

**Title 21A
CRITICAL AREAS**

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Chapter 21A.01 GENERAL PROVISIONS

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21A.01.010 Purpose.

A. To establish general requirements to govern future developments in areas identified by the legislature of the State of Washington at RCW 36.70A.060 as critical to the ongoing health of our natural and built environment.

B. To prevent the need for costly remedial actions to correct damaged critical areas, and promote the conservation and protection of these resources from loss or degradation. (Ord. 1996-03 (part))

21A.01.020 Title and authority.

A. Title. This title shall be known as the critical areas ordinance of Skamania County, Washington.

B. Authority. This title is established pursuant to RCW 36.70A.060 (Washington State Growth Management Act) and Skamania County Ordinance No. 1996-03. (Ord. 1996-03 (part))

21A.01.030 Applicability.

A. The provisions of this title shall apply to all lands within the territorial boundaries of Skamania County which are not subject to Title 22 of the Skamania County Code.

B. These regulations shall apply as an overlay and in addition to zoning, land use and other regulations established by Skamania County and meet minimum state requirements. In the event of any conflict between these and any other regulations of Skamania County, those regulations which provide greater protection of critical areas shall apply. (Ord. 1996-03 (part))

21A.01.040 Interpretation.

A. The provisions of this title shall be deemed to establish minimum standards to govern future developments

and uses in designated critical areas.

B. The provisions of this title shall be construed liberally to serve the purposes of this title.

C. When not specifically defined in this title, words shall have the meaning they have in common usage and shall be interpreted in the manner which gives this title its most reasonable application.

D. The term “shall” is mandatory; “may” is discretionary; “should” is advisory; and “include” means include but not limited to.

E. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. (Ord. 1996-03 (part))

21A.01.050 Administrative authority.

The Skamania County department of planning and community development shall be responsible for the general administration of this chapter. The director of that department, or the director’s designee, shall serve as administrator of this chapter. (Ord. 1996-03 (part))

21A.01.060 Existing uses.

A. Except to the extent specifically set forth below, any use or structure existing on the effective date of this title may continue so long as it is used in substantially the same manner and for the same purpose as on that date.

B. A structure or use shall be presumed to be abandoned if discontinued for a period of one year. The presumption of abandonment may be rebutted by proof of circumstances beyond the applicant’s control which prevented replacement or re-establishment of a use or structure within the one-year period. Circumstances beyond the applicant’s control do not include personal financial constraints.

C. Any structure damaged or destroyed by fire shall be treated as an existing use or structure if an application for replacement in kind and in substantially the same location is filed within one year. (Ord. 1996-03 (part))

21A.01.070 Exemptions.

A. The provisions of this title do not apply to those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, RCW 76.09 and WAC 222, where state law specifically limits local authority, except with regard to developments and conversions requiring local approval, when the county is lead agency.

B. Existing and ongoing agricultural activities as defined in this title.

C. Maintenance, operation and reconstruction of existing public and private roads, streets, driveways, utility lines, and existing structures, provided that reconstruction of any such facilities do not extend outside the previously disturbed area.

D. The removal or control of noxious weeds.

E. Minimal site investigative work required by a landowner, local, state or federal agency, such as surveys, soil logs, percolation tests and other related activities provided impacts on environmentally critical areas are minimized and disturbed areas are restored to the pre-existing level of function and value within one year after tests are concluded.

F. Maintenance of intentionally created artificial wetlands or surface water systems including irrigation and drainage ditches, grass-lined swales and canals, detention facilities, farm ponds, and landscape or ornamental amenities. Wetlands, streams, lakes or ponds created as mitigation for approved land use activities or that provide critical habitat are not exempt and shall be regulated according to the mitigation plan.

G. Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter when it is necessary to:

1. Prevent an imminent threat to public health or safety; or
2. Prevent imminent danger to public or private property. (Ord. 1996-03 (part))

Chapter 21A.02 DEFINITIONS

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21A.02.010 Definitions.

A. Definitions Unique to This Title. For purposes of this title, the following words shall have the definitions set out below.

“Agricultural activities” means those activities conducted on lands defined in RCW 84.34.020(2) Open Space, Agricultural and Timber Lands—Current Use Assessment, and those activities involved in the production of crops and livestock, including but not limited to operation and maintenance of existing farm and stock ponds or drainage systems, irrigation systems, changes between agricultural activities, or maintenance or repair of existing serviceable structures and facilities. Activities which significantly impact a previously undisturbed critical area are not part of an on-going activity. An activity ceases to be on-going when the area on which it was conducted has been converted to a nonagricultural use, or has lain fallow for five years.

“Anadromous fish” means species of fish that migrate upstream to freshwater after spending part of their life in the ocean (saltwater).

“Aquatic area” means the water area of a stream, pond or lake measured at the ordinary high water mark.

“Aquifer” means a body of rock or soil that contains sufficient saturated permeable material to conduct groundwater and to yield economically significant quantities of groundwater to wells and springs.

“Aquifer recharge areas,” also known as areas with a critical recharging effect on aquifers used for potable water, are areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

“Associated wetlands” means those wetlands which are strongly influenced by and in close proximity to any stream, river or lake subject to the act.

“Bog” means a peat wetland with a high percent of cover of Sphagnum moss and/or predominantly sphagnum peat in the rooting zone, low nutrient availability, low pH and resulting distinctive flora.

“Buffer” means an area adjacent to a wetland, stream, pond, lake or riparian area that is established and managed to protect sensitive natural resources from human disturbance and includes all or a portion of the riparian area.

“Channel width and gradient” means a measurement over a representative section of at least five hundred linear feet with at least ten evenly spaced measurement points along the normal stream channel but excluding

unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps.

“Circular/raveling failure” occurs in overburden soils or highly weathered/jointed rock masses which have lost their intact strength. It can involve a few blocks or a great mass.

“Confined aquifer” means an aquifer bounded above and below by beds of material distinctly less permeable than the aquifer itself.

“Critical areas” means and includes the following areas and ecosystems:

1. Wetlands;
2. Areas with a critical recharging effect on aquifers used for potable water;
3. Fish and wildlife habitat conservation areas;
4. Frequently flooded areas;
4. Geologically hazardous areas;
5. Ponds and lakes; and
6. Streams, creeks and rivers.

“Department” means the Skamania County department of planning and community development.

“Director” means the director of the department of planning and community development.

“Dominant vegetation community” means the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected water body.

“Erosion” means the process by which the soil and rock components of the earth’s crust are worn away and removed from one place to another by natural forces such as weathering, solution, and transportation.

“Floodplain” means synonymous with one hundred-year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon Flood Insurance Rate Maps (FIRM) as these are the best available maps to date.

