Skagit County Critical Areas Ordinance Update 2006: Summary of Proposed Wetland Section Revisions

Topic	Current CAO	Proposed Revisions Presented to the Citizens Advisory Committee	Rationale	Public Release Proposed Revisions
WL1: What Wetland Classification and Rating system to use?	**SCC14.24.200 Wetlands Designations.** Utilize WA State Wetland and Delineation Manual, Department of Ecology (DOE) No. 96-94.	**SCC14.24.200 Wetlands Designations and Classifications.** Continued use of DOE #96-94 for designation and delineation; and utilization of *Washington State Wetland Rating System for Western Washington (DOE 2004 or as revised) for rating.*	RCW 36.70A.175 "Wetlands regulated under development regulations… shall be delineated in accordance with the manual adopted by the department". WAC365-190-080(1) Wetlands "Counties and cities should consider wetlands protection guidance provided by the DOE including the model wetland protection ordinance" and in developing rating systems, counties and cities should consider using "The WA state four-tier wetlands rating system". The new DOE Wetland Rating System represents the most current and updated guidance from DOE.	The same as presented to the CAC.
WL2: Exemption Thresholds	**SCC14.24.230 Alteration of Wetlands.** Category I No exemptions Category II Exempt if <2500 sq.ft. Category III Exempt if <2500 sq.ft. Category IV Exempt if <10,000 sq. ft.	**SCC14.24.230 Alteration of Wetlands.** Category III and IV wetlands <1,000sq.ft. may be exempt where: i. The wetland is isolated ii. The wetland is not associated with a riparian corridor iii. The wetland is not part of a mosaic iv. The wetland does not contain WDFW designated priority species or habitat	Exemption thresholds are not supported by BAS. This section replaces dimensional thresholds and provides criteria for exemptions based on guidance from DOE.	The same as presented to the CAC.

		Cat. III and IV wetlands between 1,000 and 4,000sq.ft. may be exempted from mitigation sequencing requirement to avoid where: i. A site assessment is performed ii. The wetland meets criteria in 14.24.230(3)(a) iii. The proposal includes a full mitigation plan		
WL3:Changes to Buffer Sizes	**SCC14.24.240 (2) Standard Wetland Buffer Requirements.** Category I 150 feet Category II 100 feet Category III 50 feet Category IV 25 feet	**SCC14.24.240 (2) Wetland Buffer Widths.** Category I 150-300 feet Category II 150-300 feet Category III 75-150 feet Category IV 25-50 feet	WAC365-190-080(1) Wetlands "Counties and cities should consider wetlands protection guidance provided by the DOE including the model wetland protection ordinance". Represents the most current BAS and guidance from DOE to protect wetlands based on wetland rating and land use intensity. The optional buffers provide applicants flexibility.	The same as presented to the CAC. **The CAC favored maintaining the buffers in the existing CAO, although a few supported the proposed buffers.**
WL4: Applied Criteria for Buffer Increasing	**SCC14.24.240 (5) (a) Buffer Width Increasing.** Standard Buffers may be increased upon determination by the Administrative Official with confirmation from the Washington State Departments of Ecology and/or Fish and Wildlife that buffer averaging is not adequate to protect the functions and values of the wetland and increased buffer widths are necessary to: i. Maintain viable populations of existing species listed by the Federal or State government as endangered, threatened or	**SCC14.24.240 (4) (a) Buffer Width Increasing.** The department may require the standard buffer to be increased by the greater of 50 feet or a distance necessary to protect wetland functions and provide connectivity to other wetland and habitat areas for one of the following: i.To maintain viable populations of existing species listed by the Federal or State government as endangered, threatened or sensitive: or ii. To protect wetlands against severe erosion that standard erosion control measures will not	Allows buffer increases when necessary to protect certain species and to maintain connectivity between critical areas. Added language provides specific guidance about when to require a buffer increase.	**SCC14.24.240 (1) Buffer Width Increasing.** The same code language presented to the CAC except: The ~~department~~ Administrative Official may require the standard or optional buffers to be increased by ~~the greater of 50 feet or a~~ the distance necessary to protect wetland functions and provide connectivity to other wetland and habitat areas for one of the following: 14.24.240(1)(c)(iv) A high intensity use that is likely to have additional impacts. ~~or can implement the measures to~~

	sensitive; or ii. Maintain critical habitat for those species referenced in Subsection (i) above; iii. Protect wetlands against severe erosion that standard erosion control measures will not effectively address; iv. If the wetland contains variations in sensitivity, increasing the buffer widths will only be done where necessary to preserve the structure, function and value of the wetland.	effectively address; or iii. When a Category 1 or 2 wetland is located within 300 feet of: A. Another category 1,2, or 3 wetland; or B. A fish and wildlife habitat HCA; or C. A type S or F stream D. A high intensity use that is likely to have additional impacts or can implement the measures to minimize impacts shown in SCC14.24.240(3) above The increased buffer distance may be limited to those areas that provide connectivity or are necessary to protect wetland and habitat functions. If the wetland contains variations in sensitivity, increasing the buffer widths will only be done where necessary to preserve the structure, function and value of the wetland.		~~minimize impacts shown in SCC14.24.240(3) above~~
WL4:Buffer Reduction and Mitigation	**14.24.240(5) (c) Buffer Width Decreasing.** Mitigation plan must first avoid and minimize I. Buffer width averaging not possible ii. A decrease is necessary to accomplish the purposes of the proposal and no reasonable alternative is available iii. Decreasing width will not adversely affect functions and values iv. Not reduced below 50% of	**14.24.240 (4) (c) Buffer Reduction Through Mitigation.** 1. Apply mitigation sequencing 2. Incentive based mitigation options. I. Installation of infiltration/infiltration mechanisms 20% ii. Removal of impervious surfaces 10-20% iii. Removal of invasive, non-native vegetation 10% iv. Storm water quality control 10%	This section adds more flexibility and specific incentives based on BAS to allow for specific reductions in buffer size.	Removed: ~~vii. Restoration off site 10-20%~~ Added: <u>vii. Native vegetation enhancement within a wetland and/or its buffer: up to 25% reduction in standard buffer width if identified as benefit to functions and values in the site assessment.</u> <u>viii. Retention of existing vegetation; up to twenty-five (25%) reduction in standard buffer width with a previously established densely vegetated buffer that protects the functions and values of the</u>

	standard buffer or 25 ft.	vii. Restoration off site 10-20% viii. Removal of refuse or toxic material 10% Percentages listed may be combined, but not exceed more than 25% buffer reduction. Standard and optional buffer widths may be reduced by more than 25% through a variance.		wetland. **The CAC strongly supported a process to allow an applicant to reduce the standard buffer to 50% of the standard based on site specific circumstances without triggering a Level 2 Hearing Examiner variance. An Administrative variance process was developed for to allow this (14.24.140).**
WL5:Mitigation Ratios	**SCC14.24.240 (10) (b) Wetland On-Site Restoration/Creation Ratios.** Category I 4:1 Category II or III: Forested 3:1 Scrub/shrub 2:1 Emergent 2:1 Category IV 1.25:1	**SCC14.24.250 (c) Wetland Mitigation Standards.** Category I 6:1 Category II or III Forested 3:1 Scrub/shrub 2:1 Emergent 2:1 Category IV 1.5:1	Ratios were updated to reflect BAS and the most current guidance from DOE.	The same as presented to the CAC.