I) The use of a well proposed as proof of potable water for a new
12 building permit shall be conditioned through the building permit such
13 that enrollment in a county-sponsored monitoring program is
14 required, including periodic submittal of flow and chloride data as
15 determined by the county.
- 16 (II) Installation of a source-totalizing meter (flow).
- 17 (III) Installation of a variable speed pump, controllable from the surface,
18 in order to enable reduction of withdrawal rate, as may be necessary.
- 19 (IV) Installation of a 1,000-gallon minimum storage tank that shall
20 conform to the ANSI/NSF standard 61.
- 21 (10) Mitigating Conditions. The administrator may require additional mitigating conditions, as needed,
22 to provide protection to all critical aquifer recharge areas to ensure that the subject land or water
23 use action will not pose a risk of significant adverse groundwater quality impacts. The
24 determination of significant adverse groundwater quality impacts will be based on the
25 antidegradation policy included in Chapter 173-200 WAC.
- 26 (11) Authority for Denial. In all critical aquifer recharge areas, the administrator may deny approval if
27 the protection standards contained herein or added mitigating conditions cannot prevent
28 significant adverse groundwater quality impacts.
- 29

30 **18.22.135 Adaptive management.**

- 31 As part of the periodic review and amendment to Jefferson County's implementing regulations
32 required under RCW 36.70A.130(4), Jefferson County shall review the need for, and appropriateness
33 of, establishing an adaptive management program for groundwater resources in certain discrete
34 geographic areas of the County, consistent with the provisions of WAC 365-195-920(2). In doing so,
35 the County shall give consideration to an approach that addresses the following considerations:
- 36 (1) Observation of the suspected land uses that could impact groundwater quantity or quality in the
37 particular geographic locale being analyzed (including management practices that are
38 commonly followed) that would be in compliance with protective practices;
- 39 (2) Monitoring of groundwater at "sentinel wells" in proximity to the uses identified in subsection (1),
40 above, within the locale being analyzed;
- 41 (3) Monitoring of groundwater in other areas of Jefferson County that have similar geology and
42 other environmental (e.g., climate) influences, to provide both background conditions (i.e.,
43 experimental control) as well as evidence of wider-scale impacts if they occur; and
- 44 (4) Coordination with the Planning Commission and Board of County Commissioners to provide the
45 experimental scenarios that can be monitored, and to feed back the results of the adaptive

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- 1 management into the statutorily mandated plan and implementing regulations review and
- 2 update process.
- 3

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Article IV – Frequently Flooded Areas

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2

3 18.22.140 Incorporation by reference.

4 This Article IV incorporates by reference the classification, designation and protection provisions
5 contained in the Jefferson County floodplain management ordinance (Chapter 15.15 JCC) with the
6 following addition:

7 (1) In addition to the insurance maps identified in the floodplain management ordinance (Chapter
8 15.15 JCC), flood hazard areas shall be identified with reference to the Federal Emergency
9 Management Agency (FEMA) 100-year floodplain designations. Such flood hazard areas shall
10 be subject to the criteria of the floodplain management ordinance.

11 (2) The floodplain management ordinance conforms with the intent of the minimum guidelines
12 (WAC 365-190-080(3)) through directly considering the effects of flooding on human health and
13 safety, together with effects on public facilities and services, through its protection standards.
14

15 18.22.150 Relationship to other regulations.

16 While the Jefferson County floodplain management ordinance requires consistency with all
17 other applicable laws, in the event that a conflict should exist the stricter standard shall apply to the
18 regulated development.
19

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Article V - Geologically Hazardous Areas

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2

3 18.22.160 Classification/designation.

4 (1) Classification. Geologically hazardous areas shall be classified based upon a combination of
5 erosion, landslide and seismic hazard.

6 (2) Designation. The following erosion, landslide seismic, and channel migration zone (CMZ)
7 hazardous areas shall be subject to the standards of this Article V:

8 (a) Erosion Hazard Areas. Areas containing soils or soil complexes described and mapped
9 within the United States Department of Agriculture/Soil Conservation Service Soil Survey
10 for Jefferson County as having a severe or very severe erosion hazard potential.

11 (b) Landslide Hazard Areas. Areas potentially subject to mass movement due to a
12 combination of geologic, topographic and hydrologic factors including:

13 (i) Areas of historic failures or potentially unstable slopes, such as:

14 (A) Areas described and mapped as having severe or very severe building
15 limitations for dwellings without basements within the United States
16 Department of Agriculture/Soil Conservation Service Soil Survey for
17 Jefferson County;

18 (B) Areas described and mapped as recent or old landslides or slopes of
19 unstable materials within the Washington State Department of Ecology
20 Coastal Zone Atlas of Jefferson County; and

21 (C) Areas described and mapped as areas of poor natural stability, former
22 landslides and recent landslides by the Washington State Department of
23 Natural Resources, Division of Geology and Earth Resources;

24 (ii) Areas potentially unstable as a result of rapid stream incision, stream bank
25 erosion, or undercutting by wave action; and

26 (iii) Areas with any indications of earth movement, such as:

27 (A) Rockslides;

28 (B) Earthflows;

29 (C) Mudflows; and

30 (D) Landslides.

31 (c) Seismic Hazard Areas. Areas subject to severe risk of damage as a result of earthquake
32 induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting.
33 These areas are identified by the presence of: poorly drained soils with greater than 50
34 percent silt and very little coarse material; loose sand or gravel, peat, artificial fill and
35 landslide materials; or soil units with high organic content.

36 (d) Channel Migration Zones (CMZs). Areas subject to the natural movement of stream
37 channel meanders. In the delineated high risk CMZ area, channel migration is likely
38 within the next 100 years; in the moderate risk CMZ area, channel migration is possible in
39 the next 100 years. Areas protected from channel movement due to the existence of
40 permanent levees or infrastructure improvements such as roads and bridges constructed
41 and maintained by public agencies are excluded from the high or moderate risk
42 designation. These areas also do not include areas outside the meander hazard which
43 may be subject to rapid movement of the entire stream channel or avulsion.

44 (3) Sources Used for Identification. Sources used to identify geologically hazardous areas include,
45 but are not limited to:

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- 1 (a) United States Department of Agriculture/Soil Conservation Service, Soil Survey for
- 2 Jefferson County.
- 3 (b) Washington State Department of Ecology, Coastal Zone Atlas.
- 4 (c) Washington State Department of Natural Resources, Slope Stability and Geologic Maps
- 5 of Eastern Jefferson County.
- 6 (d) Washington State Department of Natural Resources, Geographic Information System:
- 7 Soil Survey.
- 8 (e) Washington State Department of Natural Resources, Geologic Maps of Eastern Jefferson
- 9 County, Compressibility of Earth Materials in Eastern Jefferson County.
- 10 (f) United States Department of the Interior, USGS Quad Maps.
- 11 (g) US Department of the Interior, Bureau of Reclamation. 2004. Channel Migration Zone
- 12 Study for the Duckabush, Dosewallips, Big Quilcene and Little Quilcene Rivers, Jefferson
- 13 County, Washington. Denver, CO.
- 14 (h) Perkins Geoscience. 2006. Channel Migration Hazard Maps for the Dosewallips,
- 15 Duckabush, Big Quilcene and Little Quilcene Rivers, Jefferson County, Washington.
- 16 Seattle, WA.
- 17 (4) Geologic Hazard Area Maps. The maps prepared by the county using the identification sources
- 18 listed in this section have been produced for informational purposes only and are not regulatory
- 19 devices forming an integral part of this code.
- 20

21 **18.22.170 Protection standards.**

- 22 (1) General. Application for a project on a parcel of real property containing a designated
- 23 geologically hazardous area or its buffer shall adhere to the requirements set forth below.
- 24 (2) Drainage and Erosion Control.
- 25 (a) An applicant submitting a project application shall also submit, and have approved, a
- 26 drainage and erosion control plan, as specified in this chapter, when the project
- 27 application involves either of the following:
- 28 (i) The alteration of a geologically hazardous area or its buffer; or
- 29 (ii) The creation of a new parcel within a known geologically hazardous area.
- 30 (b) Drainage and erosion control plans required under this chapter shall discuss, evaluate
- 31 and recommend methods to minimize sedimentation of adjacent properties during and
- 32 after construction.
- 33 (c) Surface drainage shall not be directed across the face of a marine bluff, landslide hazard
- 34 or ravine. The applicant must demonstrate that the stormwater discharge cannot be
- 35 accommodated on-site or upland by evidence of a geotechnical report, unless waived by
- 36 the administrator. If drainage must be discharged from a bluff to adjacent waters, it shall
- 37 be collected above the face of the bluff and directed to the water by tight line drain and
- 38 provided with an energy dissipating device at the shoreline, above OHWM.
- 39 (d) In addition to any erosion control methods specified in the drainage and erosion control
- 40 plan, the administrator may require hydroseeding of exposed or disturbed areas.
- 41 (3) Clearing and Grading.
- 42 (a) In addition to the general clearing and grading provisions in Chapter 18.30 JCC, the
- 43 following provisions shall also apply:
- 44 (i) Clearing within geologically hazardous areas shall be allowed only from April 1st to
- 45 November 1st, unless the applicant demonstrates that such activities would not
- 46 result in impacts contrary to the protection requirements herein;

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- 1 (ii) Only that clearing necessary to install temporary sedimentation and erosion
2 control measures shall occur prior to clearing for roadways or utilities;
- 3 (iii) Clearing limits for roads, septic, water and stormwater utilities, and temporary
4 erosion control facilities shall be marked in the field and approved by the
5 administrator prior to any alteration of existing native vegetation;
- 6 (iv) Clearing for roads and utilities shall remain within construction limits which must
7 be marked in the field prior to commencement of site work; and
- 8 (v) The authorized clearing for roads and utilities shall be the minimum necessary to
9 accomplish project specific engineering designs and shall remain within approved
10 rights-of-way.
- 11 (b) The following provisions regarding grading shall apply:
 - 12 (i) An applicant submitting a project application shall also submit, and have approved,
13 a grading plan, as specified in this chapter, when the application involves either of
14 the following:
 - 15 (A) The alteration of a geologically hazardous area or its buffer; or
 - 16 (B) The creation of a new parcel within a known geologically hazardous area.
 - 17 (ii) Excavation, grading and earthwork construction regulated under this section shall
18 only be allowed from April 1st to November 1st, unless the applicant demonstrates
19 that such activities would not result in impacts contrary to the protection
20 requirements herein.
- 21 (4) Vegetation Retention. The following provisions regarding vegetation retention shall apply:
 - 22 (a) During clearing for roadways and utilities, all trees and understory lying outside of
23 approved construction limits shall be retained; provided, that understory damaged during
24 approved clearing operations may be pruned.
 - 25 (b) Damage to vegetation retained during initial clearing activities shall be minimized by
26 directional felling of trees to avoid critical areas and vegetation to be retained.
 - 27 (c) Retained trees, understory and stumps may subsequently be cleared only if such clearing
28 is necessary to complete the proposal involved in the triggering application.
- 29 (5) Buffer Marking. The location of the outer extent of landslide hazard area buffers shall be marked
30 in the field as follows:
 - 31 (a) A permanent physical separation along the boundary of the landslide hazard area shall
32 be installed and permanently maintained. Such separation may consist of logs, a tree or
33 hedgerow, fencing, or other prominent physical marking approved by the administrator.
 - 34 (b) Buffer perimeters shall be marked with temporary signs at an interval of one per parcel or
35 every 100 feet, whichever is less. Signs shall remain in place prior to and during
36 approved construction activities. The signs shall contain the following statement:
37 "Landslide Hazard Area & Buffer – Do Not Remove or Alter Existing Native Vegetation."
 - 38 (c) In the case of short plat, long plat, binding site plan or site plan approvals under this
39 code, the applicant shall include on the face of any such instrument the boundary of the
40 landslide hazard area and its buffer.
- 41 (6) Buffers – Standard Requirements. The following landslide hazard area buffer provisions shall
42 apply:
 - 43 (a) Buffer areas shall be required to provide sufficient separation between the landslide
44 hazard area and the adjacent proposed project.

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- 1 (b) The appropriate width of the landslide hazard area buffer shall be determined by either:
2 application of the standard buffer width set forth below; or, by acceptance of a
3 geotechnical report meeting the criteria of this section.
- 4 (c) Buffers shall remain naturally vegetated. Where buffer disturbance has occurred during
5 construction, replanting with native vegetation shall be required.
- 6 (d) Buffers shall be retained in their natural condition; however, minor pruning of vegetation
7 to enhance views may be permitted by the administrator on a case-by-case basis.
- 8 (e) All buffers shall be measured perpendicularly from the top, toe or edge of the landslide
9 hazard area boundary.
- 10 (f) A standard buffer of 30 feet shall be established from the top, toe and all edges of
11 landslide hazard areas.
- 12 (g) A building setback line is required to be five (5) feet from the edge of any buffer area for a
13 landslide hazard area OR to outside the full extent of the high risk channel migration zone
14 (CMZ), whichever is greater. For development proposed within moderate risk CMZs, the
15 administrator shall determine the appropriate building setback based on circumstances
16 that are specific to the proposed development site. In most circumstances, buffers
17 associated with CMZs will be established through application of the protection standards
18 for fish and wildlife habitat conservation areas (FWHCAs) through that article of the code,
19 as those buffers will generally be greater than buffers for geologically hazardous areas as
20 determined through this article of the code.
- 21 (7) Reducing Buffer Widths. The administrator may reduce the standard landslide hazard area
22 buffer width only when the project applicant demonstrates, to the satisfaction of the
23 administrator, that the project cannot meet the required setback. The reduced buffer must
24 adequately protect the proposed project and the landslide hazard area to the maximum extent
25 possible. Under no circumstances shall the buffer width be reduced to less than 15 feet.
- 26 (8) Increasing Buffer Widths. The administrator may increase the standard landslide hazard area
27 buffer width when a larger buffer is necessary to protect the proposed project and the landslide
28 hazard area. This determination shall be made when the administrator demonstrates any one of
29 the following through appropriate documentation:
 - 30 (a) The landslide area is unstable and active.
 - 31 (b) The adjacent land is susceptible to severe landslide or erosion, and erosion control
32 measures will not effectively protect the proposed project or the landslide hazard area.
 - 33 (c) The adjacent land has minimal vegetative cover.
- 34 (9) Geotechnical Report.
 - 35 (a) An applicant submitting a project application shall submit, and have approved, a
36 geotechnical report, as specified in Article VI-J of this chapter, when the application
37 involves any of the following:
 - 38 (i) The alteration of a landslide hazard area or its buffer.
 - 39 (ii) The creation of a new parcel within a known landslide hazard area.
 - 40 (iii) The construction of a publicly owned facility in a designated seismic hazard area.
 - 41 (b) Where a geotechnical report is required for a landslide hazard area, the project
42 application shall not be approved unless the geotechnical report certifies all of the
43 following:
 - 44 (i) There is minimal landslide hazard as proven by a lack of evidence of landslide
45 activity in the vicinity in the past;

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- 1 (ii) An analysis of slope stability indicates that the proposal will not be subject to risk
- 2 of landslide, or the proposal or the landslide hazard area can be modified so that
- 3 hazards are eliminated;
- 4 (iii) The proposal will not increase surface water discharge or sedimentation to
- 5 adjacent properties beyond predevelopment conditions;
- 6 (iv) The proposal will not decrease slope stability on adjacent properties; and
- 7 (v) All newly created building sites will be stable under normal geologic conditions (if
- 8 applicable).
- 9 (c) Where a geotechnical report is required for a seismic hazard area, the project application
- 10 shall not be approved unless the geotechnical report demonstrates that the proposed
- 11 project will adequately protect the public safety.
- 12

13 **18.22.180 Conditions.**

14 (1) General. In granting approval for a project application subject to the provisions of this Article VI-

15 G, the administrator may require mitigating conditions that will, in the administrator's judgment,

16 substantially secure the objectives of this article.