“Floodway” means that portion of the area of a river valley lying streamward from the outer limits of a

watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on approximate Flood Insurance Rate Maps (FIRM), or more detailed maps produced by the Federal Emergency Management Agency (FEMA) or letters of exemption for specific properties.

“Frequently flooded areas” means lands in the floodplain subject to a one percent or greater chance of flooding in any given year. These areas include, but are not limited to, streams, rivers, lakes, coastal areas, wetlands, and the like.

“Game ungulates” means deer and elk.

“Geologic hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

“Hearing examiner” means an appointed official vested with the duties established by Skamania County Ordinance Number 2006-16.

“Hydrologic cycle” means the cycle of the movement of water from the atmosphere by precipitation to the earth, and its return to the atmosphere by interception, evaporation.

“Hydrology” means the properties of the water, including circulation and distribution, on and below the ground.

“Impervious” means incapable of transmitting fluids.

“Intermittent streams” means those segments of streams that normally go dry.

“Isolated wetlands” means those regulated wetlands which:

1. Are outside of and not contiguous to any one hundred-year floodplain of a lake, river or stream; and
2. Have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

“Lahars” means rapidly flowing mixtures of soil, pyroclastic and other rock debris, and water that originate on the slopes of volcanoes.

“Marsh” means an herb dominated wetland which has little or no peat accumulation.

“Mitigation” means and includes avoiding, minimizing or compensating for adverse impacts. Mitigation, in the following order of preference is:

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

“Natural waters” means all waters excluding only water conveyance systems which are artificially constructed and actively maintained for irrigation or storm water runoff.

“Ordinary high water mark” means the mark on all lakes and streams, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, with respect to the vegetation, or as it may naturally change.

“Planar failure” occurs along a single, flat or curving surface. The surface strikes near parallel to the slope, and dips out of the slope at an angle steeper than the internal angle of friction.

“Practical or practicable alternative” means that an alternative to locating the activity or development within a water resource zone or other sensitive area exists, after taking into consideration cost, technology, logistics and overall project purposes. For commercial and industrial uses, a practical alternative may include an alternative site.

“Pyroclastic flows” means fluidized avalanches of hot, dry pyroclastic debris and gases that descend a volcano’s flanks and beyond at speeds of ten to hundreds of meters per second. A flow is composed of two parts:

1. A ground-hugging dense basal flow that is the pyroclastic flow proper; and
2. An overriding turbulent ash-cloud surge of ash winnowed from the flow.

“Pyroclastic surges” means turbulent, relatively low density, gas-solid mixtures that flow above the ground surface at high velocities.

“Resident game fish” means game fish as described in the Washington Game Code that spend their life cycle in fresh water.

“Riparian area” means that area immediately adjacent to streams, ponds, lakes and wetlands that directly contributes to the water quality and habitat components of the water body, including but not limited to upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover or debris.

“Runoff” means that part of precipitation that flows off the land without filtering into the soil.

“Sedimentation” means the process of depositing materials from a liquid, especially in bodies of water.

“Sensitive habitat” means areas identified by the Washington Department of Fish and Wildlife as habitat for sensitive species, including:

1. Areas that are used by sensitive wildlife species.
2. Habitat that is highly vulnerable to the effects of new development and uses.
3. Areas that support large numbers of wildlife species.
4. Areas that are essential to the long-term existence of a given species, including breeding habitat, seasonal ranges, and movement corridors.

“Sensitive wildlife sites” means sites that are used by sensitive species.

“Sensitive wildlife species” means animal species that are listed as endangered, threatened, sensitive or candidate by the federal government or Washington State Department of Fish and Wildlife.

“Serviceable structure” means that which is built or constructed, is presently useable, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures.

“Shorelines of Skamania County” means all of the water areas of the county on segments of streams downstream of a point where the mean annual flow is twenty cubic feet per second or more and lakes larger than twenty acres in size and their associated wetlands, together with the lands underlying them, except the shorelines of state-wide significance.

“Shorelines of state wide significance” means those natural rivers or segments thereof, as follows:

1. Any west of the crest of the cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second, or more;
2. Any east of the crest of the cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second, or more, or those portions of rivers east of the crest of the cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;
3. Those wetlands associated with subsections 1 and 2 above;
4. Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres, or more, measured at the ordinary high water mark and their associated wetlands.

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance. In these regulations, the calculation of slope shall be specific to the area that will be disturbed by the proposed development and not to the entire parcel or lot. Slopes are generally expressed as a percentage; percentage of slope refers to a given rise in elevation over a given run in distance. A twenty percent slope, for example, refers to a twenty foot rise in elevation over a distance of one hundred feet. A one hundred percent slope equals a forty-five degree angle.

“Streams” means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds and defined-channel swales.

“Swamp” means a forested, minerotrophic wetland.

“Tephra” consists of volcanic ash and larger fragments which are ejected upward from a vent by explosive eruptions.

“Toppling failure” begins with the development of tension cracks above a block. Actual failure can occur by sliding if the slope angle is steeper than the angle of internal friction, or by toppling if the centroid of the block falls outside its base.

“Turbidity” means the cloudy condition of a body of water that contains suspended material, such as clay or silt particles, dead organisms, or small living plants or animals.

“Watershed” means the region drained by or contributing water to a stream, lake, or other body of water.

“Water table” means the upper surface of the free groundwater in a zone of saturation except when separated by an underlying of groundwater by unsaturated material.

“Wedge failure” occurs along two discontinuities that strike obliquely to the slope and their line of intersection dips out of the slope. This plunge line is significantly steeper than the angle of internal friction.

“Wetland or wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

B. Other Definitions. Terms defined in Title 21, Zoning, shall have the meaning established under that title, unless otherwise defined above. (Ord. 2007-02 (part); Ord. 1996-03 (part))

Chapter 21A.03 ADMINISTRATION

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21A.03.010 Critical area development permits required.

A. No building, structure or land shall be used, and no building, structure or road shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in any designated critical area governed by this title, except as allowed by this title.

B. The issuance of a critical areas permit under this title shall be in addition to, and not a substitute for, any other development permit, review or authorization required by Skamania County. Issuance of a critical areas permit under this title shall not be interpreted as an approval of any other permit or authorization required for a development or use. (Ord. 1996-03 (part))

21A.03.020 Pre-application and technical assistance conferences.

A. An applicant may request a pre-application conference prior to submitting an application for a development review or variance under this title. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this title, to discuss the principal elements of the proposed action and to identify opportunities and constraints associated with the proposed action.

B. In addition, either the applicant or the department may request a meeting of representatives of other agencies with expertise, interest or jurisdiction over the proposed project. If such a meeting is requested, the department shall make necessary arrangements for the meeting. (Ord. 1996-03 (part))

21A.03.030 Application requirements.

