### Summary Statement or Legal Notice Language:

If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.

This is another workshop (in a series of many) on the proposed ordinance to amend Whatcom County Critical Areas Ordinance (CAO) (WCC 16.16) pursuant to RCW 36.70A.130(1). The Growth Management Act (RCW 360.70A) defines critical areas as wetlands, frequently flooded areas, fish and wildlife habitat conservation areas (including streams), geologically hazardous areas, and critical aquifer recharge areas. The purpose of this periodic update is to ensure that the CAO meets the GMA requirements, including consistency with the Whatcom County Comprehensive Plan, best available science, and state agency guidance updates. Numerous amendments are being proposed, though most of them pertain to correcting grammar, updating references to other documents or laws, clarifying and updating administrative procedures, etc. The County is also required to integrate the CAO provisions with its Shoreline Master Program (SMP). Whatcom County has done so by adopting the CAO by reference within the SMP (WCC 23.10.060(A)). This reference is also proposed to be amended.
2016 Critical Areas Ordinance Update
Review of certain questions, comments, and suggestions by Council members

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**COMMITTEE ACTION:**
6/27/2017: Discussed and Amended
7/11/2017: Discussed and Amended
7/25/2017: Discussed and amended
8/8/2017: Discussed and amended
9/12/2017: Discussed and amended

**COUNCIL ACTION:**
Memorandum

TO: The Honorable County Council
   Jack Louws, County Executive

FROM: Cliff Strong, Senior Planner
       Ryan Ericson, PDS Supervisor

THROUGH: Mark Personius, Asst. Director

DATE: September 20, 2017

SUBJECT: 2016 Critical Areas Ordinance Update
   County Council Review Workshop on September 26, 2017

On September 26th the Council will continue its review of the 2016 Critical Areas Ordinance Update. Topics to be covered include:

- Review of certain questions, comments, and suggestions by Council members related to:
  - Article 6, Wetlands
  - Article 8, Conservation Program on Agriculture Lands
  - Article 2, Administration

To prepare for this meeting, please review this memo.
# Issues Tabled at the 9/12/17 Workshop

The following first three issues were tabled by CM Brenner due to having received a letter addressing the 2nd two issues from Joseph Leyda dated 9/7/17. Staff had not received this letter and she wanted us to be able to review it.

## ITEM 1 (Issue 181) (Brenner)

In 16.16.670(B)(6) remove all mention of wetland boundary being surveyed. It hasn't been required in the past for single family and/or small properties due to the expense. How much will this requirement add to the cost of a house? Surveying is a major expense. What is gained?

**Staff Response:** [Note: Mr. Leyda did not address this issue in his letter.] Staff does not recommend this amendment. The GMA references the use of the U.S. Army Corps of Engineers wetland delineation manual in determining wetland boundaries, and it requires a survey of them. However, it does not reference the detail of the survey, and staff has always tailored the scope of the survey to that of the project, i.e., we do not require the same level of detail in a survey for a single family residence as we do for a Major Development, for instance. What is gained is knowing the location of the wetland boundary so that an adequate analysis can be performed.

Staff does, however, recommend adding a definition that would allow for a method of survey appropriate to the scale of development. See addendum.

Add to WCC 16.16.900

"Survey" means one of the following:

1. A survey completed by a licensed Surveyor
2. Mapping using a compass and tape
3. Mapping using a smart phone or hand held GPS.

## ITEM 2 (Issue 182) (Brenner)

Remove 16.16.670(B)(7)(c)(viii), "Topographic elevation, at two-foot contours" unless the County will provide GIS topography service. How much would this requirement add to the cost of a home?

**Staff Response:** Staff does not recommend this amendment. Using 2-foot contours is the norm for most jurisdictions these days, and most engineers/surveyors already have those GIS layers. Furthermore, once Whatcom County obtains the forthcoming new LiDAR data, PDS plans on creating a 2-foot contour layer that will be made readily available to the public.

