

**GRAYS HARBOR COUNTY**  
**INTERIM RESOURCE LANDS**  
**AND**  
**CRITICAL AREAS DESIGNATION**

Grays Harbor County Planning Commission  
Grays Harbor County Commissioners

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## INTRODUCTION

The Growth Management Act (GMA) originated as a response to the problems fostered by uncoordinated and unplanned growth in areas unprepared for rapid economic expansion. The stated goals of the GMA indicate a concern to more efficiently regulate urban growth, reduce sprawl, increase the efficiency of transportation systems, maintain and enhance natural resource-base industries, retain open space, protect the environment, and ensure the adequacy of public facilities and services (Chapter 36.70A.020 RCW).

To implement these goals the GMA directs each county to designate resource lands and critical areas where appropriate (RCW 36.70A.170), and to adopt development regulations protecting designated critical areas (RCW 36.70A.060 [2]). Counties are further directed to consider the guidelines developed by the Department of Community Development (DCD) to assist in classifying and designating resource lands and critical areas (WAC 365-190 Minimum Guidelines to Classify Agriculture, Forest, Mineral Lands and Critical Areas). These guidelines place the classification and designation process within a larger comprehensive planning process required of mandated counties (RCW 36.70A.070 & WAC 365-190-040).

Grays Harbor County evaluated its designation mandate by constantly asking the following question: In light of the planning goals enumerated in the GMA, what is appropriate for Grays Harbor County? The appropriateness of a given classification and designation was based on the following considerations:

- 1.) The applicability of the planning goals enumerated in the GMA to Grays Harbor County;
- 2.) The relevance of particular designations, volcanic hazard areas for example, to Grays Harbor County;
- 3.) The availability of information upon which designations can be based;
- 4.) Current and projected levels of staffing and staff expertise;
- 5.) Local encroachment into the regulatory domains of other agencies and jurisdictions, and the unnecessary creation of redundant regulations and regulatory processes;
- 6.) The fiscal outlook of the county, and the prospects for State funding; and
- 7.) Demographic trends in the county.

Grays Harbor County is not required to plan under the GMA. Nevertheless, the county does recognize the importance of comprehensive planning and is participating in a county wide long range planning effort that incorporates those aspects of the GMA that are relevant to local needs and circumstances, and achievable within the staffing and financial constraints currently facing the county. The goal of this planning effort is to cooperatively develop "county-wide

planning policies” with other local jurisdictions within the framework specified in RCW 36.70A.210 County-wide Planning Policies. However, because the county has decided not to “opt-in”, its planning process is not bound by the time-table dictated in the GMA.

Overall, the concerns which prompted development of the GMA such as urban growth, sprawl, congestion, and the loss of open space are not generally applicable to Grays Harbor County. As a result, the Amendment to the Grays Harbor County Comprehensive Plan uses the existing regulatory network as a basis for classification and designation of resource lands and critical areas. The designation of districts either coincides with existing jurisdictional boundaries (i.e. agricultural lands, floodplains, and shorelines), or uses criteria from the Uniform Building Code (i.e., geologically hazardous areas). Certain designations such as volcanic hazard areas and fish and wildlife habitat are considered inappropriate by the county and are reserved for future consideration. No changes to existing regulations or creation of new regulations are recommended.

## **RESOURCE LANDS**

### **AGRICULTURAL LANDS**

The state GMA requires that local governments designate significant agricultural areas within their boundaries. Grays Harbor County has already acted to identify and protect significant agricultural areas. It has met the requirements of the GMA.

Grays Harbor County first designated agricultural land in the late 1960’s by adopting comprehensive land use maps and designating an agriculture zone. In September of 1969, the county adopted Comprehensive Zoning Ordinance #38 which regulates land uses within the agricultural zoning district. The county adopted the Agricultural Element of the Grays Harbor County Comprehensive Plan in 1981. The element was based on a report by the Agriculture Study Committee. In formulating the plan, the drafters examined the soil types as classed by the U.S. Soil Conservation Service, the pattern of agriculture in the county, the trends in development, proximity to urban service areas, and many other factors. The criteria examined are the same or similar to those criteria recommended by the DCD guidelines.