A. Two types of applications are established under this title:

1. Applications for variances to the buffers established under Chapter [21A.04](#) governing watershed protection areas; and

2. Applications for development reviews under Chapter [21A.05](#) (Fish and Wildlife Protection Areas) and Chapter [21A.06](#) (Geologically Hazardous Areas).

B. Applications for both variances and development reviews under this title shall be made on forms provided by the department. An application shall be accompanied by the required application fee, if any, together with the following:

1. The applicant's name, address and telephone number;
2. The land owner's name, address and telephone number, if different from the applicant's;
3. The section, quarter section, township and range in which the proposed use or development would be located;
4. The tax lot number(s) of the of parcel(s) on which the development or use would occur;
5. The size (number of acres) of the parcel(s) involved;
6. A description of the current land use(s) of the parcel(s) involved;
7. A written description of the proposed use or development;
8. A map of the project area, prepared at a scale of one inch equals two hundred feet, or one providing greater detail, shall include the following elements:
 - a. Boundaries, dimensions and size of the subject parcel;
 - b. Existing and proposed structures;
 - c. Existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines;
 - d. Groupings and species of trees or other vegetation on the parcel;
 - e. Location and species of vegetation that would be removed;
 - f. Proposed excavation and fill;
 - g. Existing and proposed drainage facilities and/or natural drainage channels;

- h. Topography and significant terrain features or landforms;
 - i. The location and width of existing and proposed roads, driveways and trails;
 - j. Slopes on the site; and
 - k. Streams, creeks, rivers, lakes, ponds or wetlands located within three hundred feet of any proposed use or development;
9. Any additional information which the applicant feels will assist in evaluating the proposal;
10. The signature of the applicant and property owner; and
11. The signature of any renters, lessees or caretakers living on the property, authorizing the director or the director's designees reasonable access to the site in order to evaluate the application. (Ord. 1996-03 (part))

21A.03.040 Review process.**A. Applications for Development Reviews and Variances.****1. General Provisions.**

- a. Upon submittal of an application for a critical areas variance or development review under this title, the department shall have ten working days within which to determine if the application is complete.
- b. If an application is incomplete, department staff shall notify the applicant, in writing, of all deficiencies in the application.
- c. Upon submittal of a complete application, the director shall make every effort to complete the project evaluation within twenty working days, unless the review and approval procedures of another applicable development permit necessitates a longer evaluation period.
- d. Development reviews conducted under this title shall be coordinated with other reviews administered by either the department of planning and community development or the building code enforcement section of the Skamania County public works department.
- e. In almost every instance, the evaluation will include a site investigation of the property by department staff.

2. Notice of Variance or Development Review Applications.

- a. If public notice and comment is required under other county requirements affecting the proposed

development or use, then notice of a critical areas variance or review shall be combined with notice of the other development review.

b. If no public notice and comment period is required under other county laws affecting the proposed development or use, then the director shall issue notice of a proposed development review or variance to all persons owning property within three hundred feet of the parcel(s) on which the development or use would occur and any other interested persons.

c. The notice shall provide the following information:

- i. The name of the applicant;
- ii. The location of the subject property as set out in the application;
- iii. A brief description of the proposed action;
- iv. The deadline for filing comments on the proposed action.

d. The notice shall state that the application and supporting documents are available for inspection at department offices during regular business hours.

e. If a hearing is held before the hearing examiner, then notice shall be published in a newspaper of general circulation in the county at least ten calendar days prior to the date of hearing.

f. Persons receiving notice of an application under this title shall be given fourteen calendar days from the date upon which the notice of a variance or development review application is mailed to them by the department within which to comment upon the proposed action.

B. Director's Decisions.

1. The director shall issue a decision on the application, including findings of fact and conclusions, and may impose such conditions as the director deems necessary to ensure consistency with the provisions of this title.

2. Conditions included in a critical areas permit shall be recorded in the county deed records to ensure notice of the conditions to successors in interest.

3. The director shall mail a copy of the decision to the applicant and all interested persons. The decision shall include notice of the right to appeal as set forth in Section [21A.03.050](#) hereof.

4. The decision of the director shall become final unless a notice of appeal is filed within fourteen calendar days after the date of the decision. No action shall be authorized under any critical areas permit until the

expiration of the fourteen-day appeal period.

5. The decision of the director shall become void when:

- a. The development action is not undertaken within two years of the date of the decision; or
- b. The development action, once undertaken, is discontinued for any reason for one year or more; or
- c. The decision is finally determined by a court or other appellate body of competent jurisdiction to result in an unconstitutional taking of private property. (Ord. 2007-02 (part); Ord. 1996-03 (part))

21A.03.050 Appeals.

A. Appeal of Director's Decisions. Interested persons may appeal any decision of the director within fourteen calendar days after the date upon which the decision is rendered. Appeal shall be made to the hearing examiner and shall be commenced with the filing of a notice of appeal.

B. Notice of Appeal of Director's Decision.

1. Notice of appeal forms shall be available at department offices.
2. The notice of appeal shall be mailed to all interested parties.
3. The notice of appeal shall contain:
 - a. The name of the person filing the notice;
 - b. The name of the applicant;
 - c. A brief description of the action proposed by the applicant;
 - d. The date upon which the director's decision was issued;
 - e. A concise description of the grounds upon which the appeal is premised; and
 - f. Proof of service upon the director and the applicant.

C. Hearing on Appeal of Director's Decisions.

1. The hearing before the hearing examiner shall be "de novo," but shall include the record submitted by the director.
2. The following evidentiary rules shall apply in all hearings:

- a. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
- b. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
- c. All evidence not objected to shall be received by the hearing examiner, subject to the hearing examiner's power to exclude irrelevant, immaterial or unduly repetitious matter.
- d. Evidence objected to may be received by the hearing examiner. Rulings on the admissibility of such evidence, if not made at the hearing, shall be made at or before the time a final order is issued.

3. An order of the hearing examiner becomes appealable when it has been reduced to written findings of fact, conclusions and order, signed by the hearing examiner.

D. Appeals from Decisions of the Hearing Examiner. A signed written final order of the hearing examiner shall be final and conclusive, unless within the timeframe provided in RCW 36.70C, the applicant or any adverse party makes application to a court of competent jurisdiction for judicial review of the land use decision. (Ord. 2007-02 (part); Ord. 1996-03 (part))

21A.03.060 Extension of critical area permits—Changes in an approved action.

A. Extensions of Critical Area Permits.

1. An applicant may request an extension of a critical areas permit. An extension must be requested by the applicant prior to the expiration of the original permit.
2. A request for an extension of a critical areas permit shall be made in writing, addressed to the director and shall set forth the reasons why an extension is necessary and should be granted.
3. The director may grant an extension of up to two years if it is determined that:
 - a. Conditions for which the applicant is not responsible would prevent the applicant from commencing the use or development within the original two-year period; and
 - b. Site characteristics and/or new information do not indicate that the proposed use or development would adversely affect persons, property or resources protected under this title.