17 (2) Basis for Conditions. All conditions of approval required pursuant to this section shall be based

18 upon either the substantive requirements of this section or the recommendations of a qualified

19 professional, contained within a special report required under this chapter.

20

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Article VI - Fish and Wildlife Habitat Conservation Areas (FWHCAs)

18.22.190 Purposes.

The purposes of this article are to:

- (1) Recognize and protect the beneficial functions performed by fish and wildlife conservation areas (FWHCAs) throughout Jefferson County, which include but are not limited to:
 - (a) Providing habitat for plant and animal species; and
 - (b) Providing food, and essential breeding, nesting and/or rearing habitat for numerous species of fish and wildlife.
- (2) Maintain fish and wildlife populations by protecting and conserving valuable fish and wildlife habitat and protecting the ecological processes that sustain these resources.
- (3) Protect marine shorelines, valuable terrestrial habitats, and natural rivers and streams and their associated riparian and channel migration zones, and the ecosystem processes on which these areas depend.
- (4) Regulate development so that isolated populations of species are not created and habitat degradation and fragmentation are avoided, especially along riparian corridors.
- (5) Maintain the natural geographic distribution, connectivity, and quality of fish and wildlife habitat.
- (6) Establish review procedures for development proposals adjacent to FWHCAs.
- (7) Establish the requirements for buffers to protect FWHCAs from adverse impacts.
- (8) Identify the uses and activities which may be permitted within FWHCA buffers under certain conditions, in addition to those listed in the sections of this ordinance titled Activities Allowed without Notification, and Activities Allowed with Notification.
- (9) Establish standards for compensatory mitigation of unavoidable alterations and adverse impacts to FWHCAs and their buffers.
- (10) Encourage voluntary stewardship of critical areas for the protection and enhancement of FWHCAs and their buffers.

18.22.195 Compliance alternative – Critical area stewardship plan (CASP).

Applicants for development permits or approvals subject to this Article VI may elect to comply with the Critical Area Stewardship Plan (CASP) provisions set forth in Article IX of this Chapter in lieu of the prescriptive requirements set forth herein. The CASP alternative provides a non-prescriptive approach to determining critical area protection measures (e.g., buffer widths). It provides documentation to the County describing a program and its processes which, when implemented, ensures the functions and values of a particular critical area will not be degraded by the proposed development. Though offering considerable flexibility, this option may necessitate additional monitoring to verify compliance and long-term protection of designated and regulated critical areas.

18.22.200 Classification/designation.

- (1) Classification. Fish and wildlife habitat conservation areas (FWHCAs) are those areas identified as being of critical importance to the maintenance of endangered, threatened, or sensitive species of fish, wildlife and/or plants, or species of local importance. These areas are typically identified either by known point locations of specific species (such as a nest or den) or by habitat areas or both. All areas within the County meeting these criteria are hereby designated critical areas and are subject to the provisions of this article.
- (2) Mapping. The approximate location and extent of identified fish and wildlife habitat conservation areas (FWHCAs) are shown on the County's critical area maps. These maps are to be used as

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1 a guide and do not provide a definitive critical area determination. The County shall update the
2 maps as new FWHCAs are identified or new information related to updates to existing maps
3 becomes available.

4 (3) Designation. The following are designated as Fish and Wildlife Habitat Conservation Areas
5 (FWHCAs):

6 (a) Areas with which endangered, threatened, and sensitive species listed by the federal or
7 state government have a primary association.

8 (i) Federally designated and threatened species are those fish and wildlife species
9 identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries
10 Service that are in danger of extinction or threatened to become endangered. The
11 U.S. Fish and Wildlife Service and the National Marine Fisheries Services should
12 be consulted for current listing status.

13 (ii) State endangered, threatened, and sensitive species are those species native to
14 the State of Washington identified by the state Department of Fish and Wildlife that
15 are in danger of extinction, threatened to become endangered, vulnerable, or
16 declining and are likely to become endangered within the state. The state
17 maintains the list of these species in WAC 232-12-014 (endangered species) and
18 in WAC 232-12-014 (threatened and sensitive species). The State Department of
19 Fish and Wildlife should be consulted for current listing status.

20 (b) Rivers and Streams not otherwise protected under Washington State Forest Practices
21 regulations (RCW 76.09 and Chapter 222 WAC) that have FWHCAs are protected
22 according to stream type.

23 (c) Lands covered under the Forest Practices Act. Forested areas in Jefferson County
24 provide protection as FWHCAs under the Forest Practices Act (RCW 76.09) and Forest
25 Practices Regulations (Chapter 222 WAC).

26 (d) Commercial and recreational shellfish areas, including designated Shellfish Habitat
27 Conservation Areas (note: shellfish aquaculture activities within all public and private
28 tidelands and bed lands suitable for shellfish harvest are allowed uses; such activities
29 include but are not limited to bed marking, preparation, planting, cultivation, and harvest).

30 (e) Kelp and eelgrass beds.

31 (f) Surf smelt, Pacific herring, and Pacific sand lance spawning areas.

32 (g) Natural Area Preserves and Natural Resource Conservation Areas.

33 (h) All areas designated by the Department of Natural Resources ("DNR") through the
34 Washington Natural Heritage Program as high quality wetland ecosystems and high
35 quality terrestrial ecosystems.

36 (i) Species and Habitats of Local Importance established pursuant to the process delineated
37 in JCC 18.22.210.

38
39 **18.22.210 Process and requirements for designating habitats of local importance as critical**
40 **areas.**

41 (1) Purpose. This section describes the process for designating species and habitats of local
42 importance that are not covered by the Federal and State sensitive, threatened or endangered
43 species regulations. Accordingly, this section details the requirements for designating and
44 monitoring species and habitats of local importance, as well as removing such species and
45 habitats from designation if necessary.

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- 1 (2) Definition. The use of the term "habitat" in this section includes areas designated as "wildlife
2 corridors."
- 3 (3) Procedure for designation – generally. An application/nomination to designate a habitat of local
4 importance as a critical area shall be processed according to the procedures for Type V land
5 use decisions established in Chapter 18.40 JCC.
- 6 (4) Nominations/applications. Any person/organization/or Jefferson County agency may nominate
7 and apply for designation a species or habitat of local importance. A nominating person or
8 organization must be a resident of, or headquartered in, Jefferson County.
- 9 (5) Nomination/application submittal.
- 10 (a) The applicant shall provide information demonstrating that the species or habitat is native
11 to Jefferson County existing on or before the date of adoption of the regulations codified
12 in this chapter.
- 13 (b) All nominations/applications for designation of a species/habitat of local significance shall
14 include the following:
- 15 (i) Identification of the species including its scientific and locally common name(s);
16 (ii) Identification of the geographic location, including Jefferson County Parcel
17 Numbers, and extent of the habitat associated with a nominated species or the
18 nominated habitat itself if not associated with a nominated species; a map of an
19 appropriate scale to properly describe the location and extent of the habitat will
20 accompany the nomination, as well as geo-referencing information sufficient to
21 allow mapping of the habitat site in the county GIS mapping system;
22 (iii) The status of the species or the occurrence of the type of habitat in surrounding
23 counties and in the rest of the State has been considered in making this
24 nomination;
- 25 (iv) A management strategy for the species or habitat;
26 (v) Indications as to whether the proposed management strategy has been peer
27 reviewed, and if so, how was this done and by whom;
28 (vi) Where restoration of habitat is proposed, a specific plan, including how the
29 restoration will be funded, must be provided as part of the nomination;
30 (vii) Recommendations for allowed, exempt, and regulated activities within the area;
31 (viii) Recommended buffer and setback requirements and their justification;
32 (ix) Seasonal requirements;
33 (x) A monitoring plan must be practical and achievable and includes the following:
34 (A) Baseline data and a description of what measurements will be used to
35 determine the success of the project. The plan shall include the criteria and
36 time period required to evaluate the success of the plan.
37 (B) A contingency plan for failure.
38 (C) A list of all parcels not included in the nomination but affected by the
39 monitoring process.
- 40 (xi) The nomination must also include an economic impact, cost and benefits analysis.
41 The nomination must also include an analysis of alternative solutions to formal
42 designation of the habitat of local importance as a regulated critical area under this
43 chapter.
- 44 (c) The applicant shall be responsible for paying all fees and all expenses incurred by
45 Jefferson County to process the application.
- 46 (6) Review and approval criteria.

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- 1 (a) Species nominated for designation under this section must satisfy the following criteria:
2 (i) Local populations that are in danger of extirpation based on documented trends
3 since the adoption of the Growth Management Act;
4 (ii) The species is sensitive to habitat manipulation;
5 (iii) The species or habitat has commercial, game, or other special value such as
6 locally rare species;
7 (iv) The nomination includes an analysis of the proposal using best available science;
8 and
9 (v) The nomination specifies why protection by other county, state or federal policies,
10 laws, regulations or non-regulatory tools is inadequate to prevent degradation of
11 the species or habitat and for which management strategies are practicable, and
12 describes why, without designation and protection, there is a likelihood that the
13 species will not maintain and reproduce over the long term, or that a unique
14 habitat will be lost.
- 15 (b) Habitats nominated for designation under this section must satisfy the following criteria:
16 (i) Where a habitat is nominated to protect a species, the use of the habitat by that
17 species must be documented or be highly likely or the habitat is proposed to be
18 restored with the consent of the affected property owner so that it will be suitable
19 for use by the species; and, long term persistence of the species in Jefferson
20 County and adjoining counties is dependent on the protection, maintenance or
21 restoration of the habitat;
22 (ii) Areas nominated to protect a particular habitat must represent either high quality
23 native habitat or habitat that has an excellent potential to recover to a high quality
24 condition and which is either of limited availability or highly vulnerable to alteration.
25 (iii) The nomination specifies the specific habitat features to be protected (e.g., nest
26 sites, breeding areas, nurseries, etc.). In the case of proposed wildlife corridors,
27 the nomination shall specify those features that are required for the corridor to
28 remain viable to support and protect the nominated species.
- 29 (7) Review and approval process.
30 (a) The Department of Community Development shall determine whether the application
31 submittal is complete. If deemed complete, the department shall evaluate the proposal for
32 compliance with the approval criteria set forth in this section and make a
33 recommendation to the Planning Commission based on those criteria. The department
34 shall also notify all parcel owners affected of the terms and contents of the proposal.
35 (b) Upon receipt of a staff report and recommendation from the department, the Planning
36 Commission shall hold a public hearing, and make a recommendation to the Board of
37 Commissioners based upon the approval criteria set forth in this section.
38 (c) The Jefferson County Board of Commissioners shall consider the recommendation
39 transmitted by the Planning Commission at a regularly scheduled public meeting, and
40 may then adopt an ordinance formally approving the designation. Should the Board wish
41 to vary from the Planning Commission recommendation and alter or reject the
42 application, such action may only occur following a separate public hearing conducted by
43 the Board.
44 (d) Upon approval, the ordinance designating and regulating the species or habitat of local
45 importance shall be codified in this article for public information and implementation by

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1 the department, and a notice to title shall be placed upon all parcels affected by the
2 designation.

3 (e) Each ordinance creating a species or habitat of local importance shall include a "sunset"
4 clause requiring a periodic review of reassessment of the initial designation. The length of
5 the periodic review may be dependent on the characteristics of the species or habitat.

6 (8) Removal from designation. Species or habitats of local significance may be removed at any
7 time, PROVIDED, that they no longer meet the criteria set forth in subsection 5, infra. (e.g., as a
8 result of a natural catastrophe or climatic change event), and PROVIDED FURTHER, that the
9 procedural requirements of this section and the procedural requirements established for Type V
10 land use decisions set forth within Chapter 18.40 JCC.

11
12 **18.22.220 Sources used for identification.**

13 Sources used to identify fish and wildlife habitat conservation areas (FWHCAs) include, but are
14 not limited to the following:

15 (1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.

16 (2) Washington State Department of Natural Resources, Water Type Index Maps.

17 (3) Washington State Department of Fish and Wildlife, Non-Game and Priority Habitats and
18 Species databases.

19 (4) Public and private tidelands or bedlands suitable for shellfish harvest and identified by the
20 Washington Department of Health's classification system and shellfish protection districts
21 established pursuant to Chapter 90.72 RCW.

22 (5) Kelp and eelgrass beds may be classified and identified with the Department of Natural
23 Resources Aquatic Lands Program and the Department of Ecology (note: many locations are
24 compiled in the Puget Sound Environmental Atlas).

25 (6) Herring and smelt spawning times and locations are outlined in WAC 220-110-240 through
26 WAC 220-110-260, Hydraulic Code Guidelines, Technical Report No. 79, and the Puget Sound
27 Environmental Atlas.

28
29 **18.22.230 Fish and wildlife habitat conservation area maps.**

30 The above maps have been produced for informational purposes only and are not regulatory
31 devices forming an integral part of this Article VI.

32
33 **18.22.240 Exempt activities.**

34 The following uses shall be allowed within a FWHCA or its buffer, if they are not prohibited by
35 any other law, provided they are conducted so as to minimize any impact on the function and character
36 of the FWHCA or its buffer, and provided they are consistent with any county-approved habitat
37 management plan or other special report required by this chapter, or any state or federally approved
38 management plan for an endangered, threatened, or sensitive species.

