

CHAPTER 13.20

BUFFERS, MITIGATION, NONCONFORMING

STRUCTURES AND REASONABLE USE EXCEPTION

13.20.010 BUFFERS

The term "buffer" in the most general sense refers to a vegetated area that separates land uses. Buffers may surround wetlands or be adjacent to riparian areas with the intent of protecting these areas from adverse impacts. Fish and wildlife take advantage of the diversity of resources provided by buffers for habitat, breeding and movement. Healthy buffers typically consist of:

- A moist microclimate (warmer in the winter and cooler in the summer) when compared to adjacent uplands.
- Signs of disturbance due to natural events such as flooding, broken trees, snags, etc.
- Structural diversity consisting of:
 - A canopy layer with a variety of coniferous and deciduous trees
 - A shrub/brush understory
 - A grass/herb ground cover
- Higher vegetation productivity than the adjacent uplands.

The goal of this Title is to provide adequate buffers to maintain the functions and values of wetlands or riparian areas, using the best site-specific science rather than to rely on large buffer widths. Categorically requiring large buffer widths may needlessly encumber large quantities of private property, when it may be that buffers of smaller size and high quality would offer adequate protection. A buffer width should take into account both the sensitivity of the critical area being buffered, and the level of intensity of the adjacent land use.

13.20.012 GENERAL BUFFER REQUIREMENTS (Amended by BOCC Res. #80-2004, July 6, 2004)

Wetland and riparian buffers (hereinafter referred to as 'buffers') and/or development setbacks shall be required for all regulated development proposals in or adjacent to designated wetlands or water bodies. The following criteria shall apply to all buffers:

1. Buffers shall be measured on a horizontal plane in a landward direction from the wetland edge and/or the Ordinary High Water Mark (OHWM) as delineated in the field.
2. Required buffers shall retain existing vegetation in a natural condition, provided that an applicant may submit a vegetation management plan prepared by a qualified professional that allows ongoing maintenance and re-vegetation, particularly when enhancement of the buffer with native species is proposed.
3. Fertilizer, pesticides and herbicides should be used in required buffers only according to appropriate and specific labeling and directions, as provided by state and federal law, and in conjunction with a vegetation management plan.
4. Where buffer disturbance has or will occur in conjunction with regulated activities, re-vegetation with plants, shrubbery or trees which will maintain the functions and values of the buffer area shall be required as mitigation.
5. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include as part of mitigation, a buffer appropriate to the category of the wetland being created, restored or enhanced.

6. An applicant may be required to record a notice or deed restriction of the presence of the critical area or associated buffer in a form substantially set forth in Appendix 'C'.
7. The applicant may be required to install permanent edge markers or signs along the boundary of the critical area or associated buffer. These markers may be made of a variety of materials such as fences, rocks, trees, hedgerows or other permanent vegetation.

13.20.014 BUFFER ALTERNATIVES
(Amended by BOCC Resolution #80-2004, July 6, 2004)

(1) Increasing Buffer Area

Standard buffer widths *shall* be increased on a site-by-site basis when the Administrator determines that a larger buffer is necessary to protect the functions and values of a wetland or riparian area. This determination shall be supported by appropriate documentation prepared by a qualified professional, DOE or WDFW showing that an increase is necessary based on *one* or more of the following:

- A. A larger buffer is needed to maintain critical habitat for existing, documented federal or state listed endangered, threatened or sensitive species or a species of local importance, or
- B. The buffer area or adjacent land is susceptible to severe erosion and standard erosion control measures will not effectively prevent adverse impacts, or
- C. The buffer area has minimal vegetative cover or slopes greater than 15 percent, or
- D. The proposed development has a density of greater than 1 dwelling unit per five acres.