B. Changes or Alterations to a Permitted Action. Any change or alteration to a development action approved by the county under this title shall be processed as a new action; provided that the director may approve minor changes or alterations deemed consistent with the provisions of this title and the findings and conclusions on the original application. (Ord. 1996-03 (part))

21A.03.070 Application fees and charges.

The department may charge a fee for review of variance and development review applications submitted under this title. Fees shall be established by the board of county commissioners from time to time. (Ord. 1996-03 (part))

21A.03.080 Enforcement.

A. Any person who wilfully violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this title shall be guilty of a gross misdemeanor.

B. Alternatively, any person who wilfully violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this title shall be subject to a civil penalty not to exceed five hundred dollars per day for each violation hereof. (Ord. 1996-03 (part))

Chapter 21A.04 WATERSHED PROTECTION AREAS

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21A.04.010 General provisions.

A. Relationship to Shorelines Management Master Plan and Shorelines Management Act Permits Ordinance.

1. In the event of any conflict between this title and regulations contained in the shorelines ordinance, those regulations which provide greater protection of critical areas shall apply.
2. Proposed new development on residential properties located adjacent to any watershed protection area shall be setback according to the provisions contained herein, unless it can be demonstrated that within three hundred feet up and down stream of the subject property, the average setback of existing structures is less. If less, new structures may be setback from the water body the same distance as the average distance that the existing structures are setback from the ordinary high water mark.

B. Buffer Averaging. Buffer averaging allows limited reductions of buffer width in specified locations, while requiring increases in others. Averaging of required buffer widths shall be allowed only if the applicant demonstrates that all of the following criteria are met:

1. Averaging is necessary to accomplish the purposes of the proposal and this title after review of all reasonable alternatives;
2. The watershed protection area contains variations in sensitivity due to existing physical characteristics and the reduction from standard buffer widths will occur only contiguous to the area of the watershed protection area determined to be least sensitive; and
3. Averaging width will not adversely affect the watershed protection area functions and values; and
4. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than fifty percent of the standard buffer width.

C. Exemptions. This chapter shall not apply to the following watershed protection areas:

1. Small. Class II and III watershed protection areas less than two thousand five hundred square feet in area and Class IV watershed protection areas less than ten thousand square feet in area.
2. Artificial. Watershed protection areas created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater management facilities, farm ponds and landscape amenities; provided, that wetlands created as mitigation shall not be exempt.
3. Prior Converted Cropland. Watershed protection areas recognized by the United States Army Corps of Engineers as prior converted cropland under its Regulatory Guidance Letter 90-7 to the extent consistent with such Corps recognition. Wetlands meeting the Corps' definition of prior converted cropland, but exempt from federal regulation due to their small size (less than one acre), shall be recognized by the director as prior converted croplands. (Ord. 1996-03 (part))

21A.04.020 Wetlands, ponds and lakes.

Wetlands, ponds and lakes are valuable and fragile natural resources that protect private and public investment, environmental quality, ecological diversity and aesthetic values by:

1. Controlling flood and stormwater runoff;
2. Filtering out pollutants;
3. Processing biological and chemical oxygen demand;
4. Recycling and storing nutrients;
5. Serving as settling basins for naturally occurring sedimentation;
6. Providing areas for groundwater recharge;
7. Preventing shoreline erosion;
8. Providing habitat areas for many species of fish and wildlife; and
9. Providing open spaces and recreational opportunities, and serving as areas for scientific study and natural resource education.

Most ecosystems change by catastrophe or succession. Succession is a process of ecosystem change brought about by time, climate and changes in species populations. All natural wetlands, ponds and lakes can be considered to be in different stages of succession. Therefore, all three have been designated as integral and critical components of the county's watershed.

A. Wetlands Protection.

1. Definition of Regulated Wetland.

- a. Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
- b. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities.
- c. However, wetlands may include those artificial wetlands intentionally created from nonwetlands areas to mitigate conversion of wetlands, when permitted by the county.

2. Identification and Delineations of Wetlands.

- a. Wetlands shall be identified using the National Wetlands Inventory maps, hydric soils as identified by the soil conservation service, and on a case-by-case, site-specific basis by department staff, applicants and/or other agencies.
- b. Wetland boundaries shall be delineated by the applicant using the Federal Manual for identifying and Delineating Jurisdictional Wetlands, published by the Federal Interagency Committee for Wetland Delineation, 1989, as amended.

3. Allowed Uses in Wetland Buffers Variances. The following uses are allowed within wetlands buffer areas, without review by the department:

- a. Fish and wildlife management;
- b. Research;
- c. Boating;
- d. Fishing;
- e. Hunting;
- f. Swimming;

- g. Repair, maintenance and operation of existing serviceable structures, trails, roads and utility facilities;
- h. Structures under one hundred twenty square feet in area, which are exempt from building permit requirements;
- i. Existing structures already located within watershed protection area buffers that expand one hundred percent or less of the original footprint.

4. Variances.

- a. The buffer widths established in subsection (A)(5) below, may be varied by not more than fifty percent for residential uses by the director administratively, under Section [21A.03.040](#).
- b. Variances to buffer widths in excess of fifty percent for residential uses and all variances for commercial or industrial uses may be granted by the hearing examiner, after public hearing thereon, as set out in Section 21.16.060(B) of the Skamania County Code.
- c. In addition to the criteria set out in Section 21.16.070(B) of the Skamania County Code, any applicant for a variance under this chapter must further show:
 - i. That no practicable alternative exists to locating the proposed development within the wetland buffer area; and
 - ii. That on-site mitigation measures agreed to by the applicant are adequate to avoid significant degradation of the wetland.
- d. If an applicant meets all criteria for a variance except subsection (A)(1)(b) above, then the director or the hearing examiner may require off-site wetlands enhancement or creation. The following standard ratios shall apply to creation or restoration of wetlands which are disturbed:

Class I	6:1
Class II	3:1
Class III	2:1
Class IV	1.25:1

The first number represents the compensatory amount of acreage to replace the amount of degraded wetland acreage, which is the second number.

5. Buffer Widths.

- a. Except as specifically allowed under subsection (A)(3) above, undisturbed buffers shall be preserved around all regulated wetlands.
- b. The required width of undisturbed buffer areas shall depend upon the class of wetland protected, the type or scale of use or development proposed by an applicant and the type of plant community adjacent to the wetland.

6. Classes I, II, III and IV Wetlands and Buffers. Classes I, II, III and IV wetlands are described in Appendix A, along with the agency or other source of the data to be relied on for classification of a particular wetland.