39 (1) Reconstruction of structures destroyed by fire or other means; provided, that completed
40 application for reconstruction occurs within the previous structural footprint and within two years
41 of the destruction. This provision is intended to apply only to that portion of a building that lies
42 within a FWHCA or its buffer;

43 ~~(2) The removal of noxious weeds from buffer areas;~~

44 ~~(3) Existing and ongoing landscaping activities (such as lawn and garden maintenance) and~~
45 ~~existing and ongoing agricultural activities on lands enrolled in the open space tax program for~~
46 ~~agriculture or on lands designated as agricultural lands of long-term commercial significance on~~

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~~the official map of Comprehensive Plan Land Use Designations. For the purpose of this section, existing and ongoing means that agricultural activities have been conducted within the five-year period leading up to the adoption of Ordinance No. 5-03 on April 28, 2003;~~

(4) The enhancement of a buffer by planting indigenous vegetation;

(5) The construction of trails which shall be unpaved when located in the buffer areas and elevated when located in wetlands, which are not intended for motorized use, and which are no wider than five feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area;

(6) Harvesting wild crops that do not significantly affect the viability of the wild crop, the function of the fish and wildlife habitat area or regulated buffer (does not include tilling of soil or alteration of the fish and wildlife habitat area, except as provided in subsection (3) of this section);

(7) Any of the general exemptions authorized by JCC 18.22.070.

18.22.250 Regulated activities.

Any land use or development activity that is subject to a development permit or approval requirements of this code shall be subject to the provisions of this Article VI-H. These include, but are not limited to the following activities that are directly undertaken or originate in a FWHCA or its buffer, unless otherwise exempted under JCC 18.18.070 or 18.22.030.

(1) Stream Crossings. All stream crossings should be discouraged and alternatives should be explored. Any private or public road expansion or construction which is proposed and must cross streams classified within this article, shall comply with the following minimum development standards:

(a) The design of stream crossings shall meet the requirements of the Washington Department of Fish and Wildlife. Fish passage shall be provided if necessary to address manmade obstructions on-site. Other alternatives may be allowed upon a showing that, for the site under review, the alternatives would be less disruptive to the habitat or that the necessary building foundations were not feasible. Submittal of a habitat management plan which demonstrates that the alternatives would not result in significant impacts to the fish and wildlife habitat area (FWHCA) may be required;

(b) Crossings shall not occur in salmonid spawning areas unless no other reasonable crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife;

(c) Bridge piers or abutments shall not be placed either within the floodway or between the ordinary, high water marks unless no other reasonable alternative placement exists;

(d) All stream crossings shall be required to pass 100-year projected flood flows, even in non-fish bearing Type Np and Ns streams. In addition, crossings for Type S and F streams should allow for downstream transport of large woody debris;

(e) Crossings shall serve multiple properties whenever possible; and

(f) Where there is no reasonable alternative to providing a culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

(2) All land divisions, as allowed by Chapter 18.35 JCC, or as a PRRD as regulated in this chapter, shall comply with the following development standards:

(a) In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this code, including buffer requirements

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- 1 for FWHCAs. This site must also have access and a sewage disposal system location
2 that are suitable for development and does not adversely impact the FWHCA.
- 3 (b) The applicant must submit a habitat management plan if the proposal is located within a
4 designated core wildlife habitat area or corridor, unless the proposal is for a planned rural
5 residential development (PRRD), as provided for in this code, and the PRRD clusters
6 residential development outside of designated core wildlife habitat areas or corridors.
7 The habitat management plan submitted with a standard land division application must
8 demonstrate that the land division and subsequent development will not result in
9 fragmentation and loss of wildlife habitat function.
- 10 (c) After preliminary approval and prior to final land division approval, the common boundary
11 between a required buffer and the adjacent property shall be identified using appropriate
12 signs as specified in this article. In lieu of signs, alternative methods of buffer
13 identification may be approved when such methods are determined by the administrator
14 to provide adequate identification to the buffer and the FWHCA.
- 15 (d) Buffer areas shall be dedicated as permanent open space tracts, functioning as critical
16 area buffers.
- 17 (3) Utilities. Placement of utilities within designated fish and wildlife habitat areas may be allowed
18 pursuant to the following standards:
- 19 (a) Construction of utilities may be permitted in FWHCAs or their buffers, only when no
20 practicable or reasonable alternative location is available and the utility corridor meets the
21 requirements for installation, replacement of vegetation and maintenance outlined below.
22 Utilities are encouraged to follow existing or permitted roads where possible.
- 23 (b) Construction of sewer lines or on-site sewage systems are not permitted in FWHCAs or
24 their buffers, except that they may be permitted in a buffer area when the applicant
25 demonstrates it is necessary to meet state and/or local health code requirements; there
26 are no other practicable alternatives available; and construction meets the requirement of
27 this article. Joint use of the sewer utility corridor by other utilities may be allowed.
- 28 (c) New utility corridors shall not be allowed in FWHCAs with known locations of federal or
29 state-listed endangered, threatened or sensitive species, except in those circumstances
30 where an approved habitat management plan is in place.
- 31 (d) Utility corridor construction and maintenance shall protect the environment of fish and
32 wildlife habitat areas and their buffers.
- 33 (i) New utility corridors shall be aligned when possible to avoid cutting trees greater
34 than 12 inches in diameter at breast height (four and one-half feet) measured on
35 the uphill side.
- 36 (ii) New utility corridors shall be revegetated with appropriate native vegetation at not
37 less than preconstruction vegetation densities or greater, immediately upon
38 completion of construction or as soon thereafter as possible due to seasonal
39 growing constraints. The utility shall ensure that such vegetation survives for a
40 three-year period.
- 41 (e) Utility towers should be painted with brush, pad or roller and should not be sandblasted
42 or spray-painted, nor shall lead-base paints be used.
- 43 (4) Bank Stabilization.
- 44 (a) A stream channel and bank, bluff, and shoreline may be stabilized when naturally
45 occurring earth movement threatens existing legal structures (structure is defined for this
46 purpose as those requiring a building permit pursuant to the building code), public

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- 1 improvements, unique natural resources, public health, safety or welfare, or the only
2 feasible access to property, and, in the case of streams, when such stabilization results in
3 maintenance of fish habitat or improved water quality, as demonstrated through a habitat
4 management plan or equivalent study or assessment. Bluff, bank and shoreline
5 stabilization shall follow the standards of the Jefferson County Shoreline Master Program,
6 geologically hazardous areas provision in this chapter, and the floodplain management
7 ordinance.
- 8 (b) The administrator shall require that bank stabilization be designed by a professional
9 engineer licensed in the state of Washington with demonstrated expertise in hydraulic
10 actions of shorelines. For bank stabilization projects within FWHCAs, the applicant must
11 provide a geotechnical report that demonstrates that bioengineering solutions (vegetation
12 versus hard surfaces) are infeasible. The report must document the engineering rationale
13 why bioengineering solutions are infeasible in a manner that can be confirmed through
14 review by other engineering professionals. Bank stabilization projects may also require a
15 hydraulic project approval from the Washington Department of Fish and Wildlife that will
16 be determined after consultation with WDFW.
- 17 (5) Gravel Mining. Gravel mining is discouraged within FWHCAs or their buffers, and it shall not be
18 permitted if it causes unmitigatable significant adverse impacts, but it may be allowed following
19 the review and approval of a habitat management plan, including a detailed mining and
20 reclamation plan pursuant to the applicable performance standards in Chapter 18.20 JCC
21 (mineral extraction) or as otherwise required in this code.
- 22 (6) Forest Practices, Class IV General. Timber harvesting with associated development activity
23 involving land conversions from forest use, or otherwise meeting the DNR definition as a Class
24 IV General application, shall comply with the provisions of this article, including the maintenance
25 of buffers, where required.
- 26 (7) Road/Street Repair and Construction. Any private or public road or street expansion or
27 construction which is allowed in a FWHCA or its buffer shall comply with the following minimum
28 development standards:
- 29 (a) No other reasonable or practicable alternative exists and the proposed road or street
30 serves multiple properties whenever possible;
- 31 (b) Public and private roads are encouraged to provide for other purposes, such as utility
32 crossings, pedestrian or bicycle easements, viewing points, etc.;
- 33 (c) The road or street construction is the minimum necessary, as required by the department
34 of public works' guidelines. Minimum necessary provisions may include projected level of
35 service requirements; and
- 36 (d) Construction time limits shall be determined in consultation with the Washington
37 Department of Fish and Wildlife in order to ensure species and habitat protection.
- 38 (8) Outdoor Recreation, Education and Trails. Activities and improvements that do not significantly
39 affect the function of the FWHCA or regulated buffer (including viewing structures, outdoor
40 scientific or interpretive facilities, trails, hunting blinds, etc.) may be permitted in FWHCAs or
41 their buffers.
- 42 (a) Trails and other facilities shall, to the extent feasible, be placed on existing road grades,
43 utility corridors, or other previously disturbed areas;
- 44 (b) Trails and other facilities shall be planned to minimize removal of trees, shrubs, snags
45 and important wildlife habitat;

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- 1 (c) Viewing platforms, interpretive centers, benches and access to them, shall be designed
2 and located to minimize impacts to wildlife, fish, or their habitat and/or critical
3 characteristics of the affected FWHCA;
- 4 (d) Trails, in general, shall be set back from streams so that there will be minimal impact to
5 the stream from trail use or maintenance. Trails shall be constructed with pervious
6 surfaces when feasible and trails within FWHCAs are not intended to be used by
7 motorized vehicles.
- 8 (9) Chemical Application or Storage. Chemical applications are not permitted within FWHCAs
9 unless expressly approved as part of a farm plan, forest practices application, or for the control
10 of invasive or noxious plant species. In cases where approved chemical applications occur as
11 part of a forest practices application or farm plan, proper reporting procedures shall be followed.
12 Chemical storage shall not be permitted within a FWHCA or its buffer.

13
14 **18.22.260 General prohibitions.**

15 No land use or development activity, even if the activity does not require a permit, shall be
16 allowed that alters the function or character of the FWHCA or its buffer. This includes, but is not limited
17 to activities involving:

- 18 (1) The removal, excavation, grading, dumping, discharging, or filling of any material unless part of
19 a project which has been permitted pursuant to this Article VI;
- 20 (2) The destruction or alteration of FWHCAs or their buffers through clearing, grading, harvesting,
21 shading, intentional burning, vegetation removal or planting of vegetation that would alter the
22 character of the FWHCA or buffer, unless part of a project which has been permitted pursuant to
23 this article;
- 24 (3) New residential, commercial or industrial development or construction, unless exempted or
25 provided for elsewhere in this Chapter 18.22.

26
27 **18.22.265 Habitat management plans – when required.**

28 When a development proposal is located on lands which may contain a habitat for a Protected
29 Species other than Bald Eagle nesting territories, or when the applicant proposes to alter, decrease or
30 average the standard buffer, a Habitat Management Plan (HMP) shall be required, consistent with the
31 requirements of JCC 18.22.440.

32
33 **18.22.270 Protection standards.**

- 34 (1) General. Application for a project on a parcel of real property containing a designated FWHCA
35 or its buffer shall adhere to the requirements set forth in this section.
- 36 (2) Drainage and Erosion Control. An applicant submitting a project application shall also submit,
37 and have approved, a drainage and erosion control plan, as specified in this chapter.
- 38 (3) Grading. An applicant submitting a project application shall also submit, and have approved, a
39 grading plan, as specified in this chapter.
- 40 (4) Vegetation Retention. The following provisions regarding vegetation retention shall apply:
- 41 (a) All trees and understory lying outside of road rights-of-way and utility easements shall be
42 retained (except for hazard trees) during clearing for roadways and utilities; provided, that
43 understory damaged during approved clearing operations may be pruned.
- 44 (b) Damage to vegetation retained during initial clearing activities shall be minimized by
45 directional felling of trees to avoid critical areas and vegetation to be retained.

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(c) Retained trees, understory and stumps may subsequently be cleared only if such clearing is necessary to complete the proposal involved in the project application.

(5) Buffers – Standard Requirements. The administrator shall have the authority to require buffers from the edges of all FWHCAs in accordance with the following:

(a) Buffers generally.

(i) Buffers shall be established for activities adjacent to FWHCAs as necessary to protect the integrity, functions and values of the resource, consistent with the requirements set forth in Tables 18.22.270(1) and 18.22.270(2) of this section.

(ii) A building setback line of five feet is required from the edge of any buffer area, however, nonstructural improvements such as septic drainfields may be located within setback areas.

(iii) Buffers shall be retained in their natural condition, however, minor pruning of vegetation to enhance views or provide access may be permitted as long as the function and character of the buffer are not diminished.

(b) Prescriptive Stream Buffers.

(i) The standard buffer widths required by this article are considered to be the minimum required and presume the existence of a dense vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. When a buffer lacks adequate vegetation to protect critical area functions, the administrator may deny a proposal for buffer reduction or buffer averaging.

(ii) The standard buffer shall be measured landward horizontally on both sides of the stream from the ordinary high water mark (OHWM) as identified in the field. Nevertheless, the required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers, but shall not be extended across paved roads or other lawfully established structures or hardened surfaces. The following standard buffer width requirements are established, provided that portions of streams that flow underground may be exempt from these buffer standards at the administrator's discretion when it can be demonstrated that no adverse effects on aquatic species will occur:

Table 18.22.270(1): Stream Buffers*	
Stream Type	Buffer Requirement
Type "S" - Shoreline Streams	150 feet
Type "F" – Fish Bearing Streams	150 feet
Type "Np" and "Ns" – Non-Fish Bearing Perennial and Seasonal Streams	75 feet

* Note: The buffers set forth above shall apply to culverted streams, though in limited circumstances, a variance may be made in the application of stream buffers under Article IX of JCC Chapter 18.40.

(c) Buffers for other FWHCAs. The administrator shall determine appropriate buffer widths for other FWHCAs based on the best available information. Buffer widths for non-stream habitat conservation areas shall be as follows:

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<u>Table 18.22.270(2): Buffers for Other FWHCAs</u>	
<u>FWHCA Type</u>	<u>Buffer Requirement</u>
<u>Areas with which federally listed species have a primary association</u>	<u>Buffers shall be 150 feet provided that local and site specific factors shall be taken into consideration and the buffer width based on the best available information concerning the species/habitat(s) in question and/or the opinions and recommendations of a qualified professional with appropriate expertise.</u>
<u>Commercial and recreational shellfish areas</u>	<u>Buffers shall extend one hundred-fifty (150) feet landward from ordinary high water mark of the marine shore.</u>
<u>Kelp and Eelgrass Beds</u>	<u>Buffers shall extend one hundred-fifty (150) feet landward from ordinary high water mark of the marine shore.</u>
<u>Surf Smelt, Pacific Herring, and Pacific Sand Lance Spawning Areas</u>	<u>Buffers shall extend one hundred-fifty (150) feet landward from ordinary high water mark of the marine shore.</u>
<u>Natural Pond and Lakes</u>	<u>Ponds under 20 acres - buffers shall extend 50 feet from the ordinary high water mark; Lakes 20 acres and larger - buffers shall extend 100 feet from the ordinary high water mark, provided that where vegetated wetlands are associated with the shoreline, the buffer shall be based on the wetland buffer requirements (JCC X).</u>
<u>Natural Area Preserves and Natural Resource Conservation Areas</u>	<u>Buffers shall not be required adjacent to these areas. These areas are assumed to encompass the land required for species preservation.</u>

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1

<u>Table 18.22.270(2), continued: Buffers for Other FWHCAs</u>	
<u>FWHCA Type</u>	<u>Buffer Requirement</u>
<u>Locally Important Habitat Areas</u>	<p><u>The buffer for marine nearshore habitats shall extend landward 150 feet from the ordinary high water mark.</u></p> <p><u>The need for and dimensions of buffers for other locally important species or habitats shall be determined on a case-by-case basis, according to the needs of the specific species or habitat area of concern. Buffers shall not be required adjacent to the wildlife corridor. The administrator shall coordinate with the Washington Department of Fish and Wildlife and other state, federal or Tribal experts in these instances, and may use WDFW PHS management recommendations when available and applicable.</u></p>

2

3 (6) The administrator shall have the authority to reduce buffer widths on a case-by case basis,
 4 provided that the specific standards for avoidance and minimization set forth in JCC
 5 18.22.350(1) shall apply, and when the applicant demonstrates to the satisfaction of the
 6 administrator that all of the following criteria are met:

7 (a) The buffer reduction shall not adversely affect the habitat functions and values of the
 8 adjacent FWHCA or other critical area.