**UPDATE:** According to our contact at DNR, from whom we’re obtaining the LiDAR data, we should be receiving it in October. Our GIS Specialist says that it will only take a week to prepare a 2-ft contour layer and post it to our website for all to use. Thus its availability should coincide with the adoption of the CAO.
ITEM 3 (Issue 183) (Brenner)

In regards to 16.16.670(8)(c)(ix), why do we need a "functional assessment of wetland and buffer" in a delineation report? Why not leave this under mitigation plan requirements? This will also increase the cost of a home, unless they allow the rating form to serve as a functional assessment tool. Make wetland delineation reports reflect "existing conditions" only, and Mitigation Plans reflect "proposed conditions." It will save money and assist applicants and consultants in streamlining the process.

Original Staff Response: Realize that the delineation report is a part of the Critical Area Assessment. We need such assessment up front (prior to the mitigation plan being developed) to assess whether mitigation is even needed. In many cases we don’t require mitigation (e.g., if impacts are avoided), but we do need the functional assessment in order to determine this.

UPDATE: In his letter, Mr. Leyda makes the argument that a delineation report should be separate from a mitigation report, and that a functional assessment should be part of the mitigation report. Our Natural Resources Supervisor, Ryan Ericson, who provided the original staff response, says he agrees with Mr. Leyda’s argument but has a different plan for addressing it. Under the Code Revision Project, he would like to remove all references to processing requirements from code (not just, but including the CAO) and instead place them in a PDS Administrative Manual. This manual is already substantially drafted, and the Code Revision Project has already commenced with Planning Commission review. However, he didn’t want to postpone adoption of the CAO any longer, so didn’t propose revised language to this section earlier.

The administrative manual will only apply to application submittal requirements. Staff recommends adding the following to 16.16.250:

16.16.250 Submittal requirements and critical areas review process.
E. Elements of a critical area assessment are encouraged to be submitted together for timely review.
However, the Technical Administrator may allow the various components to be submitted independently at different phases of a project if s/he determines piecemeal review will benefit the review process or at the request of the applicant.

ITEM 4 (Issue 196) (Sidhu/Brenner)

Exempting Agricultural Youth Club Activities from the CPAL Program
At your workshop of 7/25/17 CM Sidhu raised the issue of exempting activities done for agricultural youth clubs (e.g., 4H, FFA, etc.) from the CPAL (and possibly other) requirements. CM Brenner says she raised this as well.

At your 9/12/17 workshop staff had suggested codifying PDS Policy PL1-85-004Z CPAL – Animal Threshold, Resource Priority as a way to address those with few animals. Council indicated that this
wasn’t exactly what you were looking for in terms of exempting youth agricultural clubs. Nonetheless, it may still be a good idea to codify that policy, to read (amended since the last version):

### 16.16.814 Exemptions

The following are exempt from having to obtain a Conservation Farm Plan:

A. **Landowners who do not have critical areas on their property.**

B. **Landowners who keep agricultural activities out of the standard critical areas and their buffers.**

C. **Landowners who do not exceed a ratio of 1 animal unit per 3 grazable acres and manage their animals to avoid a direct discharge of sediment or fecal matter to surface waters.** Indicators of direct discharge can include de-vegetated riparian area, unfenced access to a stream, or animal confinement areas adjacent to surface waters. This is a ratio of animal units to grazable acres and may be used on parcels of any size.

D. **Youth agriculture education programs that promote the use of agriculture best management practices through the use of a checklist developed by the Whatcom County Conservation District in cooperation with Whatcom County.**

Staff also recommends adding the following definition to 16.16.900 Definitions:

"**Grazable acres**" means both pasture and hayland as described in the Whatcom County Standard Farm Conservation Planning Workbook.

Some questions about exempting kids’ clubs arose, such as:

1. **What if the kids have more than 1 animal unit?** Or what if they have less than 3 acres on which to raise their animals?  
   **Response:** This has been addressed in the revised language above.

2. **What should the upper limit on the number of exempted animals be?**  
   **Response:** Council did not provide any direction this question. However, staff suggests 6 animal units as proposed in the revised language above.

3. **What if someone just says their animals are their kids’ 4H (or other club’s) project to get out of having to comply with the code?**  
   **Response:** There was general talk of having the kids have to read some educational materials and sign something attesting that it’s a club project and promising to use BMPs, to which staff responded that that basically sounds like preparing a Type I Conservation Farm Plan (3 pages, self-filled, and free through the Whatcom Conservation District or Planning and Development Services).