- a. For Class I wetlands, the standard buffer zone width shall be two hundred feet.
- b. For Class II wetlands, the standard buffer zone width shall be one hundred feet.
- c. For Class III wetlands, the standard buffer zone width shall be fifty feet.
- d. For Class IV wetlands, the standard buffer zone width shall be twenty-five feet.

B. Ponds and Lakes.

1. Definition of Regulated Ponds and Lakes. All ponds and lakes that were created by natural processes and contain water on a permanent basis, regardless of depth.

2. Allowed Uses in Ponds, Lakes and their Buffers. The following uses are allowed within ponds, lakes and their buffer areas, without review by the department:

- a. Fish and wildlife management;
- b. Research;
- c. Boating;
- d. Fishing;
- e. Hunting;
- f. Swimming;
- g. Repair, maintenance and operation of existing serviceable structures, trails, roads and utility facilities;
- h. Structures under one hundred twenty square feet in area and not subject to building permit

requirements;

- i. Existing structures already located within watershed protection area buffers that expand one hundred percent or less of the original footage.

All other new uses and developments within ponds, lakes and their buffer areas will require a variance under subsection (B)(3) below.

3. Variances.

- a. The buffer widths established in subsection (B)(4) below, may be varied by not more than fifty percent for residential uses by the director administratively, under Section [21A.03.040](#).
- b. Variances to buffer widths in excess of fifty percent for residential uses and all variances for commercial or industrial uses may be granted by the hearing examiner, after public hearing thereon, as set out in Section 21.16.060(B) of the Skamania County Code.
- c. In addition to the criteria set out in Section 21.16.070(B) of the Skamania County Code, any applicant for a variance under this chapter must further show:
 - i. That no practicable alternative exists to locating the proposed development within a pond, lake or buffer area; and
 - ii. That on-site mitigation measures agreed to by the applicant are adequate to avoid significant degradation of the pond or lake.

4. Buffer Widths.

- a. Classes I, II, III, and IV ponds and lakes are described in Appendix B.
- b. Except as specifically allowed under subsection (B)(3) above, undisturbed buffers shall be preserved around all regulated ponds and lakes.
- c. The required width of undisturbed buffer areas shall depend upon the class of water represented by the pond or lake protected and the type or scale of use or development proposed by an applicant.
 - i. For Class I ponds and lakes, the standard buffer zone width shall be one hundred fifty feet.
 - ii. For Class II ponds and lakes, the standard buffer zone width shall be one hundred feet.
 - iii. For Class III ponds and lakes, the standard buffer zone width shall be fifty feet.

iv. For Class IV ponds and lakes, the standard buffer zone width shall be twenty-five feet.

C. Streams, Creeks and Rivers.

1. Definition of Regulated Streams, Creeks and Rivers. Rivers, streams and creeks that are naturally occurring bodies of periodic or continuously flowing water contained within a channel (an open conduit either naturally or artificially created); except artificially created irrigation, return flow or stockwatering channels.

2. Allowed Uses in Streams, Creeks and Rivers and their Buffers. The following uses are allowed within streams, creeks and rivers and their buffer areas, without review by the department:

- a. Fish and wildlife management;
- b. Research;
- c. Boating;
- d. Fishing;
- e. Hunting;
- f. Swimming;
- g. Repair, maintenance and operation of existing serviceable structures, trails, roads and utility facilities;
- h. Structures under one hundred twenty square feet in area which are not subject to building permit requirements;
- i. Existing structures already located within watershed protection area buffers that expand one hundred percent or less of the original footprint;
- j. All other new uses and developments within streams, creeks and rivers and their buffer areas will require a variance under subsection (C)(3) below.

3. Variances.

- a. The buffer widths established in subsection (C)(4) below, may be varied by not more than fifty percent for residential uses by the director administratively, under Section [21A.03.040](#).
- b. Variances to buffer widths in excess of fifty percent for residential uses and all variances for

commercial or industrial uses may be granted by the hearing examiner, after public hearing thereon, as set out in Section 21.16.060(B) of the Skamania County Code.

c. In addition to the criteria set out in Section 21.16.060(B) of the Skamania County Code, any applicant for a variance under this chapter must further show:

- i. That no practicable alternative exists to locating the proposed development within a pond, lake or buffer area; and
- ii. That on-site mitigation measures agreed to by the applicant are adequate to avoid significant degradation of the pond or lake.

4. Buffer Widths.

- a. Classes I, II, III, and IV streams, creeks and rivers are described in Appendix C.
- b. Except as specifically allowed under subsection (C)(3) above, undisturbed buffers shall be preserved around all regulated streams, creeks and rivers.
- c. The required width of undisturbed buffer areas shall depend upon the class of water represented by the stream, creek or river protected, the type or scale of use or development proposed by an applicant and the vegetative community adjacent to the water body.
 - i. For Class I streams, creeks and river, the standard buffer zone width shall be one hundred feet.
 - ii. For Class II streams, creeks and rivers, the standard buffer zone width shall be one hundred feet.
 - iii. For Class III streams, creeks and rivers, the standard buffer zone width shall be one hundred feet.
 - iv. For Class IV streams, creeks and rivers, the standard buffer zone width shall be fifty feet.
 - v. For Class V streams, creeks and rivers, the standard buffer zone width shall be twenty-five feet. (Ord. 2007-02 (part); Ord. 1996-03 (part))

21A.04.040 Frequently flooded areas.

A. All proposed developments shall be reviewed by the department to determine whether the development would occur within the one hundred-year floodplain of any river or stream. Initial review shall consist of consulting the appropriate Federal Emergency Management Agency (FEMA) maps.

B. If any question exists regarding whether development will occur within a floodplain, then the applicant should

contact FEMA to have the floodplain delineated by a qualified professional. The floodplain delineation shall be shown on the final site plan.

C. All buildings constructed within the one hundred-year floodplain shall comply with development standards established in the Uniform Building Code for construction within a floodplain.

D. New short plats and subdivision plats including lands within a one hundred-year floodplain shall include floodplain delineations on the final plat map, with appropriate warnings to prospective purchasers of lots within the short plat or subdivision. (Ord. 1996-03 (part))

21A.04.050 Aquifer recharge areas.

A. Wellhead Setbacks. Wells should be set back at least one hundred feet from adjacent property lines.

B. Alternatively, a developer may obtain a wellhead easement from an adjacent property owner for any portion of the one hundred-foot radius around the wellhead which lies on an adjacent property.

C. In no event should a well be located closer than one hundred feet to an adjacent property without a wellhead easement. (Ord. 1996-03 (part))

Chapter 21A.05 FISH AND WILDLIFE PROTECTION

Sections:

[21A.05.010 Regulated fish and wildlife sites and habitat.](#)

[21A.05.020 Allowed uses.](#)

[21A.05.030 Review uses and procedures.](#)

[21A.05.040 Wildlife management plans.](#)

[21A.05.050 Fences in deer and elk winter range.](#)

21A.05.010 Regulated fish and wildlife sites and habitat.