9 (b) The buffer shall not be reduced to less than seventy-five (75) percent of the standard
 10 buffer.

11 (c) The slopes adjacent to the FWHCA within the buffer area are stable and the gradient
 12 does not exceed thirty percent (30%).

13 (7) The administrator shall have the authority to average buffer widths on a case-by case basis,
 14 provided that the specific standards for avoidance and minimization set forth in JCC
 15 18.22.350(1) shall apply, and when the applicant demonstrates to the satisfaction of the
 16 administrator that all the following criteria are met:

17 (a) The total area contained in the buffer area after averaging is no less than that which
 18 would be contained within the standard buffer and all increases in buffer dimension are
 19 parallel to the FWHCA.

20 (b) The buffer averaging does not reduce the functions or values of the FWHCA or riparian
 21 habitat, or the buffer averaging, in conjunction with vegetation enhancement, increases
 22 the habitat function.

23 (c) The buffer averaging is necessary due to site constraints caused by existing physical
 24 characteristics such as slope, soils, or vegetation.

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1 (d) The buffer width is not reduced to less than seventy-five percent (75%) of the standard
2 width.

3 (e) The slopes adjacent to the FWHCA within the buffer area are stable and the gradient
4 does not exceed thirty percent (30%).

5 (f) Buffer averaging shall not be allowed if FWHCA buffers are reduced pursuant to
6 subsection 6 of this section.

7 (8) Buffer Marking. The location of the outer extent of required buffers shall be marked in the field
8 as follows:

9 (a) A permanent physical separation along the boundary of the buffer area shall be installed
10 and permanently maintained. Such separation may consist of logs, a tree or hedgerow, or
11 other prominent physical marking approved by the administrator.

12 (b) Buffer perimeters shall be marked with temporary signs at an interval of one per parcel or
13 every 100 feet, whichever is less. Signs shall remain in place prior to and during
14 approved construction activities. The signs shall contain the following statement: "Buffer –
15 Do Not Remove or Alter Existing Native Vegetation."

16 (c) In the case of short plat, long plat, binding site plan, and site plan approvals under this
17 code, the applicant shall include on the face of any such instrument the boundary of the
18 FWHCA.

19 (d) The applicant may also choose to dedicate the buffer through a conservation easement
20 or deed restriction that shall be recorded with the Jefferson County auditor. Such
21 easements or restrictions shall, however, use the forms approved by the prosecuting
22 attorney.

23
24 **18.22.280 Conditions.**

25 (1) General. In granting approval for a project application subject to the provisions of this Article VI,
26 the administrator may require mitigating conditions that will, in the administrator's judgment,
27 substantially secure the objectives of this article.

28 (2) Basis for Conditions. All conditions of approval required pursuant to this article shall be based
29 upon either the substantive requirements of this article or the recommendations of a qualified
30 professional utilizing best available science, contained within a special report required under this
31 chapter.
32

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Article VII - Wetlands

18.22.290 Purpose.

The purpose of this article is to identify the components used for requiring a buffer size adequate to ensure the functions and values supported by wetlands are not degraded.

(1) The required buffer sizes shall be determined from a consideration of the wetland category and the intensity of the proposed land-use.

(2) A wetland category shall be determined from descriptions presented in the Department of Ecology's Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008, April 2005).

(3) For this Article VII there are three impact levels associated with the intensity of land-use; they are: Low Impact, Moderate Impact and High Impact.

(4) Each development proposal shall include an estimation of known or suspected wetland locations on the parcel.

18.22.295 Compliance alternative – Critical area stewardship plan (CASP).

Applicants for development permits or approvals subject to this Article VII may elect to comply with the Critical Area Stewardship Plan (CASP) provisions set forth in Article IX of this Chapter in lieu of the prescriptive requirements set forth herein. The CASP alternative provides a non-prescriptive approach to determining critical area protection measures (e.g., buffer widths). It provides documentation to the County describing a program and its processes which, when implemented, ensures the functions and values of a particular critical area will not be degraded by the proposed development. Though offering considerable flexibility, this option may necessitate additional monitoring to verify compliance and long-term protection of designated and regulated critical areas.

18.22.300 Classification/designation.

(1) Classification. Wetlands shall be classified using the 2004 Washington State Department of Ecology's Wetland Rating System for Western Washington (Ecology Publication #04-06-025), or as amended. Wetland rating categories shall not be determined based upon illegal modification of the land. Wetland delineations shall be determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.

(2) Designation. As determined using the 1997 Washington State Department of Ecology's Washington State Wetlands Identification and Delineation Manual (Ecology Publication #96-94 or as amended), wetlands shall be designated as critical areas and regulated under this article regardless of size; PROVIDED that Category IV wetlands less than one-tenth (0.1) acre (4,356 square feet) shall be exempt from the requirements of this article when all of the following criteria are met:

(a) The wetland does not provide breeding habitat for native amphibian species. Breeding habitat is indicated by adequate and stable seasonal inundation, presence of thin-stemmed emergent vegetation, and clean water;

(b) The wetland does not have unique characteristics that would be difficult to replace through standard compensatory mitigation practices;

(c) The wetland is not located within a fish and wildlife habitat conservation area (FWHCA) as defined in the section of this ordinance dealing with FWHCAs, and is not integral to the maintenance of habitat functions of an FWHCA;

(d) The wetland is not located within a floodplain;

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1 (e) The wetland is not associated with a shoreline of the state as defined by the County's
2 Shoreline Master Program;

3 (f) The wetland is not part of a mosaic of wetlands and uplands, as determined using the
4 guidance provided in the Wetland Rating System.

5 (3) Sources Used for Identification. The following sources should be used to identify potential
6 wetland locations. Sources include, but are not limited to:

7 (a) United States Department of the Interior, Fish and Wildlife Service, National Wetlands
8 Inventory.

9 (b) United States Department of Agriculture, Soil Conservation Service, Soil Survey of
10 Jefferson County Areas, Washington.

11 (c) United States Department of Agriculture, Natural Resources Conservation Service,
12 Hydric Soils List, Jefferson County Area.

13 (d) County Critical Areas Mapping. The wetland maps prepared by the county have been
14 produced for informational purposes only and are not regulatory devices forming an
15 integral part of this article.

16 (4) Multiple ratings. In order to impose only those land-use restrictions necessary to protect low
17 value wetlands and to increase protection of higher value areas of complex wetlands, Jefferson
18 County will recognize multiple ratings of these complex wetland systems as long as the ratings
19 do not compromise the functions and values of the highest rated wetland within the complex
20 system.

21
22 **18.22.310 Regulated activities.**

23 Any land use or development activity shall be subject to the provisions of this Article VII,
24 including, but not limited to, the following activities that are directly undertaken or originate in a
25 regulated wetland or its buffer, unless exempted under JCC 18.22.070 or 18.22.320:

26 (1) The removal, excavation, grading, or dredging of material of any kind, including the construction
27 of ponds and trails;

28 (2) The dumping, discharging, or filling of any material;

29 (3) The draining, flooding, or disturbing of the wetland water level or water table;

30 (4) The driving of pilings;

31 (5) The placing of obstructions;

32 (6) The construction, reconstruction, demolition, or expansion of any structure;

33 (7) The destruction or alteration of wetland vegetation through clearing, harvesting, shading,
34 intentional burning, application of herbicides or pesticides, or planting of vegetation that would
35 alter the character of a regulated wetland; provided, that these activities are not part of a forest
36 practice governed under Chapter 76.09 RCW (Forest Practices Act) and its rules; or

37 (8) Activities that result in:

38 (a) A significant change of water temperature;

39 (b) A significant change of physical or chemical characteristics of wetlands water sources,
40 including quantity; or

41 (c) The introduction of pollutants.

42

43 **18.22.320 Exempt activities.**

44 (1) Wetlands. The following uses shall be allowed within a regulated wetland without having to meet
45 the protection standards, or requirements for wetland studies or mitigation set forth in this Article

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1 VII, if they are not prohibited by any other law. However, forest practices and conversions are
2 governed by Chapter 76.09 RCW and its rules.

- 3 (a) Normal maintenance, repair, or operation of existing structures, facilities, or improved
4 areas, such as on-site septic systems, lawns, landscaping, orchards, gardens, trails, and
5 driveways. Maintenance and repair do not include any modification that changes the
6 character, scope, or size of the original structure, facility, or improved area, and do not
7 include the construction of a maintenance road;
- 8 (b) Modification or expansion of existing uses and structures, pursuant to the requirements of
9 the nonconforming use and structure provisions of this code;
- 10 (c) Outdoor recreational activities, including hunting and fishing (pursuant to state law),
11 birdwatching, hiking, bicycling, boating, and swimming;
- 12 (d) The harvesting of wild crops in a manner that is not injurious to natural reproduction of
13 such crops and provided the harvesting does not require tilling soil, planting crops, or
14 changing existing topography, water conditions, or water sources;
- 15 ~~(e) Existing and ongoing agricultural activities on lands enrolled in the open space tax
16 program for agriculture or on lands designated as agricultural lands of long-term
17 commercial significance on the official map of Comprehensive Plan Land Use
18 Designations. For the purpose of this section, "existing and ongoing" means that
19 agricultural activities have been conducted within the five-year period leading up to the
20 adoption of Ordinance No. 5-03 on April 28, 2003;~~
- 21 ~~(f) Removal of noxious weeds;~~
- 22 ~~(g) Normal maintenance, but not construction or enlargement, of drainage ditches;~~
- 23 (e) Use of existing nature trails;
- 24 (f) Installation of navigation aids and boundary markers;
- 25 ~~(j) Site investigative work necessary for a project application submittal, such as surveys, soil
26 logs, percolation tests, and other related activities. In every case, wetland impacts shall
27 be minimized and disturbed areas shall be immediately restored;~~
- 28 (g) Drilling or digging and maintenance of wells; provided, that wetland impacts are
29 minimized and disturbed areas are immediately restored;
- 30 (h) Any of the general exemptions authorized by JCC 18.22.070.

31 (2) Wetland Buffers. In addition to those activities allowed in regulated wetlands in this article, the
32 following activities are allowed within wetland buffers without having to meet the protection
33 standards, or requirements for wetland studies or mitigation set forth in this article; provided,
34 that impacts to buffers are minimized and that disturbed areas are immediately restored except
35 as specifically allowed in subsection (2)(a) of this section.

- 36 (a) In association with a single-family residence only, the establishment and expansion of
37 lawns, landscaping, orchards, gardens, and fences; provided, that:
 - 38 (i) Lawns, landscaping, orchards, and gardens shall be allowed within the outer 25
39 percent of the buffer width where no reasonable alternative is available. No
40 structure other than fences nor any impervious surface shall be included in the
41 above; and
 - 42 (ii) Fences shall be designed to allow the unimpeded passage of surface water
43 beneath them.
- 44 (b) Activities having minimal adverse impacts on buffers and no adverse impacts on
45 regulated wetlands. These include low intensity, passive recreational activities, such as
46 pervious trails, nonpermanent wildlife watching blinds, scientific or educational activities,

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1 and sports fishing or hunting. Trails within buffers shall be designed to minimize impacts
2 to the wetland, and shall not include any impervious surfaces.

- 3 (c) Within the buffers of Category III and IV wetlands only, vegetation-lined swales designed
4 for stormwater management or conveyance when topographic restraints determine there
5 are no other upland alternative locations. Swales used for detention purposes may only
6 be placed in the outer 25 percent of the buffer. Conveyance swales may be placed
7 through the buffer, if necessary.
8

9 **18.22.330 Protection standards.**

10 (1) General. Application for a project on a parcel of real property containing a designated wetland or
11 its buffer shall adhere to the requirements set forth below.

12 (2) Delineation. An applicant submitting a project application shall also submit, and have approved,
13 a wetland delineation report as specified in JCC 18.22.450. Additionally, the following provisions
14 shall apply:

- 15 (a) The location of the wetland and its boundary shall be determined through the
16 performance of a field investigation utilizing the methodology contained in the
17 Washington State Wetlands Identification and Delineation Manual, March 1997, or as
18 amended hereafter.
19 (b) If the wetland is located off of the property involved in the project application and is
20 inaccessible, the best available information shall be used to determine the wetland
21 boundary and class.
22 (c) After approval of the delineation report, the wetland boundary shall be staked and flagged
23 in the field.
24 (d) This requirement may be waived under the following circumstances:

25 (i) Single-Family Residences. The requirement for a wetland delineation and special
26 report may be waived for construction of a single-family residence on an existing
27 lot of record if a qualified wetland evaluator determines that ~~field investigation by~~
28 ~~county staff indicates the following:~~

- 29 (A) Sufficient information exists for staff to estimate the boundaries of a wetland
30 without a delineation; and
31 (B) The single-family residence and all accessory structures and uses are not
32 proposed to be located within the distances identified in Table 18.22.330(1),
33 below, from the estimated wetland boundary.

34 "Qualified wetland evaluator" means an individual recognized and acceptable to
35 the Administrator in using the most current edition of the Department of Ecology's
36 "Wetlands in Washington State Volume 2: Guidance for Protecting and managing
37 Wetlands" (DOE Publication #05-06-0008) in categorizing and rating wetlands.

38 (ii) Subdivisions and Short Subdivisions. The requirement for a wetland delineation
39 and special report will be waived for subdivisions and short subdivisions of an
40 existing lot of record if a site assessment made by a qualified wetland evaluator
41 ~~field investigation by county staff indicates the following:~~

- 42 (A) Sufficient information exists ~~for~~ staff to estimate the boundaries of a wetland
43 without a delineation; and
44 (B) Building envelopes or building setback lines are not proposed to be located
45 within the distances identified in Tables 18.22.330(1), (2) and (3), below,
46 from the estimated wetland boundary.

