

# Planning Commission Workshop



Community Development • 125 NW Chehalis Avenue, Chehalis, WA 98532 • Phone: (360) 740-1146

## STAFF REPORT

## DRAFT AMENDMENTS TO LCC 17.10.170

**Date:** December 2, 2024  
**Staff:** Mindy Brooks, Director of Community Development  
**Attachments:** Proposed Amendments to LCC 17.10.170

## SUMMARY

Receiving correct and accurate critical area reports is an important part of ensuring that Lewis County meets the Washington State Critical Areas Ordinance. Wetland reports and delineations can be complicated and require extensive knowledge and expertise to ensure that all state and federal guidelines are met. It is appropriate to require that those who are conducting assessments and delineations are certified as a Professional Wetland Scientist (Society of Wetland Scientist) or have a bachelor of science degree and a similar certification from an accredited university program.

## BACKGROUND

Streams and wetlands retain and move surface water across the land. Development, including clearing and grading when located near a stream or wetland can disrupt the feature's ability to provide those functions. When a stream or wetland is altered, it can pose a risk to the property on-site and off-site. To avoid inadvertently impacting streams and wetlands, during development review the applicant needs to provide a report, completed by a qualified professional, that accurately maps the location and correctly classifies the stream or wetland. It is incumbent on Lewis County to ensure that streams and wetlands are delineated and classified correctly to protect private and public property. This is also important for the County to maintain compliance with the Washington State Critical Areas Ordinance.

Lewis County Department of Community Development has three planners that review all development applications across the county. These planners are generalists, not specialists. They rely on qualified professionals to provide accurate and correct information regarding the location and classification of streams and wetlands. The qualified professional needs to have sufficient knowledge and experience to provide reports that meet the Lewis County Code; and when that occurs, minimal review by the planner is necessary.

If it is not clear to the planner that the Lewis County Code is met, they can request third party review. Today, staff use the Washington Department of Ecology to perform third party review. However, we are hiring an on-call consultant to perform third party review. Hiring on-call services will increase efficiency and allow the County more oversight. However, there will be a fee charged to the applicant to cover

the costs. By requiring a minimum of a bachelor's degree in biology, ecology, soil science or similar degree, plus a form certification, will reduce the amount of reports that require third party review.

## **RECOMMENDATIONS**

The person or company producing a critical area report will be required to hold a bachelor degree in a relevant field. If the person or company is conducting a wetland delineation and classification, they must also hold a formal certification. The Society of Wetland Scientists provides a Professional Wetland Scientist certification that is nationally recognized. In the absence of that, a local certification from an accredited program at a local university may be substituted. University of Washington, Washington State University and Portland State University all have wetland certifications. This will ensure that the reports received are likely to meet the Lewis County Code and reduce the need for third party review.

It is clarified in the code that a company needs to have persons that meet the qualifications; however, an individual without the qualifications can produce the report. As long as one or more person in the company do meet the qualifications, there is reasonable assurance that reports have been checked before being submitted. This also allows companies to hire and train employees to increase the pool of qualified professionals in the region.

A person who has been providing critical area reports to Lewis County prior to the change in definition is allowed to continue; however, their reports are subject to third party review and associated fees. The intent is to support local people doing work in Lewis County while also ensure that critical area reports meet the Lewis County Code.

Finally, a clarification is added that even if a person or company meets the qualifications, if their work is repeatedly does not meet industry standards or frequently includes egregious errors, such as consistently not mapping wetland or streams that do exist, that person or company may be disqualified. When a person or company routinely provides substandard work and the work cannot be trusted, then every report will be sent for third party review which is an added fee passed on to the applicant. It is in the best interest of the public to disqualify such individuals or companies.

## **NEXT STEPS**

The Planning Commission is scheduled to hold a public hearing on amendments to LCC 17.10.17, "Q" Definitions as shown in the attachment to his memo, on January 14, 2025. After close of the public hearing, the Planning Commission may deliberate and vote to transmit the proposed amendments to the Board of County Commission. After the Board of County Commissioners reviews the proposal, they will hold a public hearing before voting to adopt the amendments.