(2) Averaging Buffer Area

Averaging buffer widths may modify standard buffer widths. Averaging may be allowed by the Administrator where the applicant successfully demonstrates through a report prepared by a qualified professional, the DOE or the WDFW, that either:

- A. Averaging is necessary to avoid an extraordinary hardship caused by circumstances peculiar to the property; or
- B. The character of the buffer varies in slope, soils or vegetation and it would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places.
- C. In addition to meeting the standard described in subsection A or B above, all of the following shall be met:
 - (i) Averaging will not adversely impact the riparian or wetland functions and values, and
 - (ii) The total area contained within the buffer after averaging is not less than that contained within the buffer prior to averaging. In no instance shall the buffer width be reduced by more than 50% of the standard buffer or be less than 50 feet, and
 - (iii) That low intensity land uses would be located adjacent to areas where the buffer width is reduced, and
 - (iv) The presence of a critical area and associated buffer has been documented by the recordation of a notice or deed restriction of the presence of a buffer area, and
 - (v) Permanent edge markers along the boundary of the buffer area have been installed, and
 - (vi) A mitigation plan has been prepared by a qualified professional, approved by the Administrator, and incorporated into the proposal.

(3) Buffer Reduction

- A. The standard buffer width may be reduced on a site-by-site basis when it is determined that a smaller area is adequate to protect the functions and values based on site-specific characteristics. All applications for buffer reduction shall be reviewed under "Public Review" pursuant to Section 13.30.040.
- B. Best available science indicates that buffers less than 50 feet are usually ineffective in protecting wetlands over a period of time (Castelle et al, 1992, McMillan, 2000), extreme caution should be taken in further reducing smaller buffers.
- C. Buffer reductions shall be based upon best available science appropriate for the site. Buffer reductions should be used on a limited basis and should be granted only when it has been determined that the functions and values of the wetland or riparian habitat can be maintained.

D. Application Requirements

The applicant shall submit a critical area report prepared by a qualified professional with documented expertise. At a minimum the report shall contain:

- (i) A description of the proposed development, including a site plan.
- (ii) A description and illustration of the relationship between the proposed development and the critical area, associated buffer and applicable setbacks.
- (iii) An assessment and illustration of the existing condition of the critical area and buffer within and adjacent to the project area. This assessment must include when appropriate, a wetland delineation, categorization and acreage.
- (iv) An analysis based upon best available science, of how the reduced buffer area will provide protection that is equal to or better than the administratively determined buffer.
- (v) A discussion of whether any other alternative with less impact on the critical area and associated buffer is possible.
- (vi) Any proposed buffer enhancement using native vegetation, artificial habitat features, buffering, vegetative screen, barrier fencing, grass-lined swales or other enhancement tools as appropriate to site conditions and the wetland, river or stream functions.

E. Decision Criteria

Buffer reductions shall be granted only when the following criteria are met.

- (i) The critical area report provides a sound rationale for a reduced buffer based upon best available science;
- (ii) A decrease is necessary to accomplish the purposes of the proposal and no reasonable alternative is available
- (iii) No direct or indirect, short-term or long-term, adverse impacts to the specific critical area will result from the proposed activity.
- (iv) The need for a reduced buffer is not the result of segregating, subdividing or adjusting a boundary line after the effective date of this Title.
- (v) The applicant has successfully demonstrated that the reduced buffer will provide protection for the wetlands functions equal to or better than the administratively determined buffer.
- (vi) A mitigation plan has been prepared by a qualified professional, approved by the Administrator, and has been incorporated into the proposal.

13.20.016 ALLOWABLE USES IN BUFFERS

Low impact uses and activities, which are consistent with the purpose and function of the buffer, and which do not detract from its integrity, may be permitted within the buffer, depending on the sensitivity of the habitat involved. Activities shall not impact the functions or value of the buffer beyond its ability to recover. The following may be permitted within a buffer:

- Removal of invasive or noxious weeds
- Pedestrian trails, less than 4 feet in width, unpaved and with no bark or fill
- Non-permanent wildlife-watching/hunting blinds
- Scientific or educational activities
- Swales planted with native plants
- Hunting
- Wildfire fuel reduction
- Existing agriculture and forest practice activities
- Existing water wells and existing surface water withdrawals

13.20.020 MITIGATION (Amended by BOCC Resolution #80-2004, July 6, 2004)

- (1) Mitigation is the process to lessen the impact from a proposed activity. This process consists of an evaluation of the current state of a critical area, an analysis of the potential impacts from the proposed development, formulation of solutions to offset impacts and the creation of a required mitigation plan and an implementation schedule. The applicant, Planning Department, a qualified professional, and oftentimes, agencies with expertise will be involved in the mitigation process.
- (2) The reasonable and economically viable use of the property shall be considered as a part of mitigation. Subject to the Reasonable Use provisions of this Title, any proposed development or land use activities resulting in a critical area alteration, that cannot adequately mitigate its impacts to a critical area or its associated buffer, shall be denied.