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- 1 (3) Wetland Buffer Requirements. Wetland buffer widths shall be prescribed and established based
2 upon the category of the wetland, the wetland rating scores and the impact level of the proposed
3 land use. The resulting buffers are shown in Tables: 18.22.330 (1), (2), and (3) [for low,
4 moderate and high impact land-uses].
- 5 (a) The category and rating scores of a wetland shall be determined by a qualified wetland
6 evaluator who must be: recognized and acceptable to the Administrator and use the most
7 current edition of the Department of Ecology's "Wetlands in Washington State Volume 2:
8 Guidance for Protecting and managing Wetlands" (DOE Publication #05-06-0008) in
9 categorizing and rating wetlands.
- 10 (b) There are three (3) Land-Use Impact Level types. Each type is presented with the Table
11 containing the buffer widths that would be prescribed for its associated wetland category.
- 12 (c) Proposals for development will have three options for deciding what their buffer distance
13 will be. A buffer distance is the closest distance the proposed development can be to the
14 wetland boundary.
- 15 (i) The Stewardship Plan Option, as detailed in Article IX of this Chapter 18.22.
16 (ii) The Professionally Delineated Boundary Option: A prescriptive buffer distance
17 based on an actual delineation of the wetland boundary as determined by an
18 authorized wetland specialist (cost is the responsibility of proponent). This buffer
19 distance will be measured outward from the delineated wetland boundary. Refer
20 to the column in the Tables with the word "delineation" in the heading.
21 (iii) The Apparent Boundary option: A prescriptive buffer distance based on the
22 apparent location of the wetland boundary as proposed by the county's wetland
23 specialist. In these cases the buffer will be the total distance calculated using the
24 buffer distance as shown in the "delineation" column of the Tables plus an
25 additional twenty (2) to fifty (50) feet, depending upon wetland category (shown in
26 the "non-delineation" column of the table). This calculated buffer distance will be
27 measured outward from the apparent wetland boundary.
- 28 (4) Drainage and Erosion Control. An applicant submitting a project application shall also submit,
29 and have approved, a drainage and erosion control plan as specified in this chapter. The plan
30 shall discuss, evaluate and recommend methods to minimize sedimentation of designated
31 wetlands during and after construction.
- 32 (5) Buffer Marking. Upon approval of the delineation report the location of the outer extent of the
33 wetland buffer shall be marked in the field as follows:
- 34 (a) A permanent physical separation along the upland boundary of the wetland buffer area
35 shall be installed and permanently maintained. Such separation may consist of logs, a
36 tree or hedge row, or other prominent physical marking approved by the administrator.
- 37 (b) Buffer perimeters shall be marked with temporary signs at an interval of one per parcel or
38 every 100 feet, whichever is less. Signs shall remain in place prior to and during
39 approved construction activities. The signs shall contain the following statement:
40 "Wetland & Buffer – Do Not Remove or Alter Existing Native Vegetation."
- 41 (c) In the case of short plat, long plat, binding site plan, and site plan approvals under this
42 code, the applicant shall include on the face of any such instrument the boundary of the
43 wetland and its buffer.
- 44 (d) The applicant may also choose to dedicate the buffer through a conservation easement
45 or deed restriction that shall be recorded with the Jefferson County auditor. Such

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1 easements or restrictions shall, however, use the forms approved by the prosecuting
2 attorney.

3 (6) Buffers – Standard Requirements.

4 (a) The purpose of applying a buffer to a wetland is to protect its functions and values from
5 the impacts of adjacent land-use by:

6 (i) Removing excessive amounts of sediment, nutrients and toxins before surface,
7 and subsurface, water enters the wetland;

8 (ii) Tempering the microclimate within the wetland;

9 (iii) Providing food, shelter, and cover for wildlife species that depend upon use of the
10 wetland for part of their life cycle;

11 (iv) Providing visual and auditory screening for wildlife, and a barrier against disruptive
12 intrusion by humans and domestic animals.

13 (b) The administrator shall have the authority to require buffers from the boundaries of all
14 wetlands as established by this article, and in accordance with the following criteria.

15 (i) Wetland buffer widths shall be measured along a horizontal line perpendicular to
16 the wetland boundary as marked in the field during delineation if required, or
17 based upon site investigation, aerial photographs, or LiDAR images.

18 (ii) Functionally isolated buffer areas are those areas separated from a wetland that
19 do not protect the wetland from adverse impacts. Buffers need not include areas
20 that are functionally isolated and physically disconnected from the wetland by a
21 substantial developed surface such as a dike, building, parking lot, or road.
22 However, in determining whether or not a buffer area is functionally isolated, the
23 administrator shall take into consideration whether or not the isolated buffer area is
24 used by wildlife to gain access to the wetland. In instances where substantial
25 wildlife use is documented, the area shall be retained as buffer despite being
26 otherwise isolated or disconnected from the wetland.

27 (iii) The prescribed buffer widths established by this article presume that the buffer is
28 entirely vegetated with a diverse and well-established native-plant community
29 typical of the uplands in the site vicinity. The effectiveness of buffer vegetation as
30 a screen or barrier against disturbance to wildlife, and for treatment of storm water
31 runoff, is related to the slope of the ground. When a buffer is on a slope steeper
32 than forty percent (40%), and/or lacks adequately dense and diverse vegetation
33 (e.g. is mowed or grazed), the administrator may deny a proposal for buffer
34 reduction or buffer averaging.

35 (c) The prescribed buffer widths shall be established on the basis of the following factors:

36 (i) The wetland's value and sensitivity to disturbance, based on its category (I, II, III,
37 IV) as determined by Special Characteristics or the total score on the rating form
38 for the Wetland Rating System;

39 (ii) The wetland's value as wildlife habitat, based on its habitat function score from the
40 rating form; and

41 (iii) The expected level of impact of the proposed adjacent land use, as determined
42 from the table set forth in subsection (5)(d)(ii), below. The administrator may
43 determine, on the basis of detailed information from the applicant about the site
44 conditions, scope, and intensity of the proposed development, that the proposed
45 land use will have a lesser level of impact on the wetland than indicated by similar
46 land uses on the list.

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- (d) Wetland buffer widths shall be prescribed and established based upon the category of the wetland, the wetland rating scores and the impact level of the proposed land use. The resulting buffers are shown in Tables 18.22.330(1), (2), and (3) (i.e., for low, moderate and high impact land-uses).
 - (i) The category and rating scores of a wetland shall be determined by a qualified wetland evaluator who must be: recognized and acceptable to the Administrator and use the Department of Ecology's "Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands" (DOE Publication # 05-06-008) as amended or replaced.
 - (ii) There are three (3) Land-Use Impact Level types. Each type is presented with the Table containing the buffer widths that would be prescribed for its associated wetland category.
 - (iii) Proposals for development will have three options for deciding what their buffer distance will be. A buffer distance is the closest distance the proposed development can be to the wetland boundary.
 - (A) The Apparent Boundary Option: A prescriptive buffer distance based on the apparent location of the wetland boundary as proposed by the county's wetland specialist. In these cases the buffer will be the total distance calculated using the buffer distance as shown in the "delineation" column of the Tables plus an additional fifty (50) feet (shown in the "non-delineation" column of the table). This calculated buffer distance will be measured outward from the apparent wetland boundary.
 - (B) The Identified Boundary Option: A prescriptive buffer distance based on an actual delineation of the wetland boundary as determined by an authorized wetland specialist (cost is the responsibility of proponent). This buffer distance will be measured outward from the delineated wetland boundary. Refer to the column in the Tables with the word "delineation" in the heading.
 - (C) The Stewardship Plan Option: A non-prescriptive approach to determining buffer distances. It provides documentation to the county describing a program and its processes that when implemented ensure the functions and values of a particular wetland would not be degraded upon approval of the proposed development. Though offering considerable flexibility, this option suggests there could be the need for additional monitoring to determine the extent of compliance of each program and its processes.

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TABLE 18.22.330(1)
WETLAND CATAGORIES, RATING SCORES & BUFFER WIDTHS
FOR LOW IMPACT LAND USES

Low Impact Land-Uses shall include the following:

- Single-family residential use on parcels of five (5) acres or larger with landscaping, accessory structures and impervious surfaces that do not exceed the limitations for Low Impact Land-Uses (see Definitions set forth in JCC Chapter 18.10):
- Private driveways serving no more than two (2) residential parcels:
- Unpaved trails:
- Utility corridors (private or public) without a maintenance road:
- Class I, II, III and IV-Special forest practices on lands of any Comprehensive Plan land-use designation except Urban Growth Area:
- Class IV-General non-conversion forest practices (equivalent to class I, II, III and IV-Special forest practices) conducted on lands platted after January 1, 1960 and of any Comprehensive Plan land-use designation except Urban Growth Area.

<u>Wetland Category</u>	<u>Wetland Rating Scores:</u> <ul style="list-style-type: none"> • <u>Habitat (H)</u> • <u>Water Quality (Wq)</u> 	<u>Buffer Width with Wetland Delineation</u>	<u>Additional Buffer Width if No Delineation</u>
<u>IV</u>	[H<20]	<u>25 feet</u>	<u>+20 feet</u>
<u>III</u>	[Total of scores<30] [H = 20 to 28]	<u>40 feet</u> <u>75 feet</u>	<u>+30 feet</u>
<u>II</u>	[Total of scores<51] [Wq = 24 to 32 & H<20] [H = 20 to 28] [Estuarine] [Interdunal] [H<28]	<u>50 feet</u> <u>50 feet</u> <u>75 feet</u> <u>75 feet</u> <u>75 feet</u> <u>150 feet</u>	<u>+40 feet</u>
<u>I</u>	[Total of scores<70] [Wq = 24 to 32 & H<20] [H = 20 to 28] [Coastal Lagoon] [Estuarine] [National Heritage Wetland] [Bog] [H>28]	<u>50 feet</u> <u>50 feet</u> <u>75 feet</u> <u>100 feet</u> <u>100 feet</u> <u>125 feet</u> <u>125 feet</u> <u>150 feet</u>	<u>+50 feet</u>

Note: Wetlands shall be classified using the 2004 Washington Sate Department of Ecology's Wetland Rating System for Western Washington (Ecology Publication #04-06-025, or as amended.

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TABLE 18.22.330(2)
WETLAND CATAGORIES, RATING SCORES & BUFFER WIDTHS
FOR MODERATE IMPACT LAND USES

Moderate Impact Land-Uses shall include the following:

- Single-family residential use on parcels of one (1) acre to less than five (5) acres;
- Single-family residential use on parcels of five (5) acres or larger in size with landscaping, accessory structures and impervious surfaces that exceed the limitations for Low Impact Land-Uses (see Definitions);
- Private roads of driveways serving three (3) or more residential parcels;
- Paved trails;
- Passive recreation areas (see Definitions set forth in JCC Chapter 18.10);
- Utility corridors (private or public) with a maintenance road;
- Class IV-General forest conversions, including conversion option harvest plans, on lands designated as "Resource Lands" or "Rural residential".

<u>Wetland Category</u>	<u>Wetland Rating Scores:</u> • <u>Habitat (H)</u> • <u>Water Quality (Wq)</u>	<u>Buffer Width with Wetland Delineation</u>	<u>Additional Buffer Width if No Delineation</u>
<u>IV</u>	<u>[Total of scores<30]</u>	<u>40 feet</u>	<u>+20 feet</u>
<u>III</u>	<u>[Total of scores<30]</u> <u>[H = 20 to 28]</u>	<u>60 feet</u> <u>110 feet</u>	<u>+30 feet</u>
<u>II</u>	<u>[Total of scores<50]</u> <u>[Wq = 24 to 32 & H<20]</u> <u>[H = 20 to 28]</u> <u>[Estuarine]</u> <u>[Interdunal]</u> <u>[H<28]</u>	<u>75 feet</u> <u>75 feet</u> <u>110 feet</u> <u>110 feet</u> <u>110 feet</u> <u>225 feet</u>	<u>+40 feet</u>
<u>I</u>	<u>[Total of scores<70]</u> <u>[Wq = 24 to 32 & H<20]</u> <u>[H = 20 to 28]</u> <u>[Coastal Lagoon]</u> <u>[Estuarine]</u> <u>[National Heritage Wetland]</u> <u>[Bog]</u> <u>[H>28]</u>	<u>75 feet</u> <u>75 feet</u> <u>110 feet</u> <u>150 feet</u> <u>150 feet</u> <u>190 feet</u> <u>190 feet</u> <u>225 feet</u>	<u>+50 feet</u>

Note: Wetlands shall be classified using the 2004 Washington Sate Department of Ecology's Wetland Rating System for Western Washington (Ecology Publication #04-06-025, or as amended.

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TABLE 18.22.330(3)
WETLAND CATAGORIES, RATING SCORES & BUFFER WIDTHS
FOR HIGH IMPACT LAND USES

High Impact Land-Uses shall include the following:

- Single-family residential use on parcels smaller than one (1) acre;
- Commercial, industrial and institutional uses on lands designated as "Rural Commercial", "Rural Industrial", "Public" or "Urban Growth Area";
- Public Roads;
- Class IV-General forest conversions, including conversion option harvest plans, on lands designated as "Resource Lands" or "Rural Residential".

<u>Wetland Category</u>	<u>Wetland Rating Scores:</u> • <u>Habitat (H)</u> • <u>Water Quality (Wq)</u>	<u>Buffer Width with Wetland Delineation</u>	<u>Additional Buffer Width if No Delineation</u>
<u>IV</u>	[Total of scores<30]	50 feet	+20 feet
<u>III</u>	[Total of scores<30] [H = 20 to 28]	80 feet 150 feet	+30 feet
<u>II</u>	[Total of scores<50] [Wq = 24 to 32 & H<20] [H = 20 to 28] [Estuarine] [Interdunal] [H<28]	100 feet 100 feet 150 feet 150 feet 150 feet 300 feet	+40 feet
<u>I</u>	[Total of scores<70] [Wq = 24 to 32 & H<20] [H = 20 to 28] [Coastal Lagoon] [Estuarine] [National Heritage Wetland] [Bog] [H>28]	100 feet 100 feet 150 feet 200 feet 200 feet 250 feet 250 feet 300 feet	+50 feet

Note: Wetlands shall be classified using the 2004 Washington Sate Department of Ecology's Wetland Rating System for Western Washington (Ecology Publication #04-06-025, or as amended.

(e) Because there can be a large increase in buffer width associated with a relatively small difference in habitat score, when the habitat score is between 19 points and 29 points, the administrator may deviate from the tables above and increase the buffer width by equal increments, in accordance with the Department of Ecology's Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (Publication #05-06-008, April 2005).

