Chapter 30.62A

WETLANDS AND FISH & WILDLIFE HABITAT CONSERVATION AREAS

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This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
30.62A.130 Submittal requirements.
(1) For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:

(a) Boundary lines and dimensions of the subject property;
(b) Boundary lines and dimensions of the site;
(c) The topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
(d) Location, size, and type of any existing structures and other existing developed areas;
(e) Location, size and type of all development activity and clearing on the site;
(f) Location and description of all wetlands, fish and wildlife habitat conservation areas and buffers, located on the site within 300 feet of the site boundaries;
(g) Location of all other critical areas regulated pursuant to chapters 30.62B, 30.62C and 30.65 SCC on or within 200 feet of the site; and
(h) Location of structure setbacks as required in SCC 30.62B.340(2) and chapter 30.23 SCC.

(2) In addition to a site development plan the following additional information will be required where applicable:

(a) Classification of all streams, wetlands or lakes pursuant to SCC 30.62A.230 (Table 1). Classification is not required if the project permit applicant applies the maximum protection for the specific critical area as specified at SCC 30.62A.320 (Table 2);

(b) Provisions for permanent protection as specified at SCC 30.62A.160;

(c) Provisions for temporary marking on the site of all critical area protection areas, or the limits of the proposed site disturbance outside of the critical area protection areas; and

(d) A critical area study as required by SCC 30.62A.140.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.140 Critical area study content requirements.
For any development activity or action requiring a project permit occurring in wetlands, fish and wildlife habitat conservation areas, or within a buffer unless otherwise provided in Part 300, the director may require, where applicable, a survey or map drawn to scale and a report describing the following information:

(1) A wetland delineation map and report, including field worksheets in accordance with the manual adopted by the Department of Ecology pursuant to RCW 36.70A.175. (See Wetlands Identification and Delineation Manual, Department of Ecology Publication #96-94, March 1997, or latest edition). This requirement may be waived if a wetland delineation has been performed within the previous five years that was approved by the department, and the department determines after site review that the wetland boundary is the same as the approved delineation;

(2) Wetland categorization, including worksheets, documenting the proposed wetland categories, based on the Wetland Rating System for Western Washington, (Hruby, T., August 2004, or latest edition, Department of Ecology Publication #04-06-025);

(3) Wetland classes present as defined in the United States Fish and Wildlife Service’s Classification of Wetlands and Deep Water Habitats in the U.S. (Cowardin et al., 1979);

(4) Stream location, stream name (if named), and stream type pursuant to the typing system contained in SCC 30.62A.230 (Table 1);
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
Snohomish County Code
Chapter 30.62A WETLANDS AND FISH & WILDLIFE
HABITAT CONSERVATION AREAS

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.160 Permanent identification, protection and recording.
The following measures for permanent identification and protection of wetlands, fish and wildlife habitat conservation areas and buffers are required for any development activity or action requiring a project permit, except those occurring in public and private road or utility easements and rights-of-way, or those conducted for the primary purpose of habitat enhancement.

(1) Critical area site plan.

   (a) All wetlands, fish and wildlife habitat conservation areas and, buffers shall be designated on a critical area site plan as critical area protection areas.

   (b) The critical area site plan shall be drawn to a standard engineering scale and include at minimum:

      (i) the boundaries of the site;

      (ii) a legal description of the subject property;

      (iii) accurate locations/boundaries of the critical area protection area(s), identified by critical area type;

      (iv) provisions allowing habitat enhancement in wetland(s), fish and wildlife habitat conservation area(s) and buffers; and

      (v) provisions for the permanent protection of the critical area(s) functions and values including, at minimum, the following:

          (A) restrictions on the construction of new structures;

          (B) restrictions on the removal of existing native vegetation; and

          (C) restrictions on other development activities that would adversely affect the functions and values of the wetland(s), fish and wildlife habitat conservation area(s), or buffers.

(2) Recording. Critical area site plans shall be recorded with the county auditor. Documentation of recording shall be provided to the department prior to permit issuance.

(3) Separate tracts and easements. Wetlands, fish and wildlife habitat conservation areas, and buffers shall be located in separate tracts owned in common by all owners of the lots or parcels within any land division or land use permit or decision regulated pursuant to chapters 30.41A, 30.41B, 30.41C and 30.41D SCC. Provided that in urban growth areas, wetlands, fish and wildlife habitat conservation areas and buffers may be contained in an easement on individual lots or parcels in a form approved by the department.

(4) Previously approved critical area site plans. For any development activity, action requiring a project permit or clearing occurring consistent with a previously approved critical area site plan shall be governed according to the terms and conditions of the approved site plan, provided that all wetlands, fish and wildlife habitat conservation areas and buffers have been identified and specific permanent protection has been provided.