Areas characterized by one of the following criteria are subject to the regulations set out in this chapter:

- A. Areas within two hundred fifty feet from any watercourse with a known endangered, threatened, sensitive, candidate or priority fish species site;
- B. Areas within one thousand feet of a known endangered, threatened, sensitive, candidate or priority species site, other than a watercourse listed in subsection A of this section;
- C. Priority habitat areas identified by the Washington State Department of Fish and Wildlife;
- D. Areas designated by the Washington State Department of Natural Resources as state natural area preserves and natural resource conservation areas. (Ord. 2005-04 (part): Ord. 1996-03 (part))

21A.05.020 Allowed uses.

The following uses are allowed within two hundred fifty feet of any watercourse with regulated fish species sites, within one thousand feet of any nonwatercourse regulated fish and wildlife sites or within regulated priority habitats without review under this title if they do not involve new structures, vegetation removal or actions that disturb the ground, such as grading or ditching beyond the extent specified below:

- A. Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated or has lain idle for more than five years shall be considered new cultivation;
- B. Ditching, tilling, dredging or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture; provided that such uses are not undertaken to cultivate lands that have not been cultivated or have lain idle for more than five years;
- C. Repair, maintenance and operation of existing serviceable structures, trails, roads, railroads and utility

facilities;

D. Fish and wildlife management uses conducted by federal, state, local or Indian tribal resource agencies;

E. Existing structures already located within watershed protection area buffers that expand one hundred percent or less of the original footprint. (Ord. 2005-04 (part): Ord. 1996-03 (part))

21A.05.030 Review uses and procedures.

A. This chapter applies to all project permits submitted for review after April 13, 2005. Except uses allowed without review under this title, proposed developments and uses may be allowed within two hundred fifty feet of any watercourse with regulated fish species sites, within one thousand feet of any nonwatercourse regulated fish and wildlife sites or within regulated priority habitats. All uses and developments must be reviewed by the department. Site plans for uses proposed within two hundred fifty feet of any watercourse with regulated fish species sites, within one thousand feet of any nonwatercourse regulated fish and wildlife sites, or within regulated priority habitats shall be submitted by the administrator to the Washington State Department of Fish and Wildlife (WDFW) and shall be reviewed by WDFW to determine if the proposed use would adversely affect a regulated wildlife site or priority habitat. However, the applicant may choose to hire a professional wildlife biologist to complete the review.

B. Within fourteen days, the WDFW biologists shall review the site plan and their field survey records to:

1. Identify/verify the precise location of the wildlife site or priority habitat;
2. Ascertain whether the wildlife site is active or abandoned; and
3. Determine if the proposed use or development may compromise the integrity of the site or priority habitat or occur during a time of year when the subject species is sensitive to disturbance.

C. The following factors may be considered when the application, including the site plan, is reviewed:

1. The biology of the affected species;
2. Published guidelines regarding the protection and management of the affected species;
3. Physical characteristics of the subject parcel and vicinity, including topography and vegetation;
4. Historic, current and proposed uses and developments in the vicinity of the site or priority habitat;
5. Existing condition and useful life of the site or priority habitat.

D. If WDFW fails to respond to a request for review within the fourteen-day comment period, then it will be determined to mean WDFW has no concerns about the project, and review by the administrator under this

chapter shall terminate.

E. If WDFW responds to a request for review within the fourteen-day comment period, then review by the administrator under this chapter shall terminate if the administrator determines that:

1. The sensitive wildlife site is not active; or
2. The proposed use would not compromise the integrity of the wildlife site or priority habitat, or occur during the time of the year when wildlife species are sensitive to disturbance. (Ord. 2005-04 (part): Ord. 1996-03 (part))

21A.05.040 Wildlife management plans.

If, based upon the data provided by WDFW or the applicant's professional wildlife biologist, the administrator determines that a proposed use is likely to adversely affect a sensitive wildlife site or priority habitat, then a wildlife management plan shall be required. Wildlife management plans shall meet the following criteria:

- A. Plans shall be prepared by a WDFW biologist or a professional wildlife biologist, hired by the project applicant.
- B. All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife site or priority habitat.
- C. The core habitat of the sensitive species shall be delineated. It shall encompass the sensitive site or priority habitat and the attributes or key components that are essential to maintaining the long-term use and integrity of the site or habitat.
- D. A wildlife buffer zone shall be employed. The buffer shall be wide enough to ensure that the core habitat is not adversely affected by new uses or developments. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site.
- E. The size, scope, configuration or density of new uses and developments within the core habitat and the wildlife buffer zone shall be regulated to protect sensitive wildlife species. The timing and duration of all uses and developments shall also be regulated to ensure that they do not occur during the time of year when species are sensitive to disturbance. The following guidelines shall apply:
 1. New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of underground residential utilities. Low intensity, nondestructive uses may be conditionally authorized in the core habitat.
 2. Intensive uses and developments shall be generally prohibited within wildlife buffer zones. Such uses

may be conditionally authorized when a wildlife site or priority habitat is inhabited seasonally; provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.

3. Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text. (Ord. 2005-04 (part): Ord. 1996-03 (part))

21A.05.050 Fences in deer and elk winter range.

New development permits issued by the county shall include a requirement that, in deer and elk winter range, the construction of new and replacement fences shall be subject to the following:

A. New fences in deer and elk winter range shall be allowed only when necessary to control livestock or pets or to exclude wildlife from specified areas, such as gardens or orchards. Fenced areas shall be the minimum necessary to meet the needs of the project applicant.

B. New and replacement fences in winter range shall comply with the following, unless the applicant demonstrates the need for an alternative design:

1. The top wire shall not be more than forty-two inches high to make it easier for deer to jump over the fence.

2. The distance between the top two wires shall be at least ten inches to make it easier for deer to free themselves if they become entangled.

3. The bottom wire shall be at least sixteen inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.

4. Stays or braces placed between strands of wire shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

C. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his or her specific needs, such as controlling hogs and sheep. (Ord. 2005-04 (part): Ord. 1996-03 (part))

**Chapter 21A.06
GEOLOGICALLY HAZARDOUS AREAS**

Sections:

[21A.06.010 Erosion hazard areas.](#)

[21A.06.020 Landslide hazard areas.](#)

[21A.06.030 Seismic hazard areas.](#)

[21A.06.040 Volcanic hazard areas.](#)

21A.06.010 Erosion hazard areas.