(6) Reducing Buffer Widths. The administrator shall have the authority to reduce the prescribed buffer widths listed in the section above, provided that all of the following shall apply:

(a) The buffer reduction does not have any adverse impact on the functions and values of the wetland, as determined by the Administrator;

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- 1 **(b) The buffer of a Category I or II wetland is not reduced to less than seventy-five (75)**
2 **percent of the required buffer or fifty (50) feet, whichever is greater;**
- 3 **(c) The buffer of a Category III or IV wetland is not reduced to less than fifty (50) percent of**
4 **the required buffer, or twenty five (25) feet, whichever is greater;**
- 5 **(d) The applicant implements all reasonable measures to reduce the adverse impacts of**
6 **adjacent land-uses including, but not limited to, the following:**
 - 7 **(i) Directing lights away from the wetland and buffer;**
 - 8 **(ii) Locating facilities that generate substantial noise (such as some manufacturing,**
9 **industrial and recreational facilities) away from the wetland and buffer;**
 - 10 **(iii) Not using pesticides within one hundred-fifty (150) feet of the wetland;**
 - 11 **(iv) Infiltrating storm water runoff before it enters the buffer, or detaining, treating, and**
12 **then dispersing the runoff into the buffer;**
 - 13 **(v) Posting signs, constructing a fence, or installing other permanent markers along**
14 **the outer edge of the buffer to clearly indicate the boundary;**
 - 15 **(vi) Planting the buffer with native vegetation appropriate for the region to establish a**
16 **screen or barrier to noise, light, and human intrusion, and to discourage intrusion**
17 **by domestic animals;**
 - 18 **(vii) Using low impact development approaches in the vicinity of the wetland and buffer**
19 **as appropriate;**
 - 20 **(viii) Establishing a permanent conservation easement or other protective covenant on**
21 **the wetland and buffer.**
- 22 **(7) Averaging Buffer Widths. The administrator shall have the authority to average wetland buffer**
23 **widths on a case-by-case basis, provided that all of the following shall apply:**
 - 24 **(a) The buffer averaging does not have any adverse impact on the functions and values of**
25 **the wetland, as demonstrated in an approved Critical Areas Assessment Report;**
 - 26 **(b) The total area contained within the buffer after averaging is no less than that which would**
27 **be contained within the prescribed buffer, and the buffer boundary remains more or less**
28 **parallel to the wetland boundary in order to avoid the creation of "panhandles";**
 - 29 **(c) The most sensitive, or highest value, areas of the wetland have the widest buffer**
30 **dimensions, and the buffer boundary takes into account variations in slope, soils, or**
31 **vegetation to optimize the overall effectiveness of the buffer;**
 - 32 **(d) The minimum buffer width of a Category I or II wetland is no less than seventy-five**
33 **percent (75%) of the widths established in sections (5) (d) above; or fifty feet (50) feet,**
34 **whichever is greater;**
 - 35 **(e) The minimum buffer width of a Category III or IV wetland is no less than fifty percent**
36 **(50%) of the widths established in section (5) (d) above; or twenty five (25) feet,**
37 **whichever is greater; and**
 - 38 **(f) The buffer has not been reduced in accordance with section (5) above. Buffer averaging**
39 **is not allowed if the width of the entire buffer has been reduced already.**

41 **18.22.340 Noncompensatory enhancement.**

42 Noncompensatory enhancement projects are those which are conducted solely to increase the
43 functions and values of an existing wetland and which are not required to be conducted pursuant to the
44 mitigation requirements of JCC 18.22.330. There are two types of noncompensatory enhancement:

- 45 (1) Type 1 Noncompensatory Enhancement. Type 1 noncompensatory enhancement projects
46 involve the filling, draining, or excavating of a regulated wetland. All applications for Type 1

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- 1 noncompensatory enhancement projects shall be accompanied by an enhancement plan
2 prepared in accordance with subsections (1)(a) and (1)(b) of this section, which demonstrates
3 that the proposed activities will result in an increase in wetland functions and values.
- 4 (a) The enhancement plan must be submitted for review, and approved by the administrator.
5 (b) The enhancement plan must either be prepared by a qualified wetlands consultant or
6 accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of
7 Fish and Wildlife, or the Washington Department of Ecology.
- 8 (2) Type 2 Noncompensatory Enhancement. Type 2 noncompensatory enhancement projects
9 involve wetland alterations that do not include the filling, draining, or excavating of a regulated
10 wetland. Such projects might involve the removal of non-native plant species or the planting of
11 native plant species. All applications for Type 2 noncompensatory enhancement projects shall
12 be accompanied by an enhancement plan prepared in accordance with subsections (2)(a)
13 through (2)(c) of this section, which demonstrates that the proposed activities will result in an
14 increase in wetland functions and values.
- 15 (a) The enhancement plan shall be submitted for review, and approved, by the administrator;
16 (b) The enhancement plan must include a detailed description of the activity including the
17 following information:
18 (i) The goal of the enhancement project;
19 (ii) What plants, if any, will be removed or planted;
20 (iii) How the activity will be conducted, including the type(s) of tools or machinery to be
21 used; and
22 (iv) The qualifications of the individual who will be conducting the enhancement
23 activity.
- 24 (c) The enhancement plan must either be prepared by a qualified wetlands consultant or
25 accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of
26 Fish and Wildlife, or the Washington Department of Ecology.
27

28 **18.22.350 Mitigation.**

- 29 The overall goal of mitigation shall be no net loss of wetland function, value, and acreage.
- 30 (1) Mitigation Sequence. Mitigation includes avoiding, minimizing, or compensating for adverse
31 impacts to regulated wetlands or their buffers. When a proposed use or development activity
32 poses potentially significant adverse impacts to a regulated wetland or its buffer, the preferred
33 sequence of mitigation as defined below shall be followed unless the applicant demonstrates
34 that an overriding public benefit would warrant an exception to this preferred sequence.
- 35 (a) Avoiding the impact altogether by not taking a certain action or parts of actions on that
36 portion of the site which contains the regulated wetland or its buffer;
37 (b) Minimizing impacts by limiting the degree or magnitude of the action and its
38 implementation;
39 (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
40 (d) Reducing or eliminating the impact over time by preservation and maintenance
41 operations during the life of the action; or
42 (e) Compensating for the impact by replacing, enhancing, or providing substitute resources
43 or environments.
- 44 (2) Compensatory Mitigation – General Requirements. As a condition of any permit or other
45 approval allowing alteration which results in the loss or degradation of regulated wetlands, or as

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1 an enforcement action pursuant to Chapter 18.50 JCC, compensatory mitigation shall be
 2 required to offset impacts resulting from the actions of the applicant or any code violator.
 3 (a) Except persons exempt under this article, any person who alters or proposes to alter
 4 regulated wetlands shall restore or create areas of wetland equivalent to or larger than
 5 those altered in order to compensate for wetland losses. The following table specifies the
 6 ratios that apply to creation or restoration that is in-kind, on-site, and is accomplished
 7 prior to or concurrently with alteration:
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Table 18.22.350: Required Replacement Ratios for Compensatory Wetland Mitigation		
Wetland Category	Creation and Restoration (1)	Enhancement (2)
Category I	6:1	12:1
Category II or III		
• Forested	3:1	6:1
• Scrub-Shrub	2:1	4:1
• Emergent	2:1	4:1
Category IV	1.25:1	2.5:1

9 Notes:

- 10 1. The first number in the ratio specifies the acreage of wetlands to be created, and the second number specifies the acreage of
 11 wetlands proposed to be altered or lost. The replacement ratios are derived from Department of Ecology Publication No. 97-112
 12 (1998): "How Ecology Regulates Wetlands."
 13 2. Enhancement of existing wetlands may be considered as compensation, but above ratios must then be doubled.
 14

Table 18.22.350 Required Replacement Ratios for Compensatory Wetland Mitigation				
<u>Category & Type of Wetland</u>	<u>Re-establishment or Creation</u>	<u>Rehabilitation**</u>	<u>1:1 Re-establishment or Creation (R/C) and Enhancement (E)</u>	<u>Enhancement Only</u>
<u>All Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>6:1</u>
<u>All Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>8:1</u>
<u>Category II – Estuarine</u>	<u>Case-by-case</u>	<u>4:1 Rehabilitation of an estuarine wetland</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category II – Interdunal</u>	<u>2:1 Compensation must be interdunal wetland</u>	<u>4:1 Compensation must be interdunal wetland</u>	<u>1:1 R/C and 2:1 E</u>	<u>8:1</u>
<u>All other Category II</u>	<u>3:1</u>	<u>8:1</u>	<u>1:1 R/C and 4:1 E</u>	<u>12:1</u>
<u>Category I – Forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C and 10:1 E</u>	<u>24:1</u>
<u>Category I based on score for functions</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 6:1 E</u>	<u>16:1</u>

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Table 18.22.350 Required Replacement Ratios for Compensatory Wetland Mitigation, continued				
<u>Category & Type of Wetland</u>	<u>Re-establishment or Creation</u>	<u>Rehabilitation**</u>	<u>1:1 Re-establishment or Creation (R/C) and Enhancement (E)</u>	<u>Enhancement Only</u>
<u>Category I Natural Heritage site</u>	<u>Not considered possible*</u>	<u>6:1 Rehabilitation of a Natural Heritage site</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I – Coastal Lagoon</u>	<u>Not considered possible*</u>	<u>6:1 Rehabilitation of a coastal lagoon</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I – Bog</u>	<u>Not considered possible*</u>	<u>6:1 Rehabilitation of a bog</u>	<u>Case-by-case</u>	<u>Case-by-case</u>

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- (b) Compensation must be completed prior to wetland destruction, where possible.
- (c) Compensatory mitigation must follow an approved compensatory mitigation plan pursuant to this article, with the replacement ratios as specified above.
- (d) Compensatory mitigation must be conducted on property that will be protected and managed to avoid further development or degradation. The applicant or code violator must provide for long-term preservation of the compensation area.
- (e) The applicant shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources, including bonding, to carry out the project. The applicant must demonstrate the capability for monitoring the site and making corrections if the project fails to meet projected goals.

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(3) **Compensatory Mitigation – Type, Location, and Timing.**

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- (a) Priority will be given to in-kind, on-site compensation if feasible and if the wetland to be lost has a moderate to high functional value.
- (b) When the wetland to be impacted is of a limited functional value and is degraded, compensation may be of the wetland community type most likely to succeed with the highest functional value possible.
- (c) Out-of-kind compensation may be allowed when out-of-kind replacement will best meet identified goals (for example, replacement of historically diminished wetland types). Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values
- (d) Off-site compensation can be allowed only if:
 - (i) On-site compensation is not feasible due to hydrology, soils, waves, or other factors;
 - (ii) On-site compensation is not practical due to probable adverse impacts from surrounding land uses;
 - (iii) Potential functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or

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- 1 (iv) Off-site compensation will be conducted in accordance with subsection (4) of this
2 section (Cooperative Compensation Projects).
- 3 (e) Except in the case of cooperative compensation projects, off-site compensation must
4 occur within the same watershed where the wetland loss occurs; provided, that Category
5 IV wetlands may be replaced outside of the watershed if there is no reasonable technical
6 alternative. The stormwater storage function provided by Category IV wetlands must be
7 provided for within the design of the development project.
- 8 (f) Except in the case of cooperative compensation projects, in selecting compensation sites
9 applicants must pursue locations in the following order of preference:
 - 10 (i) Filled, drained, or cleared sites which were formerly wetlands and where
11 appropriate hydrology exists; and
 - 12 (ii) Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does
13 not contain a mature forested or shrub community of native species, and where
14 the appropriate natural hydrology exists.
- 15 (g) Construction of compensation projects must be timed to reduce impacts to existing
16 wildlife and flora. Construction must be timed to assure that grading and soil movement occurs
17 during the dry season. Planting of vegetation must be specifically timed to the needs of the
18 target species.
- 19 (4) Cooperative Compensation Projects. The county may encourage, facilitate, and approve
20 cooperative projects where one or more applicants, or an organization with demonstrated
21 capability, may undertake a compensation project if it is demonstrated that:
 - 22 (a) Creation of one or several larger wetlands may be preferable to many small wetlands;
 - 23 (b) The group demonstrates the organizational and fiscal capability to act cooperatively;
 - 24 (c) The group demonstrates that long term management of the compensation area can and
25 will be provided; and
 - 26 (d) There is a clear potential for success of the proposed compensation at the identified
27 compensation site. Conducting compensation as part of a cooperative process does not
28 reduce or eliminate the required replacement ratios outlined in this article.

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Article VIII - Special Reports

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3 **18.22.360 Waivers.**

4 The administrator may waive the requirement for a special report when an applicant
5 demonstrates all of the following:

- 6 (1) The proposal involved will not affect the critical area in a manner contrary to the goals, purposes
7 and objectives of this code.
8 (2) The minimum protection standards required by this chapter are satisfied.

9

10 **18.22.370 General contents.**

- 11 (1) Scale Map and Written Report. Special reports for critical areas shall include a scale map of the
12 development proposal site and a written report.
13 (2) Impacts Assessment. The special report shall identify and characterize any critical area as a
14 part of the larger development proposal site, assess impacts of the development proposal on
15 any critical area on or adjacent to the development proposal site, and assess the impacts of any
16 alteration proposed for a critical area.
17 (3) Protection Mechanisms. The special report shall propose adequate protection mechanisms that
18 may include mitigation, maintenance and monitoring plans, and performance surety.
19 (4) Preparer – Proof of Qualifications. Special reports shall include documentation certifying the
20 qualifications of the preparer.

21

22 **18.22.380 Retaining consultants.**

23 Jefferson County may retain consultants to assist in the review of special reports outside the
24 range of staff expertise. The applicant shall pay for the costs of retaining said consultants.

25

26 **18.22.390 Responsibility.**

- 27 (1) General. Special reports shall include documentation certifying the qualifications of the preparer.
28 (2) Determining Accuracy and Sufficiency. The administrator shall verify the accuracy and
29 sufficiency of all special reports.
30 (3) Nonacceptance of Inaccurate or Insufficient Reports. If the administrator finds that a special
31 report does not accurately reflect site conditions, or does not incorporate appropriate protection
32 mechanisms, the administrator shall issue a report citing evidence (e.g., soil samples, well log
33 data, etc.) that demonstrates where the special report is insufficient or in error. The applicant
34 may then either revise the special report and submit another special report, or appeal the
35 administrative determination pursuant to this code.