The Agricultural Element has resulted in the designation of three classes of Agricultural land: Agricultural, Agricultural 1, and Agricultural 2. The Element also contains adopted goals, objectives and policies to guide the use and future development of the agricultural lands. The agricultural lands are protected by provisions of the zoning code, and have been mapped in the Agricultural Plan Map and in the zoning maps which are part of county Ordinance #38, the Comprehensive Zoning Code. The existing classification and designation of agricultural lands meets and exceeds the requirements of the growth management act for counties that do not opt into the growth management process.

## RECOMMENDATIONS

### *Classification*

Agricultural lands are already designated. No action is recommended.

### *Designation*

Agricultural lands are already classified. No action is recommended. However, as time and resources permit, the designation of agricultural lands west of the Wynoochee River currently zoned Agriculture "A" should be redesignated Agriculture "A1". Specific classifications should be developed for shellfish and mariculture. In addition, cranberry farming and other types of intensive farming should be reclassified to protect the unique qualities of the Cranberry Community.

## FOREST LANDS

Almost 90% of Grays Harbor is used for forest lands. The state GMA requires each local government to designate forest lands of long term commercial significance.

The DCD Minimum Guidelines suggest that counties use the Private Forest Land Grading Classification System developed by the Department of Revenue (DOR) (WAC 458-40-530) to identify forest lands for consideration as forest lands of long-term commercial significance. The DOR's classification system ranks the soil type according to their potential for growing timber. The system considers the capacity, productivity, and soil composition of the land. Open Space Timberland has a minimum size of 5 acres, and Classified and Designated Timberlands have minimum parcel sizes of 20 acres. The land types are identified in detail on a series of maps created by the DOR. Information on participating parcels is available in the assessor's office.

## RECOMMENDATIONS

### *Classification*

It is recommended that Forest Resource Lands are those lands in the unincorporated areas of Grays Harbor County which meet the following classification criteria:

- 1.) Property tax classification: Property is enrolled, as of January 1, 1991, in the Open Space – Timber or Designated Forest or Classified Forest property tax classification program pursuant to Chapter 84.33 or 84.34 RCW, or is owned by state or local governmental body with long-term forest management as primary use, but is exclusive of any lands identified by the Grays Harbor County Board of Commissioners as not appropriate for long term commercial timber use; and
- 2.) Other lands identified by the Grays Harbor County Board of Commissioners as forest

lands of long-term commercial significance.

### *Designation*

It is recommended that lands of Grays Harbor County meeting the classification criteria for Forest Resource Lands be designated, under RCW 36.70A Section 170, as forest resource lands of long-term commercial significance.

### MINERAL LANDS

RCW 36.70A.170 (c) requires each county to designate where appropriate mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals. "Minerals" include gravel, sand, and valuable metallic substances.

In Grays Harbor County, most of the mineral extraction activity consists of sand and gravel pits. Sand and gravel resources are plentiful and well distributed throughout the county, primarily in the river valleys. There are some small quarries for limestone and basalt which are also distributed throughout the county. In the north part of the county there are deposits of manganese, and near the coast reserves of natural gas and oil are reported. The manganese, oil and gas are not of proven commercial value.

The DCD's guidelines recommend a classification system which includes existing sites and the identification of possible commercial reserves. There is no existing data on commercial reserves of mineral resources in Grays Harbor County. However, the Department of Natural Resources (DNR) has a listing of sites with permits to operate. A more detailed evaluation may be done at some future time; but, given the very low projected growth in Grays Harbor, uses incompatible with future mineral extraction are not expected to expand significantly.

### RECOMMENDATIONS

#### *Classification*

It is recommended that Mineral Resource Lands are those lands in the unincorporated areas of Grays Harbor County which meet the following classification criteria:

- 1.) It is an existing permitted surface mining operations (including dormant operations) operating under authority of Chapter 78.44 RCW, the Washington State Surface Mining Act, and
- 2.) The remaining operation has extractive materials valued in excess of \$1,000,000. This means that the existing permitted operation has the capacity to extract materials valued in excess of \$1,000,000.