A. Erosion Hazard Areas.

1. Class I Erosion Hazard Areas.

- a. Class I erosion hazard areas (EHAs) are areas that are subject to severe development constraints due to a site's susceptibility to erosion from wind and/or water.
- b. Class I EHAs are identified in the Soil Survey of Skamania County Areas, Washington, prepared by the United States Department of Agriculture, Soil Conservation Service, as having an index of greater than or equal to 3.75.

2. Class II (Moderate) Erosion Hazard Areas.

- a. Class II erosion hazard areas (EHAs) are areas that are subject to moderate development constraints due to a site's susceptibility to erosion from wind and/or water.
- b. Class II EHAs are identified in the Soil Survey of Skamania County Areas, Washington, prepared by the United States Department of Agriculture, Soil Conservation Service, as having an index between 2.25 and 3.75.

B. Allowed Uses. Uses allowed without review by the department include the following:

1. Agriculture;
2. Open space;
3. Maintenance and repair of existing serviceable structures;
4. Structures less than one hundred twenty square feet in area, which are not subject to building permit requirements;

5. Existing structures already located within watershed protection area buffers that expand one hundred percent or less of the original footprint.

C. Review Uses.

1. All uses which are allowed in the underlying land use designation or zone established in Title 21 of the Skamania County Code are allowed, subject to review by the department prior to issuance of a building permit.
2. Prior to signing a building permit authorizing any use allowed in the underlying land use designation or zone, the department shall require the applicant to submit a geotechnical report prepared by a professional engineer, licensed in the state of Washington, with expertise in geotechnical engineering or by a geologist/hydrologist or soils scientist describing site stability and proposing mitigation measures sufficient to avoid on-site and off-site erosion hazards.
3. Should the applicant question the presence of an erosion hazard area on his/her property, the applicant may submit a geological assessment. The geological assessment shall include the following:
 - a. A description of the topography, surface and subsurface hydrology, soils geology, and vegetation of the site;
 - b. An evaluation of the analysis area's inherent erosion hazards;
 - c. A site plan of the area delineating all areas of the site subject to erosion hazard; and
 - d. Proposed mitigation measures to be implemented by the applicant, including, but not limited to minimizing site disturbance or grading, implementing erosion control measures, such as the retention of existing vegetation, and controlling surface water drainage through stormwater retention and detention systems.
4. The geologic assessment submittal must include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen and twenty-nine percent, and thirty percent or greater. When site specific conditions indicate the necessity, the department may require the topographic data to be surveyed.

D. Notification of Hazard.

1. Development Notification. As part of any development permit granted under this section, the owner of the property subject to development shall record a notice with the Skamania county auditor in the form set forth below:

EROSION HAZARD AREA NOTICE

Tax Parcel No.: _____

Address: _____

Legal Description: _____

NOTICE: This site lies within an erosion hazard area. Restrictions on use or alteration of the site may exist. For more information, contact the Skamania County Department of Planning and Community Development.

2. Plat Notification. Approval of all short plats and subdivisions shall require a note on the face of the plat stating that:

NOTICE: This site lies within an erosion hazard area. Restrictions on use or alteration of the site may exist. For more information, contact the Skamania County Department of Planning and Community Development.

(Ord. 1996-03 (part))

21A.06.020 Landslide hazard areas.**A. Landslide Hazard Areas.**

1. Class I (Severe) Landslide Hazard Areas. Class I landslide hazard areas (LHAs) are areas of known mappable landslide deposits which have been designated landslide hazard areas by the local legislative body.

2. Class II (High) Landslide Hazard Areas.

a. Class II landslide hazard areas (LHAs) are areas with slopes twenty percent and thirty percent that are underlain by soils that consist largely of silt, clay or bedrock, and all areas with slopes greater than thirty percent.

b. Class II LHAs shall be identified using the Soil Survey of Skamania County Areas, Washington, prepared by the United States Department of Agriculture, Soil Conservation Service. Department personnel shall make a preliminary determination of percentage of slope. The applicant shall verify soil type and precise percentage of slope.

3. Class III (Moderate) Landslide Hazard Areas.

- a. Class III landslide hazard areas (LHAs) are areas with slopes between twenty percent and thirty percent.
- b. Class III LHAs shall be identified using the Soil Survey of Skamania County Areas, Washington, prepared by the United States Department of Agriculture, Soil Conservation Service. Department personnel shall make a preliminary determination of percentage. The applicant shall verify soil type and precise percentage of slope.

B. Allowed Uses. Uses allowed without review by the department include the following:

1. Agriculture;
2. Open space;
3. Maintenance and repair of existing serviceable structures;
4. Structures less than one hundred twenty square feet in area, which are not subject to building permit requirements;
5. Existing structures already located within watershed protection area buffers that expand one hundred percent or less of the original footprint.

C. Review Uses.

1. All other uses and developments that are allowed in the underlying land use designation or zone established in Title 21 of the Skamania County Code are allowed, subject to review by the department prior to issuance of a building permit.
2. Prior to signing a building permit authorizing any use allowed in the underlying land use designation or zone, the department shall require the applicant to submit a geotechnical report prepared by a professional engineer, licensed in the state of Washington, with expertise in geotechnical engineering or by a geologist/hydrologist or soils scientist describing site stability and proposing mitigation measures sufficient to avoid on-site and off-site landslide hazards.
3. Should the applicant question the presence of a landslide hazard area on his/her property, the applicant may submit a geological assessment. The geological assessment shall include the following:
 - a. A description of the topography, surface and subsurface hydrology, soils geology, and vegetation of the site; and

- b. An evaluation of the analysis area's inherent landslide hazards;
- c. A site plan of the area delineating all areas of the site subject to landslide hazard; and
- d. Proposed mitigation measures to be implemented by the applicant, including, but not limited to minimizing site disturbance or grading, implementing erosion control measures, such as the retention of existing vegetation, and controlling surface water drainage through stormwater retention and detention systems.

4. The submittal must include a contour map of the proposed site, at a scale of one inch equals twenty feet or as deemed appropriate by the department. Slopes shall be clearly delineated for the ranges between fifteen and twenty-nine percent and thirty percent or greater. When site specific conditions indicate the necessity, the department may require the topographic data to be field surveyed.

D. Notification of Hazard.

1. Development Notification. As part of any development permit granted under this section, the owner of the property subject to development shall record a notice with the Skamania County auditor in the form set forth below:

LANDSLIDE HAZARD AREA NOTICE

Tax Parcel No.: _____

Address: _____

Legal Description: _____

_____ NOTICE: This site lies within an landslide hazard area. Restrictions on use or alteration of the site may exist. For more information, contact the Skamania County Department of Planning and Community Development.

2. Plat Notification. Approval of all short plats and subdivisions shall require a note on the face of the plat stating that:

NOTICE: This site lies within a landslide hazard area. Restrictions on use or alteration of the site may exist. For more information, contact the Skamania County Department of Planning and Community Development.

