

Planning Commission

Public Hearing



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

STAFF REPORT

17.10.170

DRAFT AMENDMENTS TO LCC

Date: January 6, 2025

Staff: Mindy Brooks, Director of Community Development

Attachments: Attachment A - 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 through the Society of Wetland Scientist or have a similar certification from an accredited program.

BACKGROUND

On December 10, 2024, staff provided a report to the Planning Commission that included detailed background information regarding the proposed amendments. The Planning Commission held a workshop to discuss the staff recommendation. Please refer to the staff report and meeting minutes.

The primary concern from the Planning Commission was requiring a bachelor's degree to be qualified. Staff responded that to provide assurance that the person conducting the assessment has the baseline knowledge and is trained in wetland and stream assessment methodologies, a formal certification is necessary. Staff stated that they were not aware of a certification program that did not require a bachelor's degree. Further, staff request that if any of the meeting attendees were aware of such a program to please share the details for staff to consider.

Since the workshop, no one has provided alternative programs to those listed in the draft code. Staff did conduct additional research and did not find certification programs equivalent to those listed that do not require a bachelor's degree. While there are individual wetland delineation classes that do not require a bachelor's degree, those are not the same as a professional wetland certification program.

Please note, there is still a provision in the proposed code that any person who has submitted wetland reports to Lewis County prior to January 1 and who would no longer meet the qualifications, may continue to submit wetland reports, subject to third party review, for the next five years. That allows time for people to become qualified.

RECOMMENDATION

Staff recommend that the Planning Commission transmit the proposed amendments to LCC 17.10.170, as shown in Attachment A, to the Board of County Commissions for review and consideration. Staff offer the following potential motions for consideration:

Potential Motion A: I move to submit a letter of transmittal to the Board of County Commissioners to recommend approval of amendments to LCC 17.10.170 as shown in Attachment A of this staff report.

Potential Motion B: I move to submit a letter of transmittal to the Board of County Commissioners to recommend approval of amendments to LCC 17.10.170 only if an option is added for a qualified wetland profession that does not require a four-year degree.

Commentary

ATTACHMENT A – 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/delineation themselves meet these qualifications if they are employed by a consulting firm that does have qualified professionals. It is assumed that the qualified professionals within the consulting firm 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.

A provision is included because there may be persons who have submitted wetland reports to Lewis County prior to January 1 whom would not meet the qualifications and would therefore be disqualified. In order to provide them time to obtain the necessary qualifications, Lewis County will continue to accept reports from those persons for the next 5 years. In the interim, Lewis County would use on-call professional services to provide 3rd party review of those reports.

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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/or 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 through December 31, 2029 subject to third party review and associated fees as determined by the adopted fee schedule.

- (a) A qualified professional for wetlands ~~must~~ shall be a Professional Wetland Scientist (PWS) through the Society of Wetland Scientists or shall have all of the following:
- (i) ~~Have a bachelor of science degree in biology, ecology, soil science, botany, or a closely related field;~~
 - (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; and
 - (iv) ~~and demonstrate professional experience in wetland identification, delineation, and assessment in the Pacific Northwest. 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. Qualified professionals preparing wetland mitigation plans must have, in addition to the qualifications above, 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

Clarification is added, when there is a statement about professional experience that means either 2-years full time or 4-years part time experience.

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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.