### *Designation*

It is recommended that lands of Grays Harbor County meeting the classification criteria for Mineral Resource Lands be so designated, under RCW 36.70A.170, as mineral resource lands of long-term significance for the extraction of mineral resources.

## **CRITICAL AREAS**

### **GEOLOGICALLY HAZARDOUS AREAS**

Geologically hazardous areas are defined by the GMA as: “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.” The GMA further defines geologically hazardous areas as “critical areas” and thus requires all counties to classify, designate, and adopt protective regulations for these areas.

The DCD recommends that Geological Hazards be categorized into the following areas:

1. erosion hazard
2. landslide hazard
3. seismic hazard
4. mine hazard
5. volcanic hazard

In Grays Harbor County areas of known or suspected risk exist for erosion hazards, landslide hazards, and seismic hazards. Volcanic Hazards and Mine Hazards are not thought to be significant in this area. These categories and proposed designations are discussed below individually.

There are existing comprehensive goals and policies in effect that relate to geologically hazardous areas. The limitation to these policies is that they deal with only some zones in the county, General Development 1, and 5, and Residential 1 and 2, and Rural Residential. The policies generally discourage more intensive zoning or development in hazardous areas.

The Subdivision Ordinance 111 also regulates development in geologically hazardous areas. Commercial and industrial site plans, mobile home and recreational vehicle parks, and lots of less than five acres have restrictive policies. There are no restrictive policies for residential lots of five or more acres.

Finally, the Uniform Building Code (UBC) regulates building in hazardous areas prone to erosion, landslides, and seismic risk. It regulates grading, excavating, and the structural stability of construction relative to soils, terrain, and other factors included in geologically hazardous areas. The UBC rates areas by seismic risk and sets appropriate building standards.

## EROSION HAZARD AREAS

The DCD minimum guidelines define erosion hazard areas as those areas containing soils which, according to the US Department of Agriculture Soil Conservation Service Soil Classification System, may experience severe to very severe erosion.

Most of Grays Harbor County is at risk from erosion because of a combination of steep slopes and soil conditions. The Grays Harbor Erosion Management Study of 1974 notes that 85% of the erosion in Grays Harbor is from sheet erosion in areas upstream of the developed areas and is primarily caused in areas denuded of vegetation by poorly constructed logging roads and disruptive methods of harvesting and yarding logs. These activities are regulated by the state DNR. The remainder of the stream's suspended load is produced by bank erosion. Stream side erosion areas of risk are defined and mapped in the erosion study.

The difficulty with using a soils based designation is that virtually all of the county would be included in the erosion hazard area. On the other hand, land outside of the erosion hazard area could suffer from erosion due to stream erosion, land clearing, and poor construction practices.

Generally speaking, the control of erosion is regulated through excavation and grading permits, building permits, Shoreline permits, and state forest practices. Development along shorelines is somewhat protected from stream side erosion by the setback requirements in the shoreline regulations. Existing individual structures and public roads are occasionally at risk, but the greatest erosion threats are to agriculturally productive land and to water quality and fisheries from siltation.

Stream side erosion is usually dealt with through armoring the stream bank. There are policies in place which regulate these activities to protect fish and wildlife habitat while allowing for protective measures to be taken. However, if large areas of agricultural land were protected by armoring, there might be a cumulative effect of channelizing the streams. This diminishes the natural beauty and resource values of the shoreline and may increase erosion and flooding in other areas.

## RECOMMENDATIONS

### *Classification*

It is recommended that Erosion Hazard Areas be those areas characterized in the 1974 "Grays Harbor Erosion Hazard Study" as presenting a critical or severe erosion hazard.

### *Designation*

It is recommended that lands of Grays Harbor County meeting the classification for Erosion Hazard Areas be designated, under RCW 36.70A Section 060 and 170, as critical areas requiring immediate protection from incompatible uses.

### *Regulations*

No change to existing land development regulations are recommended at this time.

### LANDSLIDE HAZARD AREAS

Grays Harbor County has many places where old landslides are visible and many more areas where the potential for landslides exists. The DCE minimum guidelines provide that: "Landslide hazard areas shall include areas potentially subject to landslides based on a combination of geologic, topographic, and hydrological factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors." Methods for assessing and dealing with landslide risks are very site and project specific. This is why site by site analysis is necessary to assess and mitigate landslide risks.