(Ord. 1996-03 (part))

21A.06.030 Seismic hazard areas.

All new development shall conform to the applicable provisions of the Uniform Building Code which contains structural standards and safeguards to reduce risks from seismic activity. (Ord. 1996-03 (part))

21A.06.040 Volcanic hazard areas.**A. Definition of Regulated Volcanic Hazard Areas.**

Class I: High Risk Volcanic Hazard Areas. Public and private land surrounding Swift Reservoir, as indicated on the volcanic hazard zone map, provided by the United States Geological Survey.

B. Allowed Uses. Uses allowed without review by the department include the following:

1. Agriculture;
2. Open space;
3. Maintenance and repair of existing serviceable structures;
4. Structures less than one hundred twenty square feet in area, which are not subject to building permit requirements;
5. Existing structures already located within watershed protection area buffers that expand one hundred percent or less of the original footprint.

C. Review Uses.

1. All uses which are allowed in the underlying land use designation or zone established in Title 21 of the Skamania County Code are allowed, subject to review by the department prior to issuance of a building permit.
2. Prior to signing a building permit authorizing any use allowed in the underlying land use designation or zone, the department shall require the applicant to submit a geotechnical report prepared by a professional engineer, licensed in the state of Washington, with expertise in the field of geotechnical engineering or by a geologist with expertise in the field of volcanic hazards, or comparable qualified professional who is competent in geology.
3. The report shall be based on field review explaining the geologic condition of the property located in the high risk volcanic hazard area, the location and extent of volcanic hazard, geomorphology, ground water, soil stability, short-term and long-term geologic activity, a summary of impacts that could occur if Mount St. Helen's were to erupt again and a proposal of mitigation measures sufficient to avoid on-site and off-site volcanic hazards. (Ord. 1996-03 (part))

APPENDIX A: WETLANDS**CATEGORY I WETLANDS**

CRITERIA FOR EACH CATEGORY	DATA SOURCES
Category I Wetlands Are:	
(i) Documented habitat recognized by federal or state agencies for threatened or endangered plant (or potentially extirpated) plant,.....animal or fish species; or	Department of Natural Resources (Natural Heritage) Washington Department of Fish and Wildlife
(ii) Documented Natural Heritage wetland sites or high quality native wetland communities which qualify as Natural Heritage wetland sites; or	Department of Natural Resources (Natural Heritage) or Field Data Form
(iii) Documented habitat of regional (Pacific Coast) or national significance for migratory birds; or	Washington Department of Fish and Wildlife
(iv) Regionally rare native wetland communities; or	Field Data Form
(v) Wetlands with irreplaceable ecological functions; or	Field Data Form
(vi) Documented wetlands of local significance.	Skamania County

CATEGORY II WETLANDS

CRITERIA FOR EACH CATEGORY	DATA SOURCES
Category II Wetlands Satisfy no Category I Criteria, and are:	
(i) Documented habitat recognized by federal or state agencies for threatened or endangered plant,.....animal or fish species; or	Department of Natural Resources (Natural Heritage) Washington Department of Fish and Wildlife
(ii) Documented priority species or habitats recognized by state agencies; or	Washington Department of Fish and Wildlife
(iii) Wetlands with significant features	Field Data Form

which may not be adequately replicated through creation or restoration; or	
(iv) Wetlands with significant habitat value of 22 or more points; or	Field Data Form
(v) Documented wetlands of local significance	Skamania County

CATEGORY III WETLANDS

CRITERIA FOR EACH CATEGORY	DATA SOURCES
Category III Wetlands Satisfy No Category I, II Or IV Criteria And Are:	
(i) Wetlands with significant habitat value of 21 points or less; or	Field Data Form
(ii) Documented wetlands of local significance	Skamania County

CATEGORY IV WETLANDS

CRITERIA FOR EACH CATEGORY	DATA SOURCES
Category III Wetlands Satisfy No Category I, II Or IV Criteria And Are:	
(i) Wetlands with significant habitat value of 21 points or less; or	Field Data Form
(ii) Documented wetlands of local significance	Field Data Form

APPENDIX B: PONDS AND LAKES

PONDS AND LAKES	
Class I	Class I ponds and lakes are those inventoried and regulated under Title 20 Skamania County Code as shorelines of the state.
Class II	Segments of natural waters which are not classified as Class I Ponds and Lakes and have a high fish, wildlife or human use. These segments of natural waters and periodically inundated areas of their associated wetlands, which:
	a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the County to be a valid appropriation of water and the only

	practical water source for such users. Such waters shall be considered to be Class II Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50%, whichever is less;
	b) Are within federal, state, local or private campgrounds having more than 30 camping units; provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;
	c) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:
	i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high water marks and having a gradient of less than 4 percent;
	ii) Lakes, ponds or impoundments having a surface area of 1 acre or greater at seasonal low water.
	d) Areas used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria:
	i) The site must be connected to a stream bearing salmonids and accessible during some period of the year; and
	ii) The off-channel water must be accessible to juvenile salmonids through a drainage with less than a 5% gradient.
Class III	Segments of natural waters which are not classified as Class I or II Ponds or Lakes and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas or their associated wetlands which:
	a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the Department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Class III Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50%,

	whichever is less;
	b) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use:
	i) Stream segments having a defined channel of 5 feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet;
	ii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.
	c) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:
	i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent;
	ii) Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water.
	d) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20% of the flow to a Class I or II Water are presumed to be significant for 1,500 feet from their confluence with the Class I or II Water or until their drainage area is less than 50% of their drainage area at the point of confluence, whichever is less.
Class IV	Consist of those segments of natural waters which are not classified as Class I, II or III and for the purpose of protecting water quality downstream are classified as Class IV upstream until the channel width becomes less than two feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Class I, II and III waters. Class IV waters may be intermittent.
Class V	Consist of all natural waters not classified as Class I, II, III or IV, including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and

	drainageways having short periods of spring or storm runoff.
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APPENDIX C: STREAMS, CREEKS AND RIVERS

STREAMS, CREEKS AND RIVERS	
Class I	Class I streams, creeks and rivers are those inventoried and regulated under Title 20 Skamania County Code as shorelines of the state.
Class II and Class III	Class II and Class III streams, creeks and rivers are those which meet the criteria set out in SECTION 21A.04.020(B)(6) of this chapter for Class II and III Waters.
Class IV	Consist of those segments of natural waters which are not classified as Class I, II or III and for the purpose of protecting water quality downstream are classified as Class IV upstream until the channel width becomes less than two feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Class I, II and III waters. Class IV waters may be intermittent.
Class V	Consist of all natural waters not classified as Class I, II, III or IV, including streams with or without well-defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff.