



BENTON COUNTY CRITICAL AREAS ORDINANCE

The Washington State Growth Management Act requires counties to protect five types of critical areas:

1. Fish and wildlife habitat conservation areas.
2. Wetlands.
3. Critical aquifer recharge areas.
4. Frequently flooded areas.
5. Geologically hazardous areas (such as steep slopes).

Benton County's critical areas regulations are a response to that law – they regulate how development and redevelopment can safely occur on lands that contain critical areas. Most critical areas are protected by mandatory buffers -- strips of undeveloped land that surround the critical area to protect it from the pressure of growth. The width of a buffer varies depending on the quality or type of the critical area in question. Certain types of activities and land-uses may also be regulated based on the type of critical area.

Where can I find the Benton County Critical Area Ordinance?

The Critical Area Ordinance may be found in Title 15 of the Benton County Code. You can either contact the Planning Department or go on-line and locate the county code at: www.tinyurl.com/BentonCoCode

How do I know if I have critical areas on my property?

Approximate locations of some critical areas in Benton County are available in the Benton County Planning Department and may also be shown on Benton County's GIS website. It is important to note that GIS maps are intended to be used as a guide and do not provide a definitive designation. In most cases an exact location of a critical area is to be determined through a field investigation by a qualified professional.

What is the permitting process for projects that affect critical areas?

A critical area review will take place at the same time with the underlying application. If the Planning Department determines that a critical area or areas may be affected by the proposal, or is unable to determine if critical areas may be affected by the proposal, then the Planning Department will notify the applicant that a critical area report must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed in the report.

What is in a critical area report?

Developed by a qualified professional, a critical area report must consist of the following minimum requirements (A) and then additionally include the report requirements for the type of critical area (B-F) in question. Contact the Planning Department for details.

A. The minimum critical area report requirements for all projects are as follows:

- (1) The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
- (2) A copy of the site plan for the development proposal including: A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared;
- (3) The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

- (4) Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;
- (5) A statement specifying the accuracy of the report, and all assumptions made and relied upon;
- (6) An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development;
- (7) An analysis of site development alternatives;
- (8) A description of reasonable efforts made to apply mitigation sequencing pursuant to mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
- (9) Plans for adequate mitigation;
- (10) A discussion of the performance standards applicable to the critical area and proposed activity;
- (11) Financial guarantees to ensure compliance;
- (12) Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area;
- (13) Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Planning Administrator; and
- (14) Any additional information required for the critical area as specified in this chapter.

B. WETLAND:

The wetland critical area report requirements can be found in BCC 15.08.320 and generally includes a determination of a wetland boundary (wetland delineation) and a wetland analysis.

C. CRITICAL AQUIFER RECHARGE AREAS:

The aquifer recharge area critical area report requirements can be found in BCC 15.08.390 and generally includes a hydrogeological evaluation and evaluation of the projects potential impact to groundwater recharge.

D. FREQUENTLY FLOODED AREAS:

These areas are regulated under the Flood Damage Prevention Ordinance, Chapter 3.26 of the Benton County Code.

E. GEOLOGICALLY HAZARDOUS AREAS:

Geologically hazardous area critical area report requirements can be found in BCC 15.08.470 (Geotechnical report) and/or BCC 15.08.480 (Geotechnical risk assessment).

F. FISH AND WILDLIFE HABITAT CONSERVATION AREAS:

Fish and wildlife habitat conservation area critical area report requirements can be found in BCC 15.08.520 (Habitat assessment).