(3) Preferred mitigation sequence

Mitigation may include development setbacks, limits on clearing and grading, best management practices for erosion control and maintenance of water quality. Mitigation of one critical area impact should not result in unmitigated impacts to another critical area. The following is the preferred mitigation sequence:

- A. **Avoid** the impact altogether by not taking a certain action or parts of an action.
- B. **Minimize** the impacts by limiting the degree or magnitude of the action and its implementation with appropriate technology.
- C. **Restore** the impact by repairing or rehabilitating the affected environment.
- D. **Reduce** or eliminate the impact over time by preservation and maintenance operations during the life of the action.
- E. **Compensate** for the impact through the preferred compensation sequence: first, restoration; second; creation; or third, enhancement.

(4) Mitigation

- A. When a development proposal includes land disturbance within 300 feet of the edge of a critical area, the Administrator shall determine whether adverse impacts to the critical area are likely.
- B. If the Administrator determines that adverse impacts are likely, a mitigation plan shall be incorporated into the proposal. The plan shall include the following:

- (i) A description of expected impacts to the critical area or associated buffers from the development proposal;
 - (ii) A detailed plan for mitigation measures following the preferred mitigation sequence set forth in subsection 3 above. If avoidance and minimization are not the main techniques used to mitigate impacts, the plan must include an explanation and justification for using less preferable mitigation approaches.
 - (iii) An implementation schedule for the mitigation plan and a two-year monitoring program; and
 - (vi) Performance and/or warranty or maintenance bonds or other forms of surety to ensure the plan achieves its goals and objectives.
- C. Each mitigation plan shall include monitoring inspections at least annually. These inspections shall be the responsibility of the applicant and shall be provided for in the mitigation plan. The Administrator may hold an assignment of savings from the applicant, or other surety, to be used to hire a qualified professional to complete the monitoring inspections if the applicant fails to do so.
- D. If the mitigation plan is not achieving its goals, the Administrator shall require appropriate changes to the mitigation plan, based on the recommendations of a qualified professional. The County may collect the proceeds of the mitigation plan bonds or surety and use those proceeds to install or complete the recommended changes when necessary.

(5) Wetland Restoration, Creation and Enhancement

Any person who alters wetlands shall restore, create or enhance equivalent or greater areas of wetlands than those altered, in order to compensate for wetland loss. All wetland restoration, creation or enhancement projects required pursuant to this Title must receive County written approval of the mitigation plan prior to commencement of the wetland restoration, creation or enhancement activity.

The following standard ratios shall apply to creation or restoration:

Category 1		6:1
Category 2 or 3	Forested	3:1
	Scrub-Shrub	2:1
	Emergent	1.5:1
Category 4		1.25:1

The first number specifies the acreage of replacement wetlands for mitigation, and the second specifies the total acreage of wetlands that have been altered or degraded.

(A) Increased Replacement Ratio

The standard replacement ratio may be increased under any of the following circumstances:

- High degree of uncertainty as to the success of the proposed restoration or creation;
- Significant period of time between destruction and replication of wetland functions;
- Projected losses in functions;
- Off-site compensation.

(B) Decreased Replacement Ratio

The standard replacement ratio may be decreased under the following circumstances:

- Findings of special studies coordinated with agencies and/or a qualified professional, which demonstrates that no net loss of wetland function or value is attained under the decreased ratio.
- In all cases, a minimum acreage replacement ratio of 1:1 shall be required.

(C) Wetland Enhancement

An applicant proposing to alter wetlands may propose to enhance existing, significantly degraded wetlands as compensation for wetland losses. Applicants proposing enhancement shall identify how the proposal conforms to the overall goal of “no net loss” and the wetland protection requirements of this Title.

(6) Location

(A) On-site Compensation

On-site and in-kind compensation is the preferred location for mitigated wetlands. ‘On-site’ means to replace wetlands at or adjacent to the site on which a wetland has been or will be impacted by a proposed development. ‘In-kind’ means to replace or restore wetlands with substitute wetlands whose characteristics resemble those impacted by the proposed development. ‘In-kind’ does not necessarily mean that the replacement is of the same category as the altered wetland.

(B) Off-site Compensation

Off-site compensation means to replace wetlands away from the site on which a wetland has been or will be impacted by a proposed development. The preferred location for off-site compensation is the same drainage basin of the same watershed as the impacted wetland. Off-site compensation will only be allowed when the applicant demonstrates that one or more of the following applies:

- On-site compensation is not scientifically feasible due to hydrology, soils or other factors;
- On-site compensation is not practical due to potentially adverse impacts from surrounding land uses or would conflict with a federal, state or local public safety directive;
- Existing functional values at the site of the proposed location are significantly greater than the lost wetland functional values;
- There is a clear potential for a higher degree of success at the proposed compensation site than at the impacted site;
- The end result of the proposed compensation is the creation or restoration of one or more larger or higher category wetlands as opposed to many small wetlands.

(C) In selecting a **compensation site**, the following siting criteria, in order of preference, shall be pursued:

1. Upland sites which were formerly wetlands,
2. Idle upland sites having bare or minimal vegetative cover consisting primarily of exotic introduced species, weeds or emergent vegetation,
3. Other disturbed upland areas.

**13.20.030 REASONABLE USE EXCEPTION
(Amended by BOCC Resolution #80-2004, July 6, 2004)**

- (1) If all reasonable and economically viable use of a property is eliminated after application of the requirements of this Title and other applicable development standards, an applicant may seek a reasonable use exception.
- (2) A reasonable use exception is intended as a last resort. A Pre-Application Meeting is strongly encouraged and may be required pursuant to SCC 6.06.020.
- (3) A reasonable use exception shall only apply to legal lots established prior to the effective date of this Title.
- (4) The Administrator shall decide an application for a reasonable use exception using the Full Administrative Review procedure set forth in SCC 6.08.040. The appeal provisions of SCC Chapter 6.10 shall apply.

**13.20.031 REASONABLE USE EXCEPTION APPLICATION REQUIREMENTS
(Amended by BOCC Resolution #80-2004, July 6, 2004)**

- (1) The application for a reasonable use exception shall include the following information:
 - A. A description of the proposed development or use, including a site plan;
 - B. A description and illustration of the relationship between the proposed development and the critical area(s), associated buffer(s) or setbacks required under this Title;
 - C. A description and illustration of setbacks as required by other standards, including but not limited to, the Zoning Code or Building Ordinance;
 - D. An analysis, based upon best available science of the impact(s) that the development, as proposed, would have on the critical area(s) or associated buffer(s);
 - E. An analysis, including economic viability, of whether any other reasonable use with less impact on the critical areas(s) and associated buffer(s) is possible;
 - F. An analysis of the modifications needed to the standards of this Title to accommodate the proposed development;
 - G. Recommendations to minimize impacts and mitigate any unavoidable adverse impacts to the affected critical area(s) and buffer(s);
 - H. Such other information as the Administrator determines is necessary to evaluate the issue of reasonable use.
- (2) The analyses and recommendations related to impacts on critical areas and buffers shall be prepared by a qualified professional in accordance with SCC 13.00.034.
- (3) The applicant shall pay all County costs associated with reviewing and evaluating an application for a reasonable use exception, including costs for peer review of any material prepared by a qualified professional working for the applicant.

**13.20.032 PUBLIC NOTICE FOR REASONABLE USE EXCEPTION
(Amended by BOCC Resolution #80-2004, July 6, 2004)**

- (1) The Administrator shall conduct a review for completeness in accordance with Title 6, Local Project Review and when an application has been determined to be complete, shall provide public notice according to the provisions of SCC 6.06.070(2).
- (2) A comment period of 21 days from the date of first publication of the notice in the official county newspaper shall be provided for all reasonable use exceptions.
- (3) The Administrator shall forward a copy of a request for Reasonable Use Exception to the DOE and WDFW for review and recommendation.

13.20.033**DECISION CRITERIA****(Amended by BOCC Resolution #80-2004, July 6, 2004)**

- (1) The Administrator shall grant a Reasonable Use Exception only when the following criteria are met:
 - A. There is no feasible on-site alternative(s), including reduction in size, shape, configuration, location, type of use or density which would have significantly less impact on the critical area or buffer than that proposed; and
 - B. The proposed development does not pose a threat to the public health, safety or general welfare; and
 - C. Any proposed modification will be the minimum alteration or impairment to the critical area's functional characteristic and existing contours, vegetation and hydrological, or other conditions of concern; and
 - D. The continued existence of endangered, threatened or sensitive species or habitat will not be jeopardized by the proposed development; and
 - E. The inability to derive reasonable use of the property is not the result of segregating, subdividing or adjusting a boundary line, thereby creating the undevelopable condition after the effective date of this Title; and
 - F. The disturbance of a critical area or buffer has been minimized by locating the proposed development as far away from the critical area or buffer as possible.
- (2) The Administrator shall specify mitigation measures or impose conditions of approval, which may include restoration or enhancement of the critical area or buffer, or modifications to the size and placement of structures and facilities to avoid, minimize, or mitigate impacts to critical areas or the associated buffers. The mitigation plan shall be based on the recommendations of a qualified professional and shall include annual monitoring of the mitigation measures for a three year period.
- (3) The Administrator may also establish an expiration date or time period within which construction on the proposed development must begin. No extension of a specified expiration date or time period shall be permitted without completion of a new Full Administrative Review process..
- (4) The Administrator shall have the authority to deny a reasonable use exception, when, in the opinion of the Administrator, the criteria established in this Section have not been met.

13.20.040**NONCONFORMING STRUCTURES****(Amended by BOCC Resolution #80-2004, July 6, 2004)**

- (1) A nonconforming structure is an existing structure located in a critical area or associated buffer that was lawfully established prior to the adoption of this Title, but which is not in compliance with this Title. Nonconforming structures are permitted to remain in their current form and location, but shall not be expanded or changed in any way that increases the nonconformity except as authorized by this Title.
- (2) Restoration or reconstruction of a nonconforming structure destroyed by fire, flood, or other calamity is allowed, provided that reconstruction is commenced within two years of such damage. Any request to expand a nonconforming structure that has been damaged by fire, flood, or other calamity shall be evaluated according to the provisions of SCC 13.20.041.
- (3) Routine maintenance, including but not limited to repair or replacement in kind of roofs, porches, accessory structures, septic tanks, and drainfields is allowed.

13.20.041**NONCONFORMING STRUCTURES – EXPANSION
(Amended by BOCC Resolution #80-2004, July 6, 2004)**

- (1) Nonconforming structures located in a critical area or required buffer may be expanded only as set forth herein. The following general standards apply:
 - A. In no case shall an expansion of a structure toward the shoreline or other relevant critical area be allowed.
 - B. Any expansion proposal shall be designed to minimize new impervious surface. To the degree feasible the expansion shall occur on areas already disturbed or developed by driveways, patios, decks, or other appurtenant structures.
 - C. For purposes of this section, impervious surface shall include the footprint of all structures and the area of patios, decks, and walkways, as well as driveways and parking areas whether paved, graveled, or of compacted earth.
 - D. Each proposed expansion, except as set forth in 13.20.041(4), shall be evaluated by a qualified professional in a report that assesses the impact of the proposal and provides recommendations for mitigation, including but not limited to reductions in structure size or other impervious surfaces to offset the expansion of the structure, and a restoration, enhancement, or maintenance plan for vegetation on site, particularly at or near shoreline, riparian, or wetland areas. Opportunities for off-site mitigation in the immediate vicinity and within the same watershed sub-basin may be suggested.
 - E. The applicant shall pay all costs associated with review by a qualified professional in accordance with SCC 13.00.034.
- (2) A minor expansion of a nonconforming structure shall be reviewed under the Limited Administrative Review provisions of SCC chapter 6.08. A minor expansion is defined as any expansion of the structure footprint of no more than 250 square feet. In addition, to qualify as a minor expansion, an equal amount of other impervious surface on the site shall be permanently removed and restored to a permeable condition.
- (3) A major expansion of a nonconforming structure shall be reviewed under the Full Administrative Review provisions of SCC chapter 6.08 and is appealable according to the provisions of SCC chapter 6.10. Public notice of an application proposing a major expansion of a nonconforming structure shall be provided as set forth in SCC 6.06.070.
 - A. A major expansion is any proposed expansion that does not qualify as a minor expansion.
 - B. A major expansion shall be limited so that total impervious surface within the buffer is no greater than 2100 square feet or 35% of the buffer area, whichever is less.
- (4) For minor expansion proposals, Stevens County may, at its discretion, adopt a set of standard conditions, best management practices, and mitigation requirements that avoid, reduce and mitigate impacts, including construction impacts, on critical areas. These standard conditions shall be based on recommendations from a qualified professional. If the County provides these standard conditions, a report from a qualified professional is not required for minor expansion projects.
- (5) The Administrator shall approve an application to expand a nonconforming structure only when the requirements of this section are met. Conditions of approval to reduce and mitigate impacts to the critical area, and which may include reductions in the size of the proposed structure, reductions in other impervious surfaces to offset the expansion of the structure, or a restoration, enhancement, or maintenance plan for vegetation on site shall be imposed.

- (6) Replacement of a manufactured, mobile or modular home is allowed. Expansion shall be evaluated according to the provisions of this section as set forth above.

Section 13.20.042, adopted by Resolution # 32-2003, is repealed. (BOCC Resolution #80-2004, July 6, 2004.)

Chapter 13.20 is amended to delete the diagram entitled "Expansion of Nonconforming Lots". (BOCC Resolution #80-2004, July 6, 2004.)

**13.20.050 EXISTING AND ONGOING AGRICULTURAL ACTIVITIES
(Amended by BOCC Resolution #80-2004, July 6, 2004)**

- (1) The purpose of the provisions in SCC 13.20.050 through 13.20.056 is to balance two competing mandates of the Growth Management Act: to protect existing functions and values of critical areas and to conserve and protect agricultural lands of long term commercial significance.
- (2) It is the goal of Stevens County to administer these provisions consistent with local, state, and federal programs and regulations to protect the health, welfare, and safety of the community and to protect agriculture, natural resources, and natural resource industries, while also protecting existing functions and values of fish and wildlife habitat areas regulated by this Title.
- (3) For purposes of SCC 13.20.050 through 13.20.056, existing functions and values of fish and wildlife habitat conservation areas that include riparian corridors shall be determined in reference to the following:
 - A. Existing water quality as measured against water quality standards identified in WAC Chapter 173-201A;
 - B. Existing presence or absence of large woody debris within a watercourse;
 - C. Existing riparian buffer characteristics including but not limited to the existing quality and composition of vegetation in the existing riparian buffer; and
 - D. Existing channel structure and form.
- (4) The provisions in SCC 13.20.050 through 13.20.056 are intended, to the maximum extent practicable, to rely on and coordinate with, but not substitute for or duplicate other local, state or federal programs and regulations that address agricultural activities to protect water quality and fish and wildlife habitat.
- (5) Any references to other agencies or to other local, state and federal programs and regulations shall not be interpreted as replacing or superseding the other local, state or federal jurisdiction and responsibility for implementing and enforcing their own rules and programs.
- (6) Stevens County acknowledges a responsibility and an intention to cooperate, coordinate, and communicate with other local, state, and federal agencies to achieve the purposes of these provisions.

**13.20.052 EXISTING AND ONGOING AGRICULTURAL ACTIVITIES SUBJECT TO
REGULATION (Amended by BOCC Res. #80-2004, July 6, 2004)**

- (1) Existing and ongoing agricultural activities are *allowed* uses in critical areas and their associated buffers when the activities comply with the standards set forth in this section and SCC 13.20.056.
- (2) Existing and ongoing agricultural activities in or adjacent to critical areas and their associated buffers shall be conducted in accordance with Best Management Practices (BMPs) to prevent adverse impacts to existing functions and values of critical areas.

- (3) The implementation of Best Management Practices shall be presumed when applicable state and federal water quality standards, including but not limited to those required by Chapter 90.48 RCW, the Water Pollution Control Act (WAC 173-201A), are met.
- (4) When a site is in violation of a state or federal water quality standard, the state or federal agency that imposed the standard shall be responsible for enforcement of its own regulations. In addition, the County shall require a new or updated BMP plan for the site.
 - A. The BMP plan shall be developed by or in consultation with a qualified professional.
 - B. The BMP plan shall include practices to prevent adverse impacts to critical areas and shall provide an implementation schedule and a two-year annual monitoring plan.
 - C. If a state or federal agency imposes a requirement or practice directed at correcting a water quality impairment, that requirement or practice shall qualify as an updated BMP plan for a site.

**13.20.054 AGRICULTURAL BEST MANAGEMENT PRACTICES
(Amended by BOCC Resolution #80-2004, July 6, 2004)**

- (1) Owners or operators regulated under these provisions are required to implement Best Management Practices to ensure the existing functions and values of critical areas are maintained.
- (2) BMPs approved by a state or local agency or included in a Certified Dairy Nutrient Management Plan or Farm Plan can be used to demonstrate compliance with the requirements of this Title.
- (3) Assistance from the Stevens County Conservation District, the Natural Resource Conservation Service (NRCS), NRCS technical service providers, the Washington State University Extension Service, or other qualified professionals can be obtained to determine what combinations of BMPs are most effective given specific site conditions and agricultural activities. The County shall give substantial weight to guidance documents or reports and recommendations prepared by these agencies and professionals.

**13.20.056 OTHER PROTECTION MEASURES FOR EXISTING AND ONGOING
AGRICULTURAL ACTIVITY
(Amended by BOCC Resolution #80-2004, July 6, 2004)**

A wide range of protection measures are required pursuant to state and federal law under programs administered by the State Department of Agriculture, WDFW, the State DOE, the Stevens County Conservation District, the NRCS, and others. In addition to the Best Management Practices required in SCC 13.20.052, Stevens County relies on standards, as administered and applied by other agencies and generally described below, to ensure the goals of this Title are met.

- (1) Livestock and dairy operations are regulated by the State Department of Agriculture as well as other agencies. Many Department of Agriculture programs and requirements are designed to ensure that state water quality standards are met. These programs promote some or all of the following:
 - A. The development of voluntary off-stream watering facilities and improved stream crossings to protect against nutrient and sediment contamination.
 - B. The voluntary maintenance of vegetative cover in pasture areas adjacent to streams to meet NRCS standards.
 - C. Constructing new and maintaining existing livestock confinement areas so that sediment and nutrient runoff does not reach adjacent streams.
 - D. Complying with the requirements of Chapter 90.64 RCW, the Dairy Nutrient Management Act.

- (2) Nutrient and farm chemical use and management requirements are imposed through state and federal law and include the following.
 - A. Prohibitions against placing manure in a watercourse or in locations where wastes are likely to be carried into a watercourse.
 - B. Requirements for dairy operations to have certified Dairy Nutrient Management Plans as described in Chapter 90.64 RCW.
 - C. Crop nutrients must be applied at agronomic grow-out rates specific for particular crops.
 - D. Farm chemicals must be applied in a manner consistent with all requirements stated on the chemical container labels and all applicable federal and state regulations, including but not limited to the Pesticide Control Act, RCW 15.58, the Pesticide Application Act, RCW 17.21, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), USC 136 et seq.
- (3) The Washington Department of Fish and Wildlife administers requirements for hydraulics permits under sections 77.55.100 and 77.55.110 RCW that limit impacts to streams and other waters of the state and that provide specifically for agricultural irrigation, stock watering, and streambank stabilization.