4. **Why would we exempt a certain class of people (kids in clubs) but not others with a small amount of animals?** That doesn’t seem fair.  
   **Response:** Adopting the proposed 16.16.814 section above would treat all people in the same situation similarly.

In the end, Council asked the ag representatives in the room to come up with some proposed language.

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1 Note that per 16.16.900 “Animal unit” means 1,000 pounds of livestock live weight. This term is already used elsewhere in Article 8.
ITEM 5 (Issue 197) (Barbara)

Mr. Leyda has a good point about buffers on Category IV wetlands. His letter mentions deficiencies in the Ecology Rating systems when scoring habitat on small wetlands and the buffers are assigned based on habitat. Use something else in WCC 16.16.630 Table 1.

**Staff Response:** A simpler single buffer for all category IV is possible. The buffers for category IV currently don't change between habitat scores and could be a single line in Table 1. A single buffer for each of the three land-use intensity for special characteristic wetlands is also found in Best Available Science. Currently King County uses this approach.

ITEM 6 (Issue 198) (Staff)

Staff thinks it would be a good idea to add a definition of the word “may” to WCC 16.16.900 to read:

“May” means the action is allowable, provided it conforms to the provisions of this Chapter.

This definition comes from our SMP, WCC 23.110.130(6).

ITEM 7 (Issue 199) (Staff)

After recent compliance cases staff recommends make some additional changes to certain sections of the code to make the intent of the chapter clear and simpler, which provides for greater enforceability. See attached addendum from Ryan Ericson.

ITEM 9 (Issue 200) (Staff)

Lastly, in preparation for the consolidation effort to move all land use permit procedures to a single new title the following changes are recommend by staff. See attached addendum from Ryan Ericson.
Memorandum

TO: The Honorable County Council
    Jack Louws, County Executive

FROM: Ryan Ericson, PDS Supervisor

THROUGH: Mark Personius, Asst. Director

DATE: August 24, 2017

SUBJECT: 2016 Critical Areas Ordinance Update
           County Council Review Workshop on September 26, 2017

This is an addendum to the Memorandum dated September 20, 2017 of staff
responses to Whatcom County Council Review Workshop. These are recommended
changes to clarify proposed code for compliance and future land use procedure code
alterations.

16.16.200 Authority.
This chapter is adopted under the authority of Chapters 36.70 and 36.70A RCW; which empowers a
county to enact a critical area ordinance and provide for its administration, enforcement and
amendment, and Article 11 of the Washington State Constitution.

16.16.205 Authorizations required.

   A. No action shall be taken by any person, company, agency, governmental body (including
      Whatcom County), applicant, owner, or owner’s agent, which results in any alteration of a
critical area or its setback or buffer without prior authorization by submitting an application to
the Technical Administrator and obtaining either the required permit or an approval of a notice
of activity, as specified herein.

   B. Prior to issuing a permit, the County shall determine if the proposed activity or use is permitted
pursuant to this chapter. No land use development permit, construction permit, or land division
approval required by County ordinance shall be granted until the County decision-maker has
determined that the applicant has complied with the applicable provisions purposes,
requirements, objectives, and goals of this chapter including the mitigation standards set forth
in WCC 16.16.260.

   C. Authorizations required under this chapter overlay other permit and approval requirements of
the Whatcom County Code. Critical areas review pursuant to this chapter shall be conducted as
part of the underlying permit or approval. Any proposed critical area alteration that does not
require other County project permits or approvals, such as variances and reasonable use
exceptions, Project permits must comply with the substantive and procedural requirements of this chapter and the procedural requirements of Chapter 2.33 WCC.

C.D. The requirements of this chapter shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW), as locally adopted (Chapter 16.08 WCC). Any conditions required pursuant to this chapter shall be coordinated with the SEPA review and threshold determination.

D. Areas characterized by a particular critical area may also be subject to other regulations established by this chapter due to the overlap or multiple functions of some critical areas. When one critical area adjoins or overlaps another, the more restrictive standards shall apply.

16.16.230 Exempt activities.

Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction. The following activities as specified are exempt from the provisions requirements of this chapter:

16.16.220 Identification and mapping of critical areas.

A. The approximate location and extent of these areas in Whatcom County is displayed on various inventory maps available at the County’s Department of Planning and Community Development and online. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist in Whatcom County and are protected under all the provisions of this chapter. In the event that any of the designations shown on the maps or inventory lists conflict with the site-specific conditions, site-specific conditions shall control.

B. The County has identified critical areas and areas where the conditions under which critical areas typically occur and/or have the potential to occur. The approximate location and extent of critical areas within the County’s jurisdiction are shown on maps, which shall be available at the planning and development services department for public inspection.

Property owners, the technical administrator, and/or members of the public may use these maps as a general guide, but the maps do not provide a comprehensive accounting of areas subject to this chapter nor do they provide a definitive critical areas designation. Critical area locations and boundaries shown on the County’s maps are approximate and do not include buffers that may be associated with critical areas, and some critical areas may not be shown on the maps at all. It is also possible that some maps showing critical areas in certain areas may not be accurate.

Field investigation, analysis by a qualified professional, and/or consideration of other sources of credible scientific information may be required to confirm the presence or absence of a critical area and its boundaries and buffers.

A.C. Planning and Development Services has the authority to update critical areas maps and shall do so as new critical areas are identified and as new information becomes available.

16.16.250 Submittal requirements and critical area review process.

A. All applicants shall complete a prescreening meeting with the technical administrator prior to submitting an application subject to this chapter. The purpose of this meeting shall be to discuss the requirements for a complete application; the critical area standards and procedures; to review conceptual site plans prepared by the applicant; to discuss appropriate investigative techniques and methods; and to determine reporting requirements.
B. Review and approval of a proposed development within a critical area or its buffer may be initiated through the application for any project permit in Whatcom County. If another authority does not require a project permit, application shall be made pursuant to Chapter 2.33 WCC.

C. The technical administrator shall be responsible, in a timely manner, to make one of the following determinations regarding critical areas project review:

1. **Initial Determination.** When County critical area maps or other sources of credible information indicate that a site may be located, contain or abut critical areas, critical area buffers or setbacks, the technical administrator shall require technical studies in accordance with that critical area's specific Article.

2. **Determination of Impacts.** Upon receipt of a permit application, the technical administrator shall use best available science, including but not limited to the County's critical areas maps, his/her field investigation results, his/her own knowledge of the site, information from appropriate resource agencies, or documentation from a scientific or other credible source to determine if the project will more probably than not adversely impact a critical area or its buffer. Identified adverse impacts shall be fully mitigated in accordance with WCC 16.16.260.

3. **Determination of Compliance.** If the applicant demonstrates to the satisfaction of the technical administrator that the project meets the provisions of this chapter and is not likely to adversely affect the functions and values of critical areas or buffers or provides mitigation to reduce the adverse impact to meet no net loss of the function and values of critical areas or its buffer, the technical administrator shall issue written verification that the project complies with this chapter. Written verification shall be included in the project review record for the underlying permit, or issued in accordance with Chapter 2.33 WCC, and no further critical areas review is required.

4. **Need for Critical Area Assessment.** If the proposed activity does not meet the criteria of subsection (C)(2) of this section and would more probably than not affect the functions and values of a critical area or buffer, the technical administrator shall require confirmation of the presence or absence of critical areas through site inspection by a qualified professional or other appropriate means consistent with best available science, and shall notify the applicant in writing of the need to prepare a critical areas assessment report in conformance with WCC 16.16.225.

D. The technical administrator may waive the requirement for critical areas review under this chapter when s/he determines that all of the following conditions are met:

1. The proposed development activity is located on a parcel that received approval of a previous critical areas review within the prior 5 years, site conditions have not changed, and the applicable regulations have not substantively changed;

2. All critical areas on the parcel have been identified and delineated and the effects of the proposed development activity have been thoroughly considered in accordance with the most current regulations and Best Available Science;

3. The activity is in compliance with all permit conditions including mitigating measures, as applicable, that were imposed as part of the prior review and there are no outstanding violations of conditions that were imposed as part of the previous review;
4. The development activity involves a use that is equally or less intensive than the development activity that was subject to the prior permit. Land use intensity shall be based on factors including development density, critical areas impacts, impervious surface, noise, glare, dust, hours of operation, and traffic.

E. Submittal Materials:
1. Complete Application
2. A detailed site map drawn to a common scale, or survey, showing at least the following:
   a. Vicinity Map
   b. Topographic, hydrologic, and vegetative features.
   c. The location and description of known wildlife and habitat features and all known critical areas.
   d. Proposed development activity with dimensions.
   e. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc. Structures shall be dimensioned.

16.16.255 Critical areas assessment reports.
The intent of these provisions is to require a reasonable level of technical study and alternatives analysis pursuant to WCC 16.16.225 sufficient to assess potential project impacts and to protect critical areas.
A. When the technical administrator determines a need for a critical area assessment pursuant to WCC 16.16.250(C)(31), s/he shall have the authority to require a critical areas assessment report, to be prepared by a qualified professional and be consistent with best available science. The analysis shall be commensurate with the value or sensitivity of a particular critical area and relative to the scale and potential impacts of the proposed activity. A critical area assessment shall have all of the following elements, unless determined by the Technical Administrator:
1. Requirements in WCC 16.16.255(B) & (H)
2. Geological Hazard Assessment
3. Critical Aquifer Recharge Assessment
4. Frequently Flooded Area Assessment
5. Wetland Assessment
6. Fish and Wildlife Habitat Conservation Area Assessment
7. Mitigation Plan - Addressing all mitigation requirements in this Chapter.

A-B. The critical areas assessment report shall:
1. Demonstrate that the submitted proposal is consistent with the purposes and specific standards of this chapter;
2. Describe all relevant aspects of the development proposal and critical areas adversely affected by the proposal including any geological hazards and risks associated with the proposal, and assess impacts on the critical area from activities and uses proposed; and
3. Where impacts are unavoidable, demonstrate through an alternatives analysis that no other feasible alternative exists.
4. Considers the cumulative impacts of the proposed action that includes past, present, and reasonably foreseeable future actions to facilitate the goal of no net loss of critical areas. Such impacts shall include those to wildlife, habitat, and migration corridors; water quality and quantity; and other watershed processes that relate to critical area condition, process, and/or service.
5. Identify proposed mitigation and protective measures as required by this chapter.
B.C. The technical administrator shall review the critical areas assessment report for completeness and accuracy and shall consider the recommendations and conclusions of the critical areas assessment report to assist in making administrative decisions concerning approval, conditional approval, or denial of the subject project and to resolve issues concerning critical areas jurisdiction and appropriate mitigation and protective measures.

C.D. Critical areas assessment reports shall generally be valid for a period of five years from the date the assessment is approved by the technical administrator. Future land use applications may require preparation of new or supplemental critical area assessment reports unless it can be demonstrated to the satisfaction of the technical administrator that the previously prepared report is adequate for current analysis. The technical administrator may also require the preparation of a new critical area assessment report or a supplemental report when new information is found demonstrating that the initial assessment is in error. If the technical administrator requires more information in the report, s/he shall make the request in writing to the applicant stating what additional information is needed and why.

D.E. The technical administrator shall reject or request revision of the field and literature findings and conclusions reached in a critical areas assessment report when s/he can demonstrate that the assessment is inaccurate, incomplete, or does not fully address the critical areas impacts involved.

E.F. To avoid duplication, the reporting requirements of this chapter shall be coordinated if more than one critical area assessment report is required for a site or development proposal. Similarly, where other agencies assessments or reports are required pursuant to other state or federal laws, the applicant is encouraged to submit one report that satisfies all such agencies' requirements.

F.G. In addition to a hard copy, applicants shall provide reports and maps to the County in an electronic format that allows site data to be incorporated into the County critical areas database; however, the County may waive the electronic format requirement for single-family building permits. Applicants shall follow Whatcom County electronic submittal guidelines. This requirement shall not be construed as a requirement to use specific computer software, though it must be in a format useable by the County.

G.H. The intent of these provisions is to require a reasonable level of technical study and alternatives analysis pursuant to WCC 16.16.225 sufficient to assess potential project impacts and to protect critical areas. At a minimum, a critical areas assessment report shall include the following information:

1. A site plan showing the proposed development footprint and clearing limits, all relevant critical areas and buffers within and abutting the site, a written description of the project, an examination of project on-site design alternatives, and an explanation of why the proposed activity requires a location on, or access across, a critical area and why alternatives are not feasible;

2. A written description of the critical areas and buffers on or in the vicinity of the site, including their size, type, classification or rating, condition, disturbance history, and functions and values. Projects in frequently flooded areas must comply with the reporting requirements of WCC Title 17. Projects on or adjacent to geologically hazardous areas shall identify the type of hazard and assess the associated risks posed by the development or that the development may be subject to;

3. An analysis of potential adverse critical area impacts associated with the proposed activity including, but not limited to, effects related to clearing, grading, noise, light/glare, drilling, damming, draining, creating impervious surface, managing stormwater, releasing hazardous materials, and other alterations, and including an explanation of critical area processes and functions that may be affected;
4. An analysis of how critical area impacts or risks will be avoided and/or minimized, and/or an analysis of the proposed measures to prevent or minimize hazards. When impacts cannot be avoided, the report shall include a plan describing mitigation that will be provided to replace critical area functions and values altered as a result of the proposal. The mitigation plan shall be consistent with the provisions of WCC 16.16.260 and provide written documentation showing what the applicant considered for each step in the mitigation sequencing and the other applicable articles of this chapter;

5. The dates, names, signature, and qualifications of the persons preparing the report and documentation of analysis methods including any fieldwork performed on the site; and

6. Additional reasonable information requested by the technical administrator for the assessment of critical areas impacts or otherwise required by the subsequent articles of this chapter.

16.16.670 Review and reporting requirements.

A. When County critical area maps or other sources of credible information indicate that a site proposed for development or alteration may contain or abut wetlands or wetland buffers, the technical administrator may require a site evaluation (Reconnaissance|field investigation) or critical area assessment report by a qualified professional to determine whether or not a regulated wetland is present and, if so, its relative location in relation to the proposed project area or site. If no regulated wetlands are present, then wetland review will be considered complete.

B. When the technical administrator determines that a wetland is more likely than not present, the technical administrator shall require a wetland critical area assessment report pursuant to WCC 16.16.255 and subsection B-C of this section. If no regulated wetlands are present, then wetland review will be considered complete.

D. A wetland assessment is an element of a critical area assessment report which report describes the characteristics of the subject property and adjacent areas and must be consistent with WCC 16.16.255. The wetland assessment shall include the occurrence, distribution, delineation, and determination of the wetland category and standard wetland buffers as set forth in WCC 16.16.630. The investigation shall also include field identification and a complete delineation of all wetland boundaries (with delineations field flagged and left in the field for County verification), and may include analysis of historical aerial photos, and review of public records.

E. A wetland assessment assessment reports shall include the following site- and proposal-related information unless the technical administrator determines that any portion of these requirements is already required by Article 2 Administration or unnecessary given the scope and/or scale of the proposed development:

1. Location information (legal description, parcel number, and address);
2. A vicinity Map
3. A site plan that includes scale, and wetlands and associated buffers and proposed development if appropriate
4. A qualitative written assessment and accompanying maps of wetlands and buffers within 300 feet of the site and an estimate of the existing acreage for each. For on-site wetlands, the assessment shall include the dominant and subdominant plant species; soil type, color and texture; sources of hydrology (patterns of surface and subsurface water movement, precipitation, etc.); topography; and other pertinent information. The assessment of off-site wetlands shall be based on available information and shall not require accessing off-site properties;
3. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.

5. Wetland Analysis. An analysis of all wetlands and buffers (to the extent they can be legally accessed) including, at a minimum, the following information:
   i. Wetland delineation conducted by a qualified professional and completed in accordance with WCC 16.16.610(A).
   ii. The wetland boundary shall be marked in the field (with flagging left in the field for Whatcom County verification and placed high enough to allow line of sight with vegetation growth) and surveyed using a methodology appropriate to scale of development. The surveyed wetlands areas shall be mapped showing location and size of all wetlands. Methodology used shall be in the report with description of equipment (specs), accuracy, PDop and any other pertinent description of how the x and y coordinates where gathered.
   iii. Determination of each wetland size.
   iv. Description of each wetland class and category.
   v. Description of overall water sources and drainage patterns on site. Include all streams and drainages (Type S, F, Np, or Ns streams), shorelines, floodplains, flood prone areas.
   vi. Description of vegetation, hydrologic conditions, and soil and substrate conditions.
   vii. Description of wildlife and habitat. Include all critical habitat for threatened and endangered species within 300 feet of the development footprint.
   viii. Topographic elevation, at two-foot contours provided by Whatcom County PDS for single family proposals.
   ix. Functional assessment of the wetland and adjacent buffer using a local or state agency-recognized method and including the reference of the method and all data sheets.
   x. Standard buffer requirements for each wetland. Copies of the wetland rating forms and associated figures from the Ecology Wetland Rating System for Western Washington, as amended.