The UBC has the capacity to regulate development through excavation and grading permits (Appendix, Chapter 70, Excavation and Grading) and through its issuance of building permits. It may require a soils engineer's analysis of the building site, including required drainage improvement, recommendations for land clearing, and the siting of drainfields (Chapter 29, Excavations, Foundations and Retaining Walls).

The State Environmental Policy Act (SEPA) environmental checklist has questions relating to geologic hazards, especially slide risks. SEPA analysis addresses terrain, steep slope, history of unstable slopes, types of soils, erosion, fill and grading, impervious surfaces, and mitigation. SEPA is only applicable to those projects and actions which require a SEPA review. Single family houses, for example, are exempt.

### RECOMMENDATIONS

#### *Classification*

It is recommended that landslide hazard areas be classified according to a format consistent with and useful with existing county ordinances and policies. It is recommended that Landslide Hazard Areas are those areas on a slope or within 40 horizontal feet of the top or 15 feet from the toe of a slope which has a grade equal to or greater than 45%, or a grade of between 15% and 45% where there are other indicators of landslide hazard. Other indicators of landslide hazard include, but are not limited to: Areas with any indications of earth movement such as rock slides, earthflow, mudflows and landslides; Areas unstable as a result of rapid stream incision, stream bank erosion, or undercutting by wave action; Areas with impermeable subsurface material (typically silt and clay); Areas with springs or seeping ground water during the wet season.

#### *Designation*

It is recommended that lands of Grays Harbor County meeting the classification for Landslide

Hazard Areas be designated under RCW 36.70A.170 as critical areas requiring immediate protection from incompatible uses.

#### *Regulations*

No changes to regulations are recommended at this time.

#### SEISMIC HAZARD AREAS

All of Grays Harbor is subject to some risk from seismic activity. Design specifications are modified for each zone to mitigate for the estimated risk. The DCD guidelines are directed at designating areas of higher than normal risk. The DCD minimum guidelines define seismic hazard areas as those subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, or soil liquefaction. Seismic induced events can also take the form of tsunamis, surface faulting, and seiches. The GMA defines hazardous areas as those which “are not suited to the siting of commercial, residential, or industrial development.”

While no maps currently exist indicating areas vulnerable to earthquake-generated waves and tsunamis, the coast of Grays Harbor is subject to tsunamis which can extend a mile inland. The focus for land use planning is on the preservation of emergency response in the case of an earthquake, and the reduction of community hazards such as those from chemical spills.

Beside avoiding high risk sites through land use planning, hazards can be mitigated through design and siting of structures. The UBC divides the county into two categories of seismic risk, 2B and 3. The UBC already has mitigation built into its standards based on the average risk in Washington and Grays Harbor. It also provides for geological-technical reports to address the hazards from seismic events.

The flood hazard reduction regulations contained in the county’s zoning ordinance also address some of the risk from seismically induced flooding. In addition, SEPA could be used for larger, eligible projects. The county could take the potential seismic effects into consideration when reviewing the proposal under SEPA and might require alternative site analysis and recommendations.

#### RECOMMENDATION

##### *Classification*

It is recommended that no areas of seismic risk be designated because classes of risk are already adopted by the county through the adoption of the UBC.

##### *Designation*

It is recommended that no designation of seismic risk areas be made at this time as risk areas are already designated and structural requirement regulated by the UBC.

### *Regulations*

No change to existing land development regulations are recommended at this time.

### MINE HAZARD AREAS

Grays Harbor County is not in an area of particular hazard from past mining activities. The DCD minimum guidelines define mine hazard areas as areas directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts. Mine hazards can also include steep and unstable slopes created by open mines. Grays Harbor has open pits, which are mostly old or active gravel mines and which are easily identified on site.

Underground mines are not a risk in Grays Harbor, but there are open pits from old and active gravel pits. These are easily spotted at the time development is proposed and can be evaluated site by site as needed. They do not effect the type of use that should be allowed in the area, but would affect the placement of structures. This issue is addressed in the UBC through its regulation controlling placement of structures on or near slopes. There are existing mine reclamation regulations in force at the local and state level to keep this problem from being created in the future.