## Commentary

### ATTACHMENT B – LEWIS COUNTY CODE 17.10.170 AMENDMENTS

Receiving correct and accurate wetland reports is an important part of ensuring that Lewis County meets the Washington State Critical Areas Ordinance. Wetland reports can be complicated and require extensive knowledge and expertise to ensure that all state and federal guidelines are met. It is appropriate to require that those who are conducting these assessments and delineations either are certified as a Professional Wetland Scientist or have a bachelor of science degree and a similar certification from an accredited university program. Such programs are found at colleges in Washington State and examples are provided. It is not necessary that the person conducting the assessment and delineation meet these qualifications if they are employed by a consulting firm that does have qualified professionals that can review the wetland report prior to submission to the County to ensure that all applicable local, state and federal rules and requirements are met.

Note - Beginning in 2025, Lewis County will release a request for qualifications (RFQ) and will henceforth maintain a list of qualified professionals that may be provided to applicants when they are required to have a wetland report prepared. Any person or consulting firm that would like to be on the qualified professionals list may submit their qualifications when the RFQ is released. Applicants will not be required to hire from the list provided that the person or consulting firm they wish to use provides documentation that they meet the qualified professional criteria listed here in 17.10.170.

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and code text to be added is shown with an underline.

## Chapter 17.10.170 "Q" Definitions

"Qualified critical area professional" means a person, or a team of persons or organization with combined experience, education, and professional degrees and ~~for~~ training pertaining to the critical area in question, and with experience in performing delineations, analyzing critical area functions and values, analyzing critical area impacts, and recommending critical area mitigation and restoration. The administrator may require professionals to demonstrate the basis for qualifications and shall make final determination as to qualifications. A professional may be found to be unqualified if they consistently submit reports or assessments that do not meet industry standards or frequently contain egregious errors. An unqualified professional who submitted a critical area report to Lewis County prior to January 1, 2025, may continue to submit critical area reports subject to third party review and associated fees as determined by the adopted fee schedule.

- (a) A qualified professional for wetlands must be a Professional Wetland Scientist (PWS) through the Society of Wetland Scientists or have all of the following:
- (i) A bachelor of science degree in biology, ecology, soil science, botany, or a closely related field ~~and demonstrate professional experience in wetland identification, delineation, and assessment in the Pacific Northwest.~~
  - (ii) A wetland certification from an accredited program; examples of acceptable programs include but are not limited to:
    - University of Washington Wetland Science and Management Certificate Program.
    - Washington State University Water Resources and Management Certificate Program.
    - Portland State University Wetland Delineation Certificate Program.
  - (iii) Continuing education credits from a program that meets U.S. Army Corps of Engineers or Washington Department of Ecology standards related to wetland delineations; credits must be obtained at least every five (5) years.
  - (iv) ~~Qualified professionals preparing wetland mitigation plans must have, in addition to the qualifications above, A minimum two (2) years demonstrated full-time or a minimum four (4) years demonstrated part-time professional experience in hydrology and conducting wetland delineations, preparing wetland reports, conducting functional assessments and developing mitigation plans using the 2014 Washington State Wetland Rating System in Western WA or the most current rating system. other disciplines essential to the success of mitigation plans. This expertise may be provided in a team of qualified professionals each of which has expertise in relevant areas.~~

## Commentary

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- (b) A qualified professional for habitat conservation areas must have a bachelor of science degree in wildlife biology, ecology, fisheries, or closely related field and demonstrated two (2) years full time or four (4) years part time professional experience related to the subject species/habitat type.
- (c) A qualified professional for geologically hazardous areas must be a Washington State licensed ~~professional~~ geologist, a ~~professional~~ licensed engineering geologist or a ~~professional~~ geotechnical engineer, or equivalent licensed engineer with specific education and demonstrated professional competence related to geologic hazards. For mine hazard assessments, a qualified professional must be a professional mining engineer, or other professional engineer with demonstrated professional competence related to mine hazards. For foundation design for mine hazard areas, a qualified professional must be a professional engineer with demonstrated professional competence related to foundation design.
- (d) A qualified professional for critical aquifer recharge areas means a Washington State licensed hydrogeologist, geologist, or a professional engineer, with specific education and demonstrated professional competence related to ground water hazards.
- (e) A qualified professional for frequently flooded areas means a Washington State licensed engineer or land surveyor (for documentation of lowest floor elevations, only), with specific education and demonstrated professional competence related to flood hazard assessment and construction requirements.

“Qualified forester” means a person with a bachelor of science degree in forestry or the equivalent in post-secondary education and demonstrated two (2) years full time or four (4) years part time work experience in forestry.