36

37 **18.22.400 Aquifer recharge area report.**

- 38 (1) General. Aquifer recharge area reports serve as the primary means for Jefferson County to
39 verify the accuracy of its critical aquifer recharge area map and to determine specific aquifer
40 protection measures to be applied to prevent significant adverse groundwater quality impacts.
41 (2) Aquifer Recharge Area Report Content. An initial evaluation shall be made by a qualified
42 groundwater scientist/engineer. The aquifer recharge area report shall include:
43 (a) A detailed description of the project, including all processes and other activities that have
44 the potential for contaminating groundwater;
45 (b) A hydrogeologic evaluation that includes, at a minimum:
46 (i) A description of the hydrogeologic setting of the aquifer region;

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- 1 (ii) Site location, topography, drainage, and surface water bodies;
- 2 (iii) Soils and geologic units underlying the site;
- 3 (iv) Groundwater characteristics of the area, including flow direction and gradient, and
- 4 existing groundwater quality;
- 5 (v) The location and characteristics of wells and springs within 1,000 feet of the site;
- 6 (vi) An evaluation of existing groundwater recharge; and
- 7 (vii) A discussion and evaluation of the potential impact of the proposal upon
- 8 groundwater recharge;
- 9 (c) A contaminant transport analysis for the uppermost groundwater supply aquifer assuming
- 10 an accidental spill or release of project specific contaminants or on-site sewage
- 11 discharge, or both if applicable;
- 12 (d) A discussion and evaluation that details available on-site spill response and containment
- 13 equipment, employee spill response training, and emergency service coordination
- 14 measures;
- 15 (e) Proposed best management practices to minimize exposure of permeable surfaces to
- 16 potential pollutants and to prevent degradation of groundwater quality; and
- 17 (f) Requirements for a monitoring program with financial guarantees/assurances that the
- 18 monitoring program will be implemented.
- 19 (3) Professional Qualifications. The minimum qualifications for groundwater scientists and
- 20 engineers performing groundwater and contaminant transport evaluations and preparing aquifer
- 21 recharge area reports shall be established pursuant to acceptable industry standards for training
- 22 and experience and as established by the state of Washington in the Washington Administrative
- 23 Code or by statute.
- 24 (4) County Review. Reports shall be forwarded to the Jefferson County environmental health
- 25 division for technical review. The environmental health division shall review the reports within 30
- 26 days of receipt to determine their adequacy. The county may request additional information in
- 27 order to determine the adequacy of the reports. The administrator shall determine appropriate
- 28 conditions as identified in the report to mitigate proposed land uses. The administrator shall be
- 29 authorized to collect fees necessary to recover costs associated with processing and review of
- 30 aquifer recharge area reports, implementation of the protection standards contained in this
- 31 chapter, and administration of the general provisions of the critical aquifer recharge area
- 32 provisions of this code. Such fees will be incorporated into the Jefferson County Fee Schedule.
- 33
- 34 **18.22.410 Drainage and erosion control plan.**
- 35 (1) General. This plan shall address best management practices that are physical, structural or
- 36 managerial practices, that when used singly or in combination, prevent or reduce pollution of
- 37 water.
- 38 (2) Qualifications of the Preparer. Drainage and erosion control plans shall be prepared by a
- 39 licensed professional engineer, except for small parcel erosion control plans.
- 40 (3) Information Requirements. The design standards and information requirements for submission
- 41 of drainage and erosion control plans shall be established in accordance with the Department of
- 42 Ecology's Stormwater Management Manual currently adopted by Jefferson County.
- 43

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1 18.22.420 Geotechnical report.

2 (1) General. This report shall include a description of the geology of the site, conclusions and
3 recommendations regarding the effect of geologic conditions on the proposal, and opinions and
4 recommendations on the suitability of the site to be developed.

5 (2) Qualifications of the Preparer. Geotechnical reports shall be prepared by a licensed
6 geotechnical engineer, a professional geologist, or a licensed professional engineer
7 knowledgeable in regional geologic conditions with professional experience in landslide,
8 erosion, or seismic hazard evaluation.

9 (3) Information Requirements.

10 (a) A description of the geologic setting of the region, based upon readily available data,
11 including:

12 (i) Site location and topography;

13 (ii) Soils and geologic units underlying the site; and

14 (iii) The location and characteristics of springs within 1,000 feet of the site.

15 (b) An evaluation of the potential impact of the proposal upon existing geological hazards.

16 (c) A discussion and evaluation of the potential impact of the proposal upon existing
17 geological hazards.

18 (d) Recommendations on appropriate protection mechanisms, if necessary, to minimize the
19 risk of erosion or landslide.
20

21 18.22.430 Grading plan.

22 (1) General. This plan shall identify the proposed development project including the movement of
23 material on-site, along with the proposed and existing contours of the site, and cross-sections
24 thereof.

25 (2) Qualifications of the Preparer. Grading plans shall be prepared by a licensed professional
26 engineer or an individual with at least three years experience in the preparation of grading plans
27 who is knowledgeable of soil conditions and geology in Jefferson County.

28 (3) Information Requirements.

29 (a) A description of the general vicinity of the proposed site.

30 (b) The property limits and accurate contours of existing ground and details of terrain and
31 area drainage.

32 (c) Limiting dimensions, elevations of finish contours to be achieved by the grading, and
33 proposed drainage channels and related construction.

34 (d) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and
35 other protective devices to be constructed with, or as a part of, the proposed work
36 together with a map showing the drainage areas and the estimated runoff of the areas
37 served by any drains.

38 (e) The location of any buildings or structures on the property where the work is to be
39 performed and the location of any buildings or structures on land of adjacent owners that
40 are within 15 feet of the property or which may be affected by proposed grading
41 operations.

42 (f) A discussion and evaluation of the potential impact of the proposed grading upon
43 designated critical areas.

44 (g) Recommendations on appropriate protection mechanisms, if necessary, to prevent
45 degradation of designated critical areas and to ensure public safety.
46

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1 18.22.440 Habitat management plan.

2 (1) General. This report shall identify how the development impacts of the proposed project will be
3 mitigated. The Washington Department of Fish and Wildlife Priority Habitat and Species
4 Management Recommendations shall be the basis for this report.

5 (2) Qualifications of the Preparer. Habitat management plans shall be prepared by persons who
6 have a minimum of a bachelor's degree in wildlife or fisheries habitat biology, or a related
7 degree in a biological field from an accredited college or university with a minimum of four years
8 experience as a practicing fish or wildlife habitat biologist.

9 (3) Information Requirements.

10 (a) A map(s) prepared at an easily readable scale, including the following information:

- 11 (i) The location of the proposed development site, including property limits;
- 12 (ii) The relationship of the site to surrounding topographic and cultural features;
- 13 (iii) The nature and density of the proposed development or land use change;
- 14 (iv) Proposed building locations and arrangements; and
- 15 (v) The boundaries of forested areas.

16 (b) A legend that includes the following information:

- 17 (i) A complete and accurate legal description as prescribed by the triggering
18 application form (the description shall include the total acreage of the parcel);
- 19 (ii) Title, scale and north arrows;
- 20 (iii) Date, including revision dates, if applicable; and
- 21 (iv) Certificates by a professional biologist as appropriate.

22 (c) A report that contains the following information:

- 23 (i) A description of the nature, density and intensity of the proposed development in
24 sufficient detail to allow analysis of such land use change upon identified fish and
25 wildlife habitat;
- 26 (ii) The applicant's analysis of the effect of the proposed development, activity or land
27 use change upon the fish or wildlife species identified by the Washington
28 Department of Fish and Wildlife within the identified priority habitat, utilizing the
29 management guidelines;
- 30 (iii) A plan by the applicant that shall explain how any adverse impacts created by the
31 development will be mitigated.

32 (d) Possible mitigating measures that may include, but are not limited to:

- 33 (i) Establishment of buffer zones;
- 34 (ii) Preservation of critically important plants and trees;
- 35 (iii) Limitation of access to habitat area;
- 36 (iv) Seasonal restriction of construction activities; and
- 37 (v) Establishing a timetable for periodic review of the plan.

38

39 18.22.450 Wetland delineation report.

40 (1) General. This report shall be required when a proposed development encroaches upon a
41 designated wetland or its buffer, and shall be used to identify the boundaries and classification
42 of the designated wetland.

43 (2) Qualifications of the Preparer. Wetland delineation reports shall be prepared by ~~either~~ a biologist
44 with wetlands expertise, a Professional Wetland Scientist certified by the Society of Wetland
45 Scientists, or an individual or firm who has been certified by the United States Army Corps of
46 Engineers, Region 10, to perform wetland delineations.

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1 (3) Information Requirements.

- 2 (a) A map(s) prepared at an easily readable scale, including the following information:
 - 3 (i) Wetland boundaries;
 - 4 (ii) Sample site and sample transects;
 - 5 (iii) Boundaries of forested areas; and
 - 6 (iv) Boundaries of wetland classes if multiple classes exist.
- 7 (b) A legend that includes the following information:
 - 8 (i) A complete and accurate legal description as prescribed by the triggering
 - 9 application form (the description shall include the total acreage of the parcel);
 - 10 (ii) Title, scale and north arrows;
 - 11 (iii) Date, including revision dates, if applicable; and
 - 12 (iv) Certificates by a professional biologist as appropriate.
- 13 (c) A report that contains the following information:
 - 14 (i) A discussion of the delineation methods and results, with special emphasis on
 - 15 technique used from the Washington State Wetlands Identification and Delineation
 - 16 Manual, March 1997, or as amended hereafter;
 - 17 (ii) A description of relevant site information acquired from the National Wetland
 - 18 Inventory maps and the Soil Survey for Jefferson County;
 - 19 (iii) The acreage of each wetland on the site, based on the survey, if the acreage will
 - 20 impact the buffer size determination or the project design;
 - 21 (iv) All completed field data sheets numbered to correspond to each sample site;
 - 22 (v) Project cross-sections, both before and after completion, in relation to the surface
 - 23 elevation of the wetland must be indicated for proposed activities that involve
 - 24 cutting or filling operations within the wetland or its proposed buffer;
 - 25 (vi) Classification of the wetland in accordance with the standards adopted in this
 - 26 chapter and a detailed written analysis of the existing regulated wetland including:
 - 27 vegetation communities classified per the U.S. Fish and Wildlife Service
 - 28 Classification of Deepwater Habitats (1979); species composition of vegetation
 - 29 communities, including presence and percent cover; existing soils; and existing
 - 30 hydrologic conditions including inflow/outflow, source of water within the system,
 - 31 relative water quality, and seasonal changes in hydrology, if applicable;
 - 32 (vii) A detailed analysis of wildlife species use of the wetland and its buffer;
 - 33 (viii) A detailed analysis of the existing wetland buffer including species composition
 - 34 and percent coverage, whether the buffer is disturbed or not, and the functional
 - 35 value of the buffer in relation to the regulated wetland;
 - 36 (ix) If the development activity would eliminate all or part of a regulated wetland then a
 - 37 detailed compensatory mitigation plan as outlined in subsection (4) of this section
 - 38 must be provided.

39 (4) Mitigation Plan Contents. All wetland restoration, creation, and enhancement projects required
40 by this code, either as a condition of project approval or as the result of an enforcement action,
41 shall follow a mitigation plan prepared by a qualified specialist as defined herein and conducted
42 in accordance with the requirements described in this code. The applicant or violator must
43 receive written approval of the mitigation plan by the administrator prior to commencement of
44 any wetland restoration, creation, or enhancement activity.
45

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ARTICLE IX

Alternative Protection Standards – Critical Area Stewardship Plans (CASPs)

18.22.460 Critical area stewardship plans (CASPs) – generally.

Property owners may elect to develop site-specific critical area stewardship plans (CASPs) as an alternative to the prescriptive requirements of Articles III through VII of this Chapter 18.22 JCC. At a minimum, the CASP must protect the functions and values of the critical area in perpetuity. The property owner shall be responsible for developing these plans in consultation with a qualified professional meeting the applicable requirements of Article VIII of this Chapter 18.22 JCC. When available, qualified Jefferson County staff may assist landowners with these submissions. The administrator shall be responsible for reviewing and approving submitted plans. The Administrator may, at his/her discretion, seek technical assistance from the Jefferson County Conservation District, Washington Department of Fish and Wildlife or the Washington Department of Ecology when reviewing CASPs for approval.

18.22.470 CASP contents – existing conditions.

Critical area stewardship plans (CASPs) shall include the following elements:

(1) A site plan identifying the critical area being protected by the CASP.

(2) When wetlands are present on the property, a wetland delineation report shall be completed in accordance with JCC 18.22.450. The most current edition of Washington State Wetland Rating System for Western Washington shall be used in preparing the report. The report shall detail the scores determined for hydrologic, water quality and habitat functions, and shall ensure that the most pertinent score is accorded the greatest weight in rating the wetland. The prescriptive wetland buffers appropriate to the wetland class and proposed activity defined in JCC 18.22.330 shall be reviewed.

(3) When surface waters are present, a copy of the DNR Water Type Inventory for lentic and lotic waterbodies shall be provided. The prescriptive buffers defined in JCC 18.22.270 shall be reviewed.

(4) Habitats of Local Significance documented by Jefferson County on and within 3/10ths of one mile the property shall be documented.

(5) Presence of other critical areas such as flood plains.

(6) A description of the property and adjacent watershed to include:

(a) A contour map describing land elevations within 3/10ths of one mile of the property.

(b) Documented or observed presence of threatened or endangered species.

(c) A qualitative assessment of the property's hydrology to include evidence of prolonged flooding or ponding, known significant aquifer recharge areas, observed surface water drainage patterns and stream flows.

(7) A qualitative assessment of surface waters to include stream and/or pond substrate types, presence of large organic debris and riffles and pools, potential fish spawning areas, observed fish and aquatic invertebrates and etc. This section should be supported with photodocumentation.

(8) A qualitative assessment of the existing landscape located within the prescriptive buffers defined in JCC 18.22.330 for wetlands and JCC 18.22.270 for surface waters.

(a) The presence of invasive and/or exotic plant species and the presence and condition of all layers of vegetation. The species composition and general age and condition of

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- 1 existing forests within this area should be documented. This section should be supported
2 with photodocumentation:
3 (b) Evidence of historic or existing and ongoing agricultural and/or forestry activities;
4 (c) A determination of the landscape slopes adjacent to surface waters to include a
5 qualitative assessment of soil textures and stability together with an assessment of the
6 value of existing vegetation for stabilizing soils.
7 (9) A description of existing human disturbances within the critical area to include roads, bridges,
8 bulkheads, hydrologic modification to include pre-existing (i.e., grandfathered) farm ponds,
9 excavated ditches, drain tile lines and other structures. The location of these features should be
10 annotated on the site map.
11 (10) A description of how the proposed development might adversely affect the critical area's
12 functions and values.

13
14 **18.22.480 Description of the management proposal.**

- 15 The overall goal of the critical area stewardship plan (CASP) is to maintain or enhance the
16 existing functions and values of the associated watershed while addressing the needs and desires of
17 the property owner. The proposed plan should be described in detail to include the following:
18 (1) A clear statement of the goals of the plan and how those goals will maintain or enhance the
19 critical areas functions and values. This section shall also describe the goals of the property
20 owner, including proposed multiple uses of the critical area and/or the areas within the buffers
21 defined in JCC 18.22.270 and JCC 18.22.330.
22 (2) The CASP shall be supported with the site map described in JCC 18.22.470(1) overlaid with the
23 following information:
24 (a) The location of the development activities proposed at the site;
25 (b) Final contours when grading within the critical area or its buffer is proposed;
26 (c) Existing vegetation in the critical area or its buffer that is to be preserved;
27 (d) Invasive and/or noxious vegetation that is to be controlled or eradicated including control
28 methods;
29 (e) Species and general location of new vegetation to be planted;
30 (f) Location of all structures to be placed within a critical area and the buffers prescribed in
31 JCC 18.22.270 and JCC 18.22.330.
32 (3) The proposed buffers shall be described with an emphasis on how they will protect the critical
33 area's functions and values. This section of the report should be supported by reference to
34 published literature or well reasoned rationales provided by the professional preparing the
35 report.
36 (4) A rationale for the final contours when grading is involved with a description of how the changes
37 will help implement the goals of the plan.
38 (5) A detailed plan describing the maintenance of existing vegetation and/or re-vegetation of the
39 site. For trees and shrubs, this plan should describe the density (spacing) of individual species
40 as well as their location in the landscape. A rationale for the vegetation maintenance and/or
41 revegetation plan shall be provided to include a description of how the plants will function to
42 meet the goals of the management plan and of the property owner. This section of the report
43 should include:
44 (a) A table describing the numbers and types of plants to be introduced;
45 (b) A description of how the various vegetation layers will function to protect water quality,
46 the critical area's hydrology, and the habitat needs of wildlife known to exist in the area.

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1 (c) Planting density (spacing) by species;

2 (d) A planting schedule with reference to local rainfall patterns and additional watering
3 requirements and methods;

4 (e) Short term protections required to include protective tubes, socks, control of other
5 vegetation that might out-compete the planted stock, mulching requirements, etc.

6 (6) A proposed or approved stormwater management plan should be attached as an appendix.

7 (7) The timing of proposed plan implementation, with an emphasis on how the anticipated timing
8 will minimize disturbance to the critical area and eliminate potential effects to adjoining
9 properties and/or wildlife of local concern.

10 (8) A list of the additional local, state and federal permits that will be required for implementing the
11 CASP.

12
13 **18.22.490 Maintenance.**

14 Some critical area stewardship plans (CASPs) may require periodic maintenance activities.
15 These plans shall include a maintenance schedule detailing these requirements. In general, plans that
16 do not require long-term maintenance are preferred to plans that require periodic maintenance for
17 periods longer than the required monitoring period (typically 3 to 5 years).

18
19 **18.22.500 Performance standards.**

20 Critical area stewardship plans (CASPs) shall identify specific performance standards focused
21 on maintaining or enhancing the functions and values of the critical area(s).

22 (1) Performance standards will vary from one plan to another depending on the critical area being
23 protected and the potential hazards associated with the proposed development. Chosen
24 performance standards should be quantifiable so that they can be measured. They may include
25 maintenance of a wetland's hydraulic capacity, percent ground cover in revegetated areas,
26 control of existing invasive plants, survival of shrubs and trees and etc. Compliance with
27 Washington State water and/or sediment quality standards (WAC 173-201A and WAC 173-204)
28 will be determined by Jefferson County's watershed monitoring program described in Article X of
29 this Chapter 18.22 JCC.

30 (2) The CASP shall include protocols for monitoring these performance standards to include
31 sampling and analytical methods; timing of the sampling; and determination of the statistical
32 procedures used to define significant departures from the performance standards. Performance
33 standards should contain the following components:

34 (a) Indicator. They identify what will be monitored, such as woody vegetation, invasive
35 species (e.g., reed canary grass (*Phalaris arundinacea*), wetland area, or water regimes.

36 (b) Attributes. They identify what aspect of the indicator will be monitored, such as percent
37 cover of vegetation, density of stems of surviving vegetation, size of the wetland buffer
38 area, or percent of an inundated area.

39 (c) Actions. They identify the degree of compliance, such as "will not exceed X percent cover
40 of invasive species", or "will establish X acres of wetland area", or will "prescribe a
41 required survival of planted vegetation.

42 (d) Quantities/Status. They identify the amount of change or the desired level the attribute
43 should reach, such as achieving X% total aerial cover of trees and shrubs, or establishing
44 X acres of wetland buffer.

45 (e) Time Frame. They identify when the standard should be achieved. For example, "having
46 X area inundated at the end of July each year." Or achieving X% total aerial cover of

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1 trees and shrubs by year Y." Performance standards should be included for interim
2 years, not just for the end of the monitoring period.
3

4 **18.22.510 As built plan requirement.**

5 An initial As Built Plan shall be prepared by a qualified professional judged competent by
6 Jefferson County describing the action taken to implement the critical area stewardship plan (CASP).
7 This report shall include:

8 (1) A contour map describing final contours if grading is required;

9 (2) A quantitative description of the vegetation planted;

10 (3) Establishment of two or more permanent photo documentation stations with established
11 bearings and monuments to insure that subsequent photographs depict the same landscape for
12 comparative purposes.

13 (4) Additional photographic documentation is encouraged.
14

15 **18.22.520 Periodic monitoring.**

16 Critical area stewardship plans (CASPs) shall be monitored annually at a specified time of year
17 (+ one month) for a period of three years after completing the plan or at some other interval prescribed
18 by the approving authority for specifically stated reason. Monitoring reports shall be submitted to the
19 Department of Community Development, and shall include the following:

20 (1) Identification of the goals of the CASP including the specific Performance Standards adopted
21 pursuant to JCC 18.22.500;

22 (2) A qualitative comparison of the critical area functions and values present at the time of annual
23 monitoring with conditions existing during creation of the CASP and conditions observed during
24 previous annual reports;

25 (3) A discussion of real time observation describing compliance with the Performance Standards
26 described in JCC 18.22.500;

27 (4) When annual monitoring describes a deficiency in meeting the CASP's goals, monitoring may
28 be required for a period longer than three years. However, such additional monitoring shall
29 apply only to that portion of the plan that is found to not be meeting a specific functional goal.

30 (5) The landowner agrees to allow approved Jefferson County staff access to property for the
31 purposes of monitoring.

32 (6) Monitoring periods may be extended when necessary, as determined by the Administrator.
33

34 **18.22.530 Contingency planning.**

35 A contingency plan is required describing how the critical area stewardship plan (CASP) might
36 be modified if monitoring indicates a failure to meet the stated goals, or a need to modify the goals
37 because of events outside the landowner's control (e.g., damage associated with a wildlife). For
38 instance, if one of the planted species of vegetation proves ill adapted to the environment and fails to
39 survive or thrive to the extent needed to provide the intended function then alternative species should
40 be identified. In general, plans should initially plant at >120% of the specified final density of shrubs
41 and trees. The contingency plan should call for either supplemental planting when the density falls
42 below the prescribed final density or it could call for the planting of alternate specie(s).
43

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1 **18.22.540 Failure to submit required reports.**

2 Failure to submit a report required under this Article IX shall constitute a failure to comply with
3 the terms of the permit, and shall be processed by the administrator pursuant to Chapter 18.50 JCC.
4 Enforcement.

5

6 **18.22.550 Waiver.**

7 The administrator may waive portions of critical area stewardship plan (CASP), if in his/her
8 opinion, critical area functions and values will not be adversely affected by a proposed activity. An
9 approved CASP must become part of the recorded deed of the property and is, in effect, in perpetuity
10 or until it is replaced by a new or updated CASP approved by the County.

11

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Article X

Stewardship Incentives; Watershed Monitoring; Residential BMPs

18.22.560 Purpose.

The purpose of this Article X is to protect the functions and values of the county's watersheds in partnership with landowners. The options described in this Article X may be used to minimize the burden on property owners of complying with the provisions of this Chapter 18.22 JCC.

18.22.570 Conservation futures.

Jefferson County through the Conservation Futures Fund (JCC Ordinance No. 06-0708-02 may use conservation futures funds to compensate affected property owners for their costs in protecting fish and wildlife through the purchase of conservation easements.

18.22.580 Education.

Jefferson County encourages good stewardship on its land to provide benefits to fish and wildlife. The county will seek funds to provide general resource education and site-specific assistance to help landowners understand why it is important to improve their management practices and to show them how to improve those practices in a way that benefits both the landowner and natural resources. The county believes that these win-win goals are key to maintaining and enhancing natural resources.

18.22.590 Best management practices (BMPs).

As a general practice, Jefferson County will support the use of Best Management Practices by all landowners in an effort to enhance the county's natural resources. Farm BMPs have been developed over the last five decades by the USDA and Jefferson County's Conservation District. Residential BMPs (JCC 18.22.640) are promoted for all land-owners in Jefferson County, whether engaged in agriculture or not.

18.22.600 Cost sharing incentives.

Jefferson County will assist and encourage landowners to participate in private, state and federally funded resource enhancement projects. In addition, Jefferson County will seek outside sources of grant funds to increase the resources available for resource stewardship programs.

18.22.610 Static buffer widths for voluntarily enhanced critical areas.

For purposes of determining required buffer widths, wetlands and or riparian areas that are intentionally enhanced, where such enhancement is not part of a required mitigation plan will retain the prescriptive buffer requirements determined prior to the enhancement activity. Additional future restrictions will not be placed on wetlands associated with their increased functions and values caused by voluntary enhancement.

18.22.620 Public benefit rating system.

Buffers that are dedicated as permanent open space tracts will qualify for the maximum number of points under the Public Benefit Rating System. Qualifying applicants will be offered the opportunity to enroll in the Jefferson County Open Space tax program at no cost.

This hearing DRAFT of a proposed new Chapter 18.22 JCC would amend and recodify provisions principally contained within existing Chapter 18.15 of the Jefferson County Code. The language embodied within this DRAFT is based upon preliminary direction provided by the Planning Commission. "Clean copy" language not highlighted or underlined is substantively the same as the existing code; language depicted with double-underlining or strike-outs and double-underlining is proposed new or amendatory language.

1 **18.22.630 Watershed monitoring.**

2 Jefferson County will, during the next five years, develop and implement a countywide
3 monitoring plan designed to give early notification of degrading water quality and to document
4 improving water quality as a result of an increased emphasis on voluntary landowner stewardship. This
5 effort will include the following:

6 (1) The county will initiate this process by conducting an inventory of all current monitoring activities
7 conducted by local, state and federal agencies and private groups such as Streamkeepers and
8 Waterwatchers.

9 (2) The county will compile all of the marine and freshwater data applicable to Jefferson County in a
10 single database to establish a baseline.

11 (3) When the inventory described above is complete, a monitoring program will be designed to
12 complement existing efforts to assess the following endpoints:

13 (a) Temperature;

14 (b) Dissolved oxygen

15 (c) pH;

16 (d) Fecal and total coliform;

17 (e) Total suspended solids;

18 (f) Total volatile solids; and

19 (g) Nutrients, to include NH₄⁺, NH₃, NO₃ and PO₄.

20 (4) Monthly monitoring of all appropriate Type S and F streams will be accomplished near their
21 entry into the marine environment beginning in January 2008 Additional monitoring will be
22 accomplished during the first one inch of rain in the fall of each year and during the period of
23 anticipated lowest flow in late summer (August or September).

24 (5) Jefferson County will encourage biological monitoring using rapid bio-assessment procedures of
25 the health of its watersheds by voluntary programs such as Waterwatchers.

26 (6) Three samples will be collected at each established sampling site. Where sampling indicates a
27 significant exceedance of Washington State Water Quality Criteria (using appropriate statistical
28 analyses) and/or an exceedance of existing baseline data, Jefferson County will notify (as
29 appropriate) the Washington State Department of Health and the Department of Ecology
30 requesting assistance in determining the cause of the exceedance.

31 (7) Jefferson County will work cooperatively with landowners contributing to the exceedance to
32 correct the problem. If property owners do not cooperate, or if the exceedance persists despite
33 attempts at adaptive management, then Jefferson County will take whatever legal or regulatory
34 steps are necessary to correct the situation. Those steps may include legal action or an
35 increase in the buffer widths in stream segments causing the exceedances.

36

37 **18.22.640 Residential best management practices (BMPs).**

38 The following Best management practices (BMPs) will be encouraged by Jefferson County for
39 all existing and future residential development adjacent to critical areas. Permits may be conditioned to
40 require these BMPs when utilizing buffer averaging or other administratively available means of buffer
41 reduction.

42 (1) Stormwater management.

43 (a) Filter runoff from impervious surfaces through appropriate vegetation such as lawns or
44 biofiltration swales prior to entering wetlands or wetland buffers.

45 (b) Direct gutter downspouts into either biofiltration swales or gravel lined pits to sequester
46 bacteria and atmospherically deposited contaminants.

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- 1 (c) Store petroleum, fertilizer and pesticide containers under cover and away from water
- 2 sources and critical areas until properly disposed.
- 3 (d) Apply only the amount of irrigation water that can be absorbed into the ground to
- 4 landscapes. Avoid excessive water resulting in surface flows into wetland or wetland
- 5 buffers.
- 6 (e) Avoid the use of chlorinated water for landscape use.
- 7 (f) Avoid using salt on impervious surfaces such as walks and driveways during freezing
- 8 weather.
- 9 (g) Ensure that all outside burning is controlled.
- 10 (h) Avoid motorized vehicle incursions into the wetland and/or wetland buffer.
- 11 (2) Management of household contaminants and yard waste.
- 12 (a) Maintain all garbage and litter in enclosed containers that exclude wildlife.
- 13 (b) Do not use poisons to control moles, rodents or other pests near wetlands.
- 14 (c) Strictly adhere to label restrictions when using EPA approved pesticides.
- 15 (d) Do not dispose of yard waste (grass clippings, trimmings, etc.) or any other waste in
- 16 wetlands or wetland buffers.
- 17 (e) Do not maintain vehicles or equipment in areas where contaminants will wash directly
- 18 into wetland buffers. Maintenance areas should include filter swales or grassy areas of
- 19 sufficient width to intercept surface flows into critical areas or their buffers.
- 20 (f) Store all potential contaminants, including petroleum products, pesticides, cleaners, etc.
- 21 under cover and properly dispose of empty containers.
- 22 (3) Landscape management.
- 23 (a) Do not plant invasive ornamental plants in or adjacent to wetland buffers.
- 24 (b) Retain, where possible, large trees that shade wetland areas – even though they may
- 25 grow outside the required buffer.
- 26 (c) Leave permeable surfaces on as much of the landscape as possible.
- 27 (d) Attempt to incorporate large woody debris into the landscape plan as a benefit to wildlife.
- 28 (e) Shield outside lights so that they do not shine directly into nearby wetlands.
- 29
- 30