### RECOMMENDATION

#### *Classification*

It is recommended that no classification be made as none is appropriate.

#### *Designation*

It is recommended that no designation be made as none is appropriate.

#### *Regulations*

No changes to existing land development regulations are recommended at this time.

### VOLCANIC HAZARD AREAS

The DCD minimum guidelines state the: "Volcanic hazard areas shall include areas subject to pyroclastic flows, lava flows, debris avalanche, inundation by debris flows, mudflows, or related flooding resulting from volcanic activity." Grays Harbor does not have areas subject to such hazards.

The Olympic Mountains are not volcanic in origin and the nearest potentially active volcanoes are Mount Rainier and Mt. St. Helens, roughly 90 miles distant. The rivers and valleys in Grays Harbor do not lead into volcanic areas so that the danger or flooding, mudflows and lahars related to volcanic activity is minimal. The most likely effects to reach Grays Harbor are seismic

and ash falls. Seismic hazards are dealt with in a separate section. Because of the prevailing winds and the distance from probable sources, ash fall effects should be limited. The reasonable expectations for ash falls are dealt with through the UBC and its structural designed to meet snow load, wind and earthquake risks.

## RECOMMENDATIONS

### *Classification*

It is recommended that no classification for volcanic hazard areas be made as none is appropriated.

### *Designation*

It is recommended that no designation be made in Grays Harbor because no areas are appropriate for designation.

### *Regulations*

No changes to existing land development regulations are recommended at this time.

## FREQUENTLY FLOODED AREAS

Frequently flooded areas are lands subject to 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 [WAC 365-190-030(7)].

Grays Harbor County participates in the flood insurance program of the Federal Emergency Management Agency (FEMA). The Flood Insurance Study was conducted in 1986 under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The study investigated the existence and severity of flood hazards in the unincorporated areas of Grays Harbor County. This study is the basis of the flood insurance program administered by FEMA and is used to promote sound floodplain management.

In order to comply with the flood plain management requirements for participation in the National Flood Insurance Program (NFIP), the county adopted a Combining District, Section 13.07 of Ordinance No. 38. The Combining District contains adopted policies to guide the use and future development of frequently flooded areas. The Flood Insurance Rate Maps (FIRM), which delineate both the areas of special flood hazards and the risk premium zones applicable to the community, have been adopted by Grays Harbor County.

## RECOMMENDATION

### *Classification*

Grays Harbor County currently has a classification for frequently flooded areas. Changes are not necessary at this time.

### *Designation*

Frequently flooded areas are currently designated and mapped by the FIRM which the county has adopted.

### *Regulations*

The existing classifications and designation of frequently flooded areas meets the minimum requirements of the GMA. Changes to the regulations are not recommended at this time.

## AQUIFER RECHARGE AREAS

The GMA requires counties to identify critical aquifer recharge areas based upon their vulnerability to potential contamination. Water in Grays Harbor County is largely drawn from unconfined aquifers of glacial outwash. These deposits occur throughout the county's large river valleys and along the Ocean Beaches. Recharge of the county's aquifers occurs largely through percolation of precipitation falling onto the county rather than from rivers and streams entering the county. Thus potential sources of contamination originate primarily within the county rather than outside. Water quality studies show that so far the area's low population density poses little risk to the county's aquifers.

Grays Harbor County's goal is to work toward better understanding its groundwater resources and potential threats to the resource. The first step was taken in 1991 with the development and update of the Comprehensive Utility Plan. The new Utility Plan includes an inventory of existing water facilities and groundwater supplies, and existing waste water facilities and an evaluation of soil types able to support wastewater disposal systems. The Utility Plan classifies soil types based on suitability for septic systems and density of housing units per square mile.

Although the Plan contains water quality evaluations for the county, it does not address susceptibility of aquifer recharge areas to contamination from land use activities such as on-site septic systems with the potential of groundwater pollution. At present not enough information is known about the aquifers' location, size, and yield, or their susceptibility to the effects of high density development of on-site septic systems. The Plan has designated areas throughout the county to begin more detailed studies of aquifer characteristics. The City of Westport and the county will begin the first in a series of such inventories for the South Beach area. The cities of McCleary and Ocean Shores have expressed interest in joint aquifer studies as well.