(5) Permanent marking. Critical area protection area boundaries shall be permanently marked on the site prior to final inspection by the county using methods and materials acceptable to the county, provided that this requirement does not apply to single family residential development occurring on existing lots.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
PART 200 - DESIGNATION, FUNCTIONS AND VALUES, AND CLASSIFICATION

30.62A.210 Designation of wetlands and fish and wildlife habitat conservation areas.
The county has designated wetlands and fish and wildlife habitat conservation areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification and establishing the functions and values to be protected. Project proponents are responsible for determining whether a wetland or fish and wildlife habitat conservation area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of wetlands and fish and wildlife habitat conservation areas identified by project proponents. Specific criteria for the designation of wetlands and fish and wildlife habitat conservation areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of wetlands and fish and wildlife habitat conservation areas, they are for informational purposes only and may not accurately represent all such areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.220 Functions and values of wetlands, fish and wildlife habitat conservation areas and buffers.
The functions and values listed in this section are included primarily based on their ecological relationship and value to the critical areas subject to this chapter, and include, but are not necessarily limited to, the following elements:

(1) Streams. Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation;

(2) Wetlands. Fish and wildlife habitat, pollution assimilation, sediment retention, shoreline stabilization, floodwater storage, attenuation and conveyance, wave energy attenuation, stream base-flow maintenance, and groundwater discharge/recharge;

(3) Lakes. Fish and wildlife habitat, sediment retention, pollution assimilation, and floodwater attenuation, storage and conveyance;

(4) Marine waters. Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation;

(5) Primary association areas of critical species. Fish and wildlife habitat; and

(6) Buffers. Habitat for water associated and riparian associated wildlife, wildlife movement corridors, noise and visual screening, large woody debris and other natural organic matter recruitment, floodwater attenuation and storage, temperature maintenance, pollution assimilation, streambank stabilization and supply of sediments and nutrients.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.230 Classification of streams, lakes, wetlands and marine waters.

(1) Classification of streams, lakes and marine waters shall be established in accordance with the water typing rules contained in WAC 222-16-030, summarized in Table 1. In the event of a conflict between WAC 222-16-030 and the contents of Table 1, the provisions in WAC 222-16-030 will govern.

(2) Classification and scoring of wetlands shall occur pursuant to the rating system and criteria contained in the Wetland Rating System for Western Washington, (Washington State Department of Ecology Publication #04-06-025) summarized in Table 1. In the event of a conflict between the DOE publication and the contents of Table 1, the provisions in the DOE publication will govern.
### Table 1 - Classification of streams, lakes and wetlands

<table>
<thead>
<tr>
<th>Classification</th>
<th>Classification Criteria Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Streams and Lakes</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Type S</strong></td>
<td>Segments of natural waters within their bankfull width, as inventoried as “shorelines of the state” under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW.</td>
</tr>
<tr>
<td><strong>Type F</strong></td>
<td>Segments of natural waters other than Type S waters, which are within the bankfull widths of defined channels or within lakes having a surface area of 0.5 acres or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories:</td>
</tr>
<tr>
<td>(a)</td>
<td>Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the Washington State Department of Natural Resources to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;</td>
</tr>
<tr>
<td>(b)</td>
<td>Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality;</td>
</tr>
<tr>
<td>(c)</td>
<td>Waters which are within federal, state, local or private campgrounds with more than 10 camping units: Provided that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;</td>
</tr>
<tr>
<td>(d)</td>
<td>Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat.</td>
</tr>
<tr>
<td><strong>Type Np</strong></td>
<td>Segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of the year of normal rainfall. However, for the purpose of water typing, Type Np waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. Np waters begin downstream of the point along the channel where the contributing basin area is at least 52 acres in size.</td>
</tr>
<tr>
<td><strong>Type Ns</strong></td>
<td>Segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np water. Ns waters must be physically connected by an above-ground channel system to Type S, F, or Np waters.</td>
</tr>
<tr>
<td><strong>Wetlands</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Category I</strong></td>
<td>Washington Natural Heritage Program/DNR high quality wetlands</td>
</tr>
<tr>
<td><strong>Bogs</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Estuarine (greater than or equal to one acre) &amp; Coastal Lagoons</strong></td>
<td></td>
</tr>
<tr>
<td><strong>High Level Habitat Function (habitat function score is 29-36)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Moderate Level Habitat Function (habitat function score is 20-28)</strong></td>
<td></td>
</tr>
</tbody>
</table>
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category II</td>
<td>Total score 70 or above but not meeting above criteria</td>
</tr>
<tr>
<td></td>
<td>Estuarine (less than one acre)</td>
</tr>
<tr>
<td></td>
<td>High level of function for habitat (habitat function score is 29-36)</td>
</tr>
<tr>
<td></td>
<td>Moderate level of function for habitat (habitat function score is 20-28)</td>
</tr>
<tr>
<td></td>
<td>High level of function for water quality improvement and low for habitat (water quality function score is 24 - 32 and habitat function score is less than 20)</td>
</tr>
<tr>
<td></td>
<td>Total score 51-69 but not meeting above criteria</td>
</tr>
<tr>
<td>Category III</td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
</tr>
<tr>
<td></td>
<td>Total score of 30-50 but not meeting above criteria</td>
</tr>
<tr>
<td>Category IV</td>
<td>Total score for all functions less than 30 points</td>
</tr>
</tbody>
</table>

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
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<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Description</th>
<th>Buffer Width Requirements (feet)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Standard Buffer Width</td>
<td>High Intensity Land Use [[30.62A.340(d)(b)]]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Buffer w/out mitigation 1 or 2</td>
<td>Buffer w/ mitigation measure 1 or 2 (may use measure 1 OR 2)</td>
</tr>
<tr>
<td>Wetlands</td>
<td></td>
<td><strong>High Intensity Land Use</strong></td>
<td><strong>Low Intensity Land Use^2</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>190</td>
<td>250</td>
</tr>
<tr>
<td>Category I</td>
<td>Wetlands containing salmonids (minimum)</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Washington Natural Heritage Program/DNR high quality wetlands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category I</td>
<td>Bogs</td>
<td>190</td>
<td>250</td>
</tr>
<tr>
<td>Category I</td>
<td>Estuarine (at least 1 acre) &amp; Coastal Lagoons</td>
<td>150</td>
<td>200</td>
</tr>
<tr>
<td>Category I</td>
<td>High Level Habitat Function (habitat function score is 29-36)</td>
<td>225</td>
<td>300</td>
</tr>
<tr>
<td>Category I</td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
</tr>
<tr>
<td>Category I</td>
<td>Total score 70 or above but not meeting above criteria</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Category II</td>
<td>Estuarine (less than 1 acre)</td>
<td>110</td>
<td>150</td>
</tr>
<tr>
<td>Category II</td>
<td>High level of function for habitat (habitat function score is 225)</td>
<td>225</td>
<td>300</td>
</tr>
</tbody>
</table>
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).

<table>
<thead>
<tr>
<th>Category III</th>
<th>Moderate Level Habitat Function (habitat function score is 20-28)</th>
<th>110</th>
<th>150</th>
<th>75</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total score of 30-50 but not meeting above criteria</td>
<td>60</td>
<td>80</td>
<td>60</td>
</tr>
<tr>
<td>Category IV</td>
<td>Total score for all functions less than 30 points</td>
<td>40</td>
<td>50</td>
<td>40</td>
</tr>
</tbody>
</table>

1 High intensity land uses include:

- commercial or industrial uses
- nonresidential use in zones where the primary intent is residential use as per SCC 30.21.025
- Residential use (4 or more units/acre)
- High-intensity recreation (golf courses, ball fields, ORV parks, etc.)

2
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).

<table>
<thead>
<tr>
<th>Low intensity land uses include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Forestry (cutting of trees only)</td>
</tr>
<tr>
<td>• Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)</td>
</tr>
<tr>
<td>• Unpaved trails</td>
</tr>
<tr>
<td>• Utility corridor without a maintenance road and little or no vegetation management</td>
</tr>
</tbody>
</table>


(b) Buffer widths shall be measured as follows:

(i) the buffer for streams, lakes and marine waters shall be measured from the ordinary high-water mark extending horizontally in a landward direction and for wetlands, the buffer shall be measured from the edge of the wetland extending horizontally in a landward direction; and

(ii) provided however, where the landward edge of the standard buffer shown in Table 2a or 2b extends on to a slope of 33 percent or greater, the buffer shall extend to a point 25 feet beyond the top of the slope.

(c) Within buffers, the following restrictions on impervious surfaces apply:

(i) no new effective impervious surfaces are allowed within the buffer of streams, wetlands, lakes or marine waters; and

(ii) total effective impervious surfaces shall be limited to 10 percent within 300 feet of:

(A) any streams or lakes containing salmonids;

(B) wetlands containing salmonids; or

(C) marine waters containing salmonids.

(d) All development activities, actions requiring project permits or clearing shall be designed to avoid the loss of or damage to trees in buffers due to blow down or other causes.

(e) The following measures for reducing buffer width and area may be used without a critical area study or mitigation plan:

(i) separate tract reductions. Up to a 15 percent reduction of the standard buffer is allowed when the buffer and associated aquatic critical area are located in a separate tract as specified in SCC 30.62A.160(3);

(ii) fencing reductions. Up to a 15 percent reduction of the standard buffer is allowed when a fence is installed along the perimeter of the buffer. The fence shall be designed and constructed as set forth below:

(A) the fence shall be designed and constructed to be a permanent structure;

(B) the fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and

(C) the fence shall allow for the passage of wildlife, with a minimum gap of one and one half feet at the bottom of the fence, and a maximum height of three and one half feet at the top; and

(iii) for permanent fencing combined with separate tracts, the maximum reduction shall be limited to 25 percent.

(f) The following buffer reduction methods are only allowed in conjunction with a critical area study, pursuant to SCC 30.62A.140, demonstrating that the methods will provide protection equivalent to the standard requirements contained in Table 2. Proposals offering better protection would also be acceptable:

(i) the width of a buffer may be averaged, by reducing the width of a portion of the buffer and increasing the width of another portion of the same buffer, if all of the following requirements are met:

(A) averaging will not diminish the functions and values of the wetland(s), fish and wildlife habitat conservation area(s) or buffer(s);

(B) the total area of the buffer on the subject property may not be less than the area that would have been required if averaging had not occurred;
(C) the total area of buffer averaging shall be placed between the developed area and the wetland, lake, stream or marine water;

(D) no part of the width of the buffer may be less than 50 percent of the standard required width or 25 feet, whichever is greater;

(E) averaging of a buffer shall not be allowed where the reduction extends into associated sloping areas of 33 percent or greater; and

(F) buffers on isolated wetlands or lakes located in close proximity to other aquatic critical areas shall be connected by corridors of native vegetation where possible using the buffer averaging provisions of this section and the following criteria:

   (1) the width of the corridor connection between the aquatic critical areas shall be no less than the combined average of the standard buffers for each of the critical areas, provided that if there is not sufficient buffer area available when using averaging to establish a connection, a connection is not required;

   (2) no more than 25 percent of the buffer of the individual critical areas shall be used to make a corridor connection;

   (3) the corridor connection shall be established where feasible using the highest quality habitat existing between the critical areas;

(ii) enhancement reductions. Up to a 25 percent reduction of the standard buffer width and area is allowed provided the project proponent demonstrates the enhancement complies with all of the following criteria:

   (A) a comparative analysis of buffer functions and values prior to and after enhancement, demonstrates that there is no net loss of buffer functions and values;

   (B) a full enhancement reduction shall only be allowed where it can be demonstrated that the existing buffer functions and values are non-existent or significantly degraded. Buffers with partial function may receive a partial or prorated reduction; and

   (C) the total buffer area after reduction is not less than 75 percent of the total buffer area before reduction;

(iii) reductions may be combined based on the following criteria:

   (A) for enhancement combined with permanent fencing, the maximum reduction in width and area shall be limited to 30 percent; and

   (B) for enhancement combined with separate tracts, the maximum reduction in both width and area shall be limited to 30 percent.

(g) When averaging is used in combination with any or all of the reduction methods contained in this section, the buffer shall not be reduced to less than half of the standard buffer widths contained in SCC 30.62A.320(1)(a), Table 2.

(2) Buffer standards and requirements - mitigation required. All actions, structures or facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310(3) and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) New utilities and transportation structures are allowed within buffers when:
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(i) new utility crossings shall be bored beneath types S and F streams, and channel migration zones where feasible;

(ii) underground utilities shall avoid interrupting hyporheic zone continuity;

(iii) utilities shall be contained within the developed footprint of existing roads or utility crossings, where feasible;

(iv) utilities placement shall not increase or decrease the natural rate of shore migration, channel migration or longshore sediment transport within a drift cell;

(v) utilities placement shall avoid interrupting downstream movement of wood and sediment; and

(vi) new overhead electrical facilities are allowed when no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs, and the location, design and construction minimizes impacts to streams, lakes and marine waters pursuant to SCC 30.62A.310.

(d) Road crossings are subject to the following requirements:

(i) road crossings on fish-bearing streams shall be designed according to the guidelines set forth in Fish Passage Design at Road Culverts (Washington Department of Fish and Wildlife, March 3, 1999); and

(ii) road crossings shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.

(e) Stream conveyances. Where feasible, stream conveyances shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.

(f) Docks, piers and floats are subject to the following requirements:

(i) use of toxic or treated materials that will come in contact with the water is prohibited;

(ii) construction timing shall avoid critical life cycle stages of fish and wildlife;

(iii) these structures shall avoid critical saltwater habitats; and

(iv) joint use of docks, piers and floats shall be required where feasible.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.340 Standards and requirements for activities conducted in wetlands.
Protection of wetlands is inextricably linked to protection of the adjacent buffer areas. Standards and requirements for the buffers adjacent to wetlands are found in SCC 30.62A.320. Additional standards and requirements for development activities, actions requiring project permits and clearing within wetlands are in this section.

(1) Standards for wetlands - prohibitions. The following actions are prohibited:

(a) Filling of estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and Category I bogs;

(b) Point discharges of stormwater into Category I bogs; and

(c) Septic systems and effective impervious surfaces within 300 feet of Category I bogs.

(2) Standards for wetlands - no mitigation required. All development activities, actions requiring project permits and clearing that do not encroach into wetlands and provide buffers consistent with the requirements of SCC 30.62A.320(1)(a) through (f) and the prohibitions in SCC 30.62A.340(1) satisfy the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
pursuant to this section additional buffer width reductions for fencing or separate tracts otherwise allowed in SCC 30.62A.320(1) shall not be applied;

Table 5 - Mitigation Measures for High Intensity Land Uses

<table>
<thead>
<tr>
<th>Examples of disturbance</th>
<th>Activities and uses that cause disturbances</th>
<th>Examples of measures to minimize impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lights</td>
<td>• Parking lots</td>
<td>• Direct lights away from wetland</td>
</tr>
<tr>
<td></td>
<td>• Warehouses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Manufacturing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Residential</td>
<td></td>
</tr>
<tr>
<td>Noise</td>
<td>• Manufacturing</td>
<td>• Locate activity that generates noise away from the wetland</td>
</tr>
<tr>
<td></td>
<td>• Residential</td>
<td></td>
</tr>
<tr>
<td>Toxic runoff*</td>
<td>• Parking lots</td>
<td>• Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered</td>
</tr>
<tr>
<td></td>
<td>• Roads</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Manufacturing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Residential areas</td>
<td>• Establish covenants governing use of pesticides within 150 feet of wetland</td>
</tr>
<tr>
<td></td>
<td>• Landscaping</td>
<td>• Apply integrated pest management</td>
</tr>
<tr>
<td>Stormwater runoff</td>
<td>• Parking lots</td>
<td>• Retrofit stormwater detention and treatment for roads and existing adjacent development</td>
</tr>
<tr>
<td></td>
<td>• Roads</td>
<td>• Prevent channelized flow from lawns that directly enters buffer</td>
</tr>
<tr>
<td></td>
<td>• Manufacturing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Residential areas</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Commercial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Landscaping</td>
<td></td>
</tr>
<tr>
<td>Change in water regime</td>
<td>• Impermeable surfaces</td>
<td>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surface and new lawns</td>
</tr>
<tr>
<td></td>
<td>• Lawns</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Tilling</td>
<td></td>
</tr>
<tr>
<td>Pets and human disturbance</td>
<td>• Residential areas</td>
<td>• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract</td>
</tr>
</tbody>
</table>

* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.

(B) Mitigation measure 2. For Category I or II wetlands that score moderate or high for habitat (20 points or more for the habitat functions), a habitat corridor shall be preserved that meets the following criteria:
(I) Except as allowed in number (II) below, the habitat corridor shall connect the Category I or II wetland with a habitat score of 20 or more to any other wetland, fish and wildlife habitat conservation area or buffer which is:

(aa) on the same property or within the same development, including all phases proposed;

(bb) on adjacent properties and already protected as NGPAs or CAPAs or other permanently protected open space suitable for wildlife habitat use and which either extends to the property boundary or connected by easement; or

(cc) on county, state or federal land used for forestry, conservation or passive recreation parks.

(II) The habitat corridor may connect to a stormwater detention facility, either on-site or on an adjacent site, if it is designed to replicate a natural pond or wetland.

(III) The habitat corridor shall meet the following minimum physical characteristics:

(aa) The corridor shall consist of a relatively undisturbed, vegetated corridor.

(bb) The corridor shall maintain an average width equal to the difference between the high intensity buffer and the standard buffer for the relevant Category I or II wetland as shown in Table 6, except when the corridor is connecting two Category I or II wetlands each with a habitat score of 20 or more and the corridor maintains an average width of 100 feet, it will fulfill the connection requirement for both wetlands.

Table 6 - Average Width for Habitat Corridor (feet)

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Description</th>
<th>Standard Buffer Width</th>
<th>High Intensity Buffer Width</th>
<th>Average Habitat Corridor Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>Washington Natural Heritage Program/DNR high quality wetlands</td>
<td>190</td>
<td>250</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Bogs</td>
<td>190</td>
<td>250</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Estuarine (at least 1 acre) &amp; Coastal Lagoons</td>
<td>150</td>
<td>200</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>High Level Habitat Function (habitat function score is 29-36)</td>
<td>225</td>
<td>300</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
<tr>
<td>Category II</td>
<td>Estuarine (less than 1 acre)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>High Level Habitat Function (habitat function score is 29-36)</td>
<td>225</td>
<td>300</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
</tbody>
</table>

(cc) The corridor shall maintain a width at each connection not less than the required average width as described in (3)(bb) above.

(dd) The director may approve alternative configurations which meet the intent of no net loss of habitat functions and values pursuant to SCC 30.62A.350.

(IV) The following activities are allowed within the habitat corridor:
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
(a) Why the deviation is necessary to implement the policies in the county’s comprehensive plan General Policy Plan under objective LU 3.B; and

(b) How the innovative development design achieves protection at least equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in Part 300.


PART 400 - CRITICAL SPECIES

30.62A.410 Purpose.
This Part establishes standards and requirements for the protection of critical species, which includes:

(1) Species listed as threatened or endangered under RCW 77.12.020 and Title 16 United States Code;

(2) Species of local importance designated under SCC 30.62A.470; and

(3) The following species:
   
   (a) Larch mountain salamander;
   
   (b) Common loon;
   
   (c) Peregrine falcon;
   
   (d) Olympic mudminnow;
   
   (e) Pygmy whitefish; and
   
   (f) Gray whale.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.420 Applicability.
(1) The provisions of this Part shall apply as of the effective date of the listing to all development activities, actions requiring project permits and clearing occurring on a site containing a primary association area for a critical species. The provisions of this Part shall apply in addition to any other requirements of this chapter.

(2) Actions subject to this chapter not requiring a project permit should consult with state or federal resource agencies with technical expertise and/or regulatory authority over such critical species or necessary protection measures and comply with the administrative rules for the species adopted pursuant SCC 30.62A.430.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.430 Administrative rules authorized.
In order to protect critical species and their habitats, the department shall develop administrative rules under chapter 30.82 SCC within 120 days of the species listing that establish protection requirements specific to these species and their habitats.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.440 Administrative rules - minimum protection requirements.
In developing administrative rules under this section, the department shall consider establishing at least the following minimum protections:

(1) Establishment of the primary association area;
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
(ii) the department shall complete a SEPA threshold determination and provide notice of the petition as required under SCC 30.70.045 for SEPA threshold determinations associated with a project permit;

(iii) the department shall review the submittal of the petitioner, and coordinate and assemble all available comments of the public, other county departments, and other agencies. Based on the available record, and any other information that may be available, the department shall provide a staff report and recommendation to the council concerning whether the petition meets the requirements for approval;

(iv) the department shall submit to the executive an executive/council approval form (ECAF) containing the staff recommendation, all relevant SEPA documents, and a proposed motion which provides for disposition of the petition; and

(v) upon delivery of an ECAF to the council by the executive, the proposed motion will be subject to the requirements of chapter 2.48 SCC.

(c) Cost of environmental studies. Any person submitting a petition to nominate a species of local importance shall pay the cost of environmental review and studies necessary under SEPA, as required under chapter 30.61 SCC. The person may, at his or her own expense and to the extent determined appropriate by the responsible official, provide additional studies or other information.

(4) Establishment of specific rules for protection. Within 120 days of an action by the council, the department shall develop an administrative rule pursuant to chapter 30.82 SCC addressing protection of the species of local importance in compliance with this section.

(5) The department may establish administrative procedures necessary to administer this section.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 500 - EXCEPTIONS

30.62A.510 Minor development activity exceptions.

(1) Certain minor development activities may occur in wetlands, fish and wildlife habitat conservation areas or buffers provided the project proponent complies with best management practices (BMPs) adopted through rulemaking pursuant to chapter 30.82 SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter. Best management practices are physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.

(2) All minor development activities authorized in this section shall comply with administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project proponents shall comply with all known and available BMPs as defined in SCC 30.62A.510(1). The director shall use his or her best efforts to adopt BMPs for the minor development activities listed in this section pursuant to the rulemaking provisions of chapter 30.82 SCC within 12 months of the effective date of this chapter.

(3) The following minor development activities may occur pursuant to this section:

(a) Normal maintenance and repair that does not expand the footprint of existing:

(i) improved public and private road rights-of-way,

(ii) utility corridors,

(iii) trails,

(iv) utility facilities,

(v) flood protection and bank stabilization structures,
(vi) stormwater facilities; and

(vii) structures;

(b) Minor replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;

(c) Survey or monument placement;

(d) Minor replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;

(e) Minor replacement or modification by a utility purveyor of individual utility service lines connecting to a utility distribution system;

(f) Minor replacement, modification, minor installation or construction in an improved road right-of-way by the county or by the holder of a current right-of-way use permit;

(g) All development activities in non-riparian Category II and III wetlands smaller than 5,000 square feet, and non-riparian Category IV wetlands smaller than 10,000 square feet, and their associated buffers;

(h) Removal of invasive weeds;

(i) Felling or topping of hazardous trees based on review by a qualified arborist;

(j) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects; and

(k) All other on-going lawfully established development activities not specifically addressed in this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.520 Single family residential development exceptions in buffers.

New single family residential development, expansions of existing single family residences and ordinary residential improvements on lots existing prior to October 1, 2007 are allowed in buffers only as follows:

(1) New single family residential structures and ordinary residential improvements shall not disturb more than 4,000 square feet of the buffer;

(2) To the extent feasible, total effective impervious areas shall be limited to 10 percent within 300 feet of all waters and bogs containing salmonids;

(3) Expansion of an existing single family residence or accessory structure may be allowed within a buffer provided the footprint of the expansion does not exceed fifty percent of the existing structure, and the expansion is set back from the critical area a distance which is greater than or equal to the setback of the original structure;

(4) Development in the buffer shall be the minimum necessary to accomplish the uses described in this section;

(5) For new single family development, there must be no alternate location for the development outside of the buffer;

(6) Development in the buffer shall be located to avoid impacts to critical species;

(7) The buffer shall in no case be reduced to less than one half of the standard buffer as provided at 30.62A.320(1)(a) SCC or 25 feet, whichever is greater;

(8) To the maximum extent feasible, the development shall be designed to avoid the removal of existing native vegetation with emphasis on preservation of conifers greater than or equal to 24 inches diameter at breast height (dbh), and hardwoods greater than or equal to 20 inches dbh;
This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
(b) After review of the project under this chapter, there is no other permitted use of the property with less impact on wetlands, fish and wildlife habitat conservation areas or buffers;

(c) The proposed alteration of a wetland, fish and wildlife habitat conservation area or buffer is the minimum necessary to allow for reasonable use of the property. Activities shall be located as far away as possible from wetlands, fish and wildlife habitat conservation areas and buffers and low impact development techniques shall be used to the maximum extent possible. In all cases, disturbance of a wetland, stream, marine water or lake may only occur if no reasonable use can be achieved by disturbance of a buffer associated with that feature;

(d) The proposed activity is located to minimize impacts to critical species;

(e) If a reasonable use of a parcel cannot exist without modification of the required front, side or rear setbacks or other bulk standards, the department may consider modifying those standards only to the extent necessary to provide for a reasonable use, while providing as much protection as is possible under the circumstances to critical areas, while maintaining the public health safety and welfare. This section shall not relieve an applicant from the obligation of complying with applicable variance procedures set forth in chapters 30.43B and 30.43E SCC or other applicable modification procedures adopted under this title; and

(f) To the greatest extent feasible, the project includes compensation and mitigation for unavoidable impacts to the functions and values of critical areas regulated under this chapter in accordance with the requirements of SCC 30.62A.150.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.550 Mitigation banking.

(1) The director may approve the establishment and use of a wetland, fish and wildlife habitat conservation area or buffer mitigation bank to provide mitigation required by this chapter. The director’s approval may allow for deviations from the requirements of Parts 100 through 400 with respect to the treatment of wetlands, fish and wildlife habitat conservation areas or buffers.

(2) Criteria for approval of use of mitigation banks:

(a) The following must have been approved by the County and the federal, state and local agencies with jurisdiction:

   (i) a memorandum of agreement (MOA) defining guidelines for establishing a wetland, fish and wildlife habitat conservation area or buffer mitigation banking program and an implementation manual establishing a mitigation bank at a specific site; and

   (ii) the MOA and/or implementation manual shall include, but not necessarily be limited to, provisions for the following:

      (A) the categories of development activities that may use the mitigation bank;

      (B) specific criteria and standards for use of the mitigation bank;

      (C) methods for tracking credits;

      (D) an interagency oversight committee composed of representatives from each of the agencies with jurisdiction for the purpose of regulatory review and approval of banking activities;

      (E) permanent management and maintenance to assure the long-term viability of the bank site;

      (F) professional construction oversight to ensure successful construction of the mitigation bank site;

      (G) quantitative and qualitative performance standards;
(H) systematic compliance and performance monitoring to determine the degree to which the site meets performance standards;

(I) a schedule and timeline for compliance and performance monitoring,

(J) contingency plans;

(K) methods to be used to determine the functions and values of replacement wetlands, fish and wildlife habitat conservation area or buffers;

(L) provisions for assuring the funding of long-term maintenance of the bank and performance of mitigation and monitoring requirements;

(M) a description of wetland, fish and wildlife habitat conservation area or buffer mitigation ratios to be used and justification for these ratios based upon best available science. Mitigation ratios will be based upon consideration of factors including but not limited to the likelihood of success of the mitigation, the types and quality of wetland, fish and wildlife habitat conservation areas or buffers involved, research results, and monitoring results;

(N) the mitigation plan requirements contained in SCC 30.62A.150, and

(O) provisions for mitigation sequencing that requires at minimum that all proposals using a mitigation bank shall have made reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas.

(b) The use of the mitigation bank will result in equivalent treatment of the functions and values of the wetland, fish and wildlife habitat conservation area or buffer to offset the impacts to critical areas functions and values on the project site such that the total net impact will be no net loss of critical area functions and values in the watershed in which the impacts will occur. Proposals offering a net gain of functions and values would also be acceptable. For the purposes of this section, “watershed” means an area identified as a state of Washington water resource inventory area (WRIA) under WAC 173-500-040.

(c) The creation and operation of the mitigation bank and development activity which utilizes the wetland, fish and wildlife habitat conservation area or buffer bank, shall not create unmitigated long term or permanent adverse impacts to the critical functions and values of the wetlands, fish and wildlife habitat conservation areas or buffers in the sub-drainage basin in which the impacts will occur. Critical functions and values listed at SCC 30.62A.220 are those that are important to the long-term ecological viability of the wetlands, fish and wildlife habitat conservation areas or buffers in the sub-drainage basin.

(3) The director shall make MOAs and mitigation banking implementation manuals available for public review and comment prior to approval.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 600 - AGRICULTURAL ACTIVITIES

30.62A.605 Purpose.
In accordance with RCW 36.70A.020, the Growth Management Act (GMA) goals require the county to maintain and enhance natural resource-based industries, including commercial agriculture. This Part implements the necessary balance between goals 8 and 10 of the GMA relative to commercial agriculture and the protection of critical areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.610 Applicability.
This Part applies to agricultural activities as defined in SCC 30.91A.090 or 30.91A.092, occurring on lands where agriculture is a legal use, where critical areas defined as wetlands or fish and wildlife habitat conservation areas, or their buffers are present on the site and could potentially be impacted by the agricultural activities.

This version of Snohomish County Code only applies to properties within Shoreline Jurisdiction, per SCC 30.67.060(1).
30.62A.620 General Agricultural Standards.  
Except as provided in SCC 30.62A.630, normal agricultural activities as defined in SCC 30.91A.090 or 30.91A.092, subject to this Part 600, are in compliance with this chapter when those activities are performed in accordance with subsection (1), (2) or (3) of this section:

(1) The best management practices contained in the latest edition of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

(2) Other recognized best management practices for such activity that protect the functions and values of critical areas, where the NRCS FOTG does not provide specific guidance or a best management practice; or

(3) A farm conservation plan that includes provisions addressing critical areas protection specific to the farm site approved by the NRCS or the Snohomish conservation district (SCD) and signed by the landowner. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure.

30.62A.630 Special Agricultural Conditions.  
(1) Notwithstanding SCC 30.62A.620, agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 600 that meet one or more of the following special conditions shall comply with SCC 30.62A.630(2):

(a) Agricultural activities that require a county permit or project approval except for a flood hazard permit required pursuant to chapter 30.43C SCC;

(b) In certain special flood hazard areas designated by the Federal Emergency Management Agency (FEMA) as specified in SCC 30.65.040, the construction of agricultural access or service roads greater than six inches average and twelve inches maximum height above grade;

(c) Agricultural activities that occur in a wetland, except where:

(i) The activity is exempt from wetland regulation under Section 404(f) of the federal Clean Water Act;

(ii) The activity is occurring in a non-riparian Category II or III wetland that is no greater than 5,000 square feet in size; or

(iii) The activity is occurring in a non-riparian Category IV wetland that is no greater than 10,000 square feet in size; and

(d) Agricultural activities that bring land into agricultural use by removal of native woody vegetation or alteration of surface or ground water flows, other than that which results from normal cultivation.

(2) The agricultural activities listed in SCC 30.62A.630(1) are in compliance with this chapter when those activities are performed as follows:

(a) The activity complies with Parts 000 through 500 of this chapter;

(b) The activity is done in compliance with a farm conservation plan, as described in SCC 30.62A.620(3); or

(c) The director issues a written decision finding that the landowner’s compliance with other state or federal regulations or permits provides sufficient protection on the site to satisfy related critical areas requirements of this chapter.

PART 700 - MONITORING AND ADAPTIVE MANAGEMENT

30.62A.710 Monitoring and adaptive management program.
The Executive shall develop and implement a monitoring and adaptive management program to establish a baseline and provide performance measures to determine whether the County is achieving no net loss through its policies and programs affecting wetlands and fish and wildlife habitat conservation areas, in conformance with the Natural Environment Element of the General Policy Plan of the comprehensive plan. The program along with a budget shall be submitted for approval to the County Council within six months of the effective date of this ordinance.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.720 Monitoring and adaptive management program - contents.
(1) Monitored critical areas shall include wetlands and fish and wildlife habitat conservation areas.

(2) The purpose of the monitoring and adaptive management program is to

   (a) Identify and collect meaningful data concerning the effectiveness of the county’s programs and policies concerning protection of wetlands and fish and wildlife habitat conservation areas; and

   (b) Identify corrective actions in response to a clear indication that the county’s programs are not sufficient to actually protect wetlands and fish and wildlife habitat conservation areas.

(3) The monitoring and adaptive management program shall be based on best available science, and shall incorporate the following:

   (a) Benchmarks that describe the state of existing functions and values of the monitored critical areas and that are tied to the protective measures being assessed;

   (b) Data collection methods that provides accurate measurements of the functions and values of the monitored critical areas and that are tied to the protective measures being assessed, including appropriate time periods for collection of data;

   (c) Threshold levels for addressing management practices, regulations and other measures that are determined through data collection and monitoring to be negatively affecting functions and values of monitored critical areas. Thresholds are to be set in light of the benchmarks for existing conditions and in accordance with scientifically-based habitat minimums; and

   (d) Strategies for adaptive management or addressing change to provide for expeditious action in reaction to reaching a threshold level. The monitoring and adaptive management program may provide for different strategies for action, depending on the critical area being monitored, the cause of the negative impacts to functions and values, and other variables.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.730 Monitoring and adaptive management program - reporting.
(1) Starting in December, 2008, and each year following, the executive shall report to the council on the monitoring and adaptive management program, using best available science, and provide data and conclusions regarding the effectiveness of the county in achieving no net loss of critical area functions and values. If net loss is detected, using scientifically valid techniques, the executive shall report and recommend strategies for adaptive management.

(2) At any point when the monitoring program identifies a significant decline in functions and values of a critical area or areas, the executive shall provide a report to the council as required in SCC 30.62A.730(1).

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)