The county presently has no regulations specifically addressing aquifer recharge areas. Wells are

regulated by the State through the Water Resources Section at the Department of Ecology (DOE). Drinking water standards from the State Department of Health require a protective 100 foot radius setback from all wells. The county's Zoning Code indirectly reduces the risk of groundwater pollution through low density zoning (one D.U./10-40 acres) in the floodplain areas of major rivers and 5 acre zoning in most rural areas.

## RECOMMENDATIONS

At this time it is recommended that the county postpone designation of new aquifer recharge areas as critical lands for the following reasons: 1.) Not enough data is available to justify the designation of risk areas; and 2.) The Comprehensive Utility Plan study points out that significant degradation of water quality has not been observed anywhere in the county. It is, however, recommended that established watersheds and existing public and private wells be given a protective designation.

### *Classification*

Classification of aquifer recharge areas is not recommended at this time

### *Designation*

The cities of Hoquiam and Aberdeen rely on surface water supplies from the Hoquiam, Wishkah, and Wynoochee Rivers. Watershed areas upstream of the existing water impoundments and pumping structures are designated critical aquifer recharge areas. In addition, the Department of Health, Drinking Water Division requires a protective radius of 100 feet around Group A and B wells. Areas which fall within this protective radii are designated critical aquifer recharge areas.

### *Regulation*

No changes to existing regulations are recommended at this time.

## WETLANDS

The GMA requires counties and cities to classify and designate wetlands as critical areas. Wetlands in Grays Harbor County occur throughout river valleys, in the estuary, around lakes, and in the deflation zone along the coast. It is still a relatively abundant resource in the county. The county's wetlands serve important functions, such as flood storage, groundwater recharge, water quality maintenance, and fish and wildlife habitat.

Wetlands in Grays Harbor County currently fall under the jurisdiction of local, state, and federal permitting agencies. At the local level wetlands are regulated through the Shoreline Master Program with local and state review of substantial development permits under the Shoreline Management Act 90.58 RCW. Under the Act "wetlands" are identified as those lands extending landward for 200 feet from the ordinary high water mark; floodways and contiguous floodway

areas landward for 200 feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with lakes 20 acres or greater, tidal waters, and streams where the mean annual flow is greater than 20 cubic feet per second. Shorelines jurisdiction is divided into four environments, each affording a different level of protection to wetlands. The county's Estuary Management Plan provides an additional layer of policies and regulations within the Grays Harbor Estuary.

Wetlands are also addressed through the county's Subdivision and On-site Sewage Ordinances. Lastly, potential development impacts on wetlands are identified through SEPA review. The UBC requires filling and excavation permits (Appendix, Chapter 70) which have the capacity for identifying wetlands and notifying applicants of the need to contact federal authorities such as the Corps of Engineers about federal permit requirements.

At the federal level Section 404 of the Clean Water Act regulates discharge of dredged or fill materials into wetlands through the individual permit process administered by the Army Corps of Engineers. The review criteria strongly discourages filling of wetlands and mitigation plans are approved only under exceptional circumstances.

Several wetlands in Grays Harbor County are managed by Federal and State agencies. An example are unique wetland sites acquired as Natural Area Preserves (e.g., Carlisle Bog, Sand and Goose Islands) by the Natural Heritage Program of the DNR.

## RECOMMENDATION

### *Classification*

The DCD "strongly encourages" the use of the DOE Four-tiered Wetland Rating System. Use of this rating system is not recommended for Grays Harbor County because the classification scheme is too complex. The Rating System has four categories with 1 to 6 additional subcategories and requires that fine distinctions be made between categories. The county currently lacks both data and professional expertise to develop and administer such a classification system.

Based on a review of the existing regulations, it is recommended that the existing regulations be used as a basis for critical area classification and designation. Critical Area Wetlands are those lands in the unincorporated areas of the county which meet the following criteria:

- 1.) All marshes, bogs, and swamps as defined in the publication, Peat Resources of Washington and within the jurisdiction of the Shoreline Management Act of 1971, Chapter 90.58 RCW and Shoreline Management Master Program of Grays Harbor County, Resolutions 74-19 and 80-9.
- 2.) All marshes, bogs, and swamps as defined in the publication, Peat Resources of Washington, not in category 1. Not included are artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment

facilities, farm and/or fire protection ponds, landscape amenities; and other areas including cultivated farm lands, pasture lands, and commercially managed forest lands.

#### *Designation*

Lands of Grays Harbor County meeting the criteria of wetlands are hereby designated, under RCW 36.70A.170.

#### *Regulations*

No changes to existing regulations are recommended at this time.

#### FISH AND WILDLIFE HABITAT CONSERATION AREAS

The GMA requires each county to designate where appropriate “critical areas” including fish and wildlife habitat conservation areas. The GMA further requires each county and city to adopt development regulations that protect these designated critical areas.

The GMA does not further define the character or extent of critical areas. However, it does state that in making these designations, cities and counties shall consider the guidelines established by the DCD to assist cities and counties in classifying resource lands and critical areas. The guidelines pertaining to fish and wildlife habitat are located in subsection 5 of WAC 365-190-080.

The guidelines developed by the DCD do not further define “fish and wildlife habitat conservations areas.” The guidelines do, however, define fish and wildlife habitat conservation to mean “land management for maintaining species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created.”

The DCD suggests dividing fish and wildlife habitat areas into two basic categories: priority habitat areas and nonpriority habitat areas. If the county chooses to classify and designate priority habitat areas, the DCD recommends that the definition of priority habitat areas include:

- 1.) Areas with which endangered, threatened, and sensitive species have a primary association;
- 2.) Habitats and species of local importance;
- 3.) Commercial and recreational shellfish areas;
- 4.) Kelp and eelgrass beds, and herring and smelt spawning areas;
- 5.) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;
- 6.) Waters of the state;
- 7.) Lakes, ponds, streams, and rivers planted with game by a governmental or tribal entity; and
- 8.) State natural area preserves and natural resource conservation areas.

DCD further recommends that the following goals and activities be considered when classifying and designating fish and wildlife habitat conservation areas:

- 1.) Creating a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces;
- 2.) Assessing the level of human activity in fish and wildlife habitat conservation areas including roads and level of recreation by type (passive or active recreation may appropriate for certain areas and habitats);
- 3.) Protecting riparian ecosystems;
- 4.) Evaluating land uses surrounding ponds and fish and wildlife habitat areas that may negatively affect these areas;
- 5.) Establishing buffer zones around fish and wildlife habitat areas to separate them from incompatible uses; and
- 6.) Restoring lost salmonid habitat.

The county's Comprehensive Zoning Ordinance No. 38 is a tool for allocating land uses in the unincorporated areas of Grays Harbor County. While Ordinance No. 38 does not currently contain provisions explicitly protecting fish and wildlife habitat, the SEPA environmental review process is triggered by requests for conditional use permits and zoning amendments. This environmental review process is discussed in more detail below.

The UBC, as it is implemented in the county's building permit process does not explicitly protect fish and wildlife habitat. However, Chapter 70 of the UBC, titled Excavating and Grading does have the capacity to protect fish and wildlife habitat by regulating grading and excavating that potentially endangers private or public property.

Subdivision Ordinance No. 111 regulates divisions of land within unincorporated Grays Harbor County. Ordinance No. 111 contains language requiring compliance with other agencies and jurisdictions and provides a review process through which issues involving fish and wildlife habitat can be addressed.

The SEPA and the county's SEPA Ordinance No. 119 provides a process for assessing the environmental effects of development proposals and soliciting the comments and concerns of other agencies and jurisdictions. The SEPA Checklist currently in use by the county requests information about threatened or endangered plant and animal species including bass, salmon, trout, and shellfish; and bodies of water including seasonal streams, ponds, and wetlands. Other sections request information about soils, air quality, groundwater, and water runoff.

The Washington State Shoreline Management Act of 1971 (SMA) was written, in part, "to preserve the natural character of the shoreline" and "to protect the resources and ecology of the shoreline" (RCW 90.58.020 [2] and [4]). Pursuant to the SMA, Grays Harbor County developed and adopted its Shoreline Master Program in 1974. This was followed by adoption of the Grays Harbor Estuary Management Plan in 1986. Shorelines legislation provides a process for assessing the effects of development on fish and wildlife habitat as well as protective goals, policies, and regulations.

## COMMENTARY

The GMA requires the county to designate, where appropriate, critical lands; and to adopt development regulations protecting those designated lands. The DCD has developed guidelines which recommend how the county should classify and designate critical lands. These definitions and guidelines indicate that the county should be managing designated fish and wildlife habitat areas in order to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations will not be created. The guidelines further indicate that the area to be managed is for all intents and purposes the entire county.

As noted above, the county has a range of land and land use management tools at its disposal. It is the Commission's belief that the Grays Harbor County Shoreline Master Program and Estuary Management Plan most closely approximate the kind of regulatory model implied by the DCD's guidelines. The SMA and the county's Master Program establish shoreline jurisdiction through adopted criteria; they classify and prioritize shoreline jurisdiction through a system of "environments"; and they protect the resources and ecology of the shoreline through adopted goals, policies, and regulations.

The definition of priority habitat recommended by the DCD substantially increases the county's regulatory burden. For example, the county's Shorelines Master Program currently regulates land uses on or near "shorelines of the state." Shorelines of the state include all "shorelines" and "shorelines of state-wide significance" (RCW 90.58.030 [c]).

The SMA defines "shorelines" as all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except shorelines of state-wide significance; shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and shorelines on lakes less than 20 acres in area and their associated wetlands (RCW 90.58.030 [2] d). "Shorelines of state-wide significance" are defined as "the area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays estuaries, and inlets" (RCW 90.58.030 [e] [i]); those natural rivers or segments thereof west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at 1000 cubic feet per second or more (RCW 90.58.030 [e] [v]); and those wetlands associated with these waters (RCW 90.58.030 [e] [vi]). Designating naturally occurring ponds under 20 acres and waters of the state as priority fish and wildlife habitat as recommended by the DCD expands the county's regulatory responsibility to include essentially all surface waters of Grays Harbor County.

The primary land use in Grays Harbor County is forestry. Almost 90 percent of Grays Harbor is devoted to this use. The DNR regulates forestry through its Forest Practices Rules and Regulations (RCW 76.09 & WAC 222-08). These rules and regulations provide standards and controls for road construction and maintenance, timber harvesting and reforestation, use of chemicals, and consistency with other laws and regulations including the SMA and the Washington State Hydraulics Code administered by the Departments of Fisheries and Wildlife (RCW 76.09.910).

In addition, the Forest Practices Board Manual provides information and guidance to applicants [for forest practices applications] when operating near water areas or critical habitats. For example, Section 3 of the Forest Practices Board Manual explains which species of wildlife are most in need of protection, and what measures can help maintain an adequate habitat for those species and other wildlife. While the Forest Practices Manual is advisory, it nevertheless implements the Forest Practices Rules and Regulations.

Grays Harbor County currently reviews forest practices for compliance with its zoning and shoreline regulations. Those fish and wildlife habitat areas which may experience development pressure in the near futures such as those in the river valleys and beach areas are protected by current regulations such as the Shorelines Master Program and Estuary Management Plan. The county's goal of preserving and protecting fish and wildlife habitat will not be further served at this time by designating and regulating fish and wildlife habitat conservation areas.

#### RECOMMENDATION

##### *Classification*

It is recommended that no classification be made as none is appropriate.

##### *Designation*

It is recommended that no designation be made as none is appropriate.

##### *Regulation*

No changes to existing land development regulations are recommended at this time.

**PLEASE REFER TO RESOLUTION 92-39 – A RESOLUTION ADOPTING AN AMENDMENT TO THE GRAYS HARBOR COUNTY COMPREHENSIVE PLAN DESIGNATING RESOURCE LANDS AND CRITICAL AREAS PURSUANT TO RCW 36.70A.170.**