Wetland Determination and Mapping. The exact location of all wetland boundaries shall be determined through the performance of a field investigation by a qualified wetland professional applying the U.S. Army Corps of Engineers Wetlands Delineation Manual, 1987 Edition, and the Western Mountains, Valleys, and Coast Region supplement (Version 2.0) 2010 or as revised. The wetland boundary shall be marked in the field and surveyed. The surveyed wetlands areas shall be mapped showing location and size of all wetlands. The Technical Administrator may request verification of the wetland delineation by the Army Corps of Engineers when a high degree of accuracy is necessary to determine applicable regulations and requirements.

5. Wetland Delineation Requirements. The following are required components of a wetland delineation report:
   a. The report shall be prepared by a qualified professional for wetlands, who meets the minimum requirements as defined in this chapter.
   b. Maps. The wetland delineation report shall include the following maps:
      i. Vicinity map.
      ii. Parcel map, with scale, showing all wetlands within 300 feet of the development footprint unless access is denied in writing by the adjacent property owner. Parcel map shall include all streams and drainages (Type S, F, Np, or Ns streams), shorelines, floodplains, flood prone areas and critical habitat for threatened and endangered species within 150 feet of the development footprint.
iii. Topographic map based on city or surveyed data.
iv. Map of development proposal with accurate scale.
c. Wetland Analysis. A wetland delineation report shall provide an analysis of all wetlands and
buffers (to the extent they can be legally accessed) including, at a minimum, the following
information:
i. Wetland delineation.
ii. The wetland boundaries shall be surveyed by a licensed surveyor or using an equivalent
method with an accuracy of plus or minus one foot of a survey.
iii. Determination of each wetland size.
iv. Description of each wetland class and category.
v. Description of overall water sources and drainage patterns on site.
vi. Description of vegetation, hydrologic conditions, and soil and substrate conditions.
vii. Description of wildlife and habitat.
viii. Topographic elevation, at two-foot contours.
ix. Functional assessment of the wetland and adjacent buffer using a local or state agency-
recognized method and including the reference of the method and all data sheets.
x. Standard buffer requirements for each wetland.
xi. Site plan that includes scale, and wetlands and associated buffers and proposed
development

16.16.690 Compensatory wetland mitigation plan.
A. In addition to meeting the requirements of WCC 16.16.260(B), a compensatory mitigation plan for
wetland and wetland buffer impacts shall meet the following requirements:
1. Provide analysis of existing wetland functions and values and a detailed description of the
effects of the proposed development on wetland and buffer function and value, including the
area of direct wetland disturbance, area of buffer disturbance, area of buffer reduction, area of
buffer averaging including documentation that the functions and values will be increased
through reduction or average; effects of stormwater management; proposed hydrologic
alteration including changes to natural drainage or infiltration patterns; effects on fish and
wildlife species and their habitats; clearing and grading impacts; temporary construction
impacts; and effects of increased noise, light, and human intrusion.
1:2. The plan shall be based on applicable portions of the Washington State Department of Ecology’s
Guidelines for Developing Freshwater Wetland Mitigation Plans and Proposals, 2004, or other
appropriate guidance document that is consistent with best available science.
2.3. The plan shall contain sufficient information to demonstrate that the proposed activities are
logistically feasible, constructible, ecologically sustainable, and likely to succeed. Specific
information to be provided in the plan shall include:
a. The rationale for site selection;
b. General goals of the plan, including wetland function, value, and acreage;
c. Description of baseline (existing) site conditions including topography, vegetation, soils,
hydrology, habitat features (i.e., snags), surrounding land use, and other pertinent
information;
d. Field data confirming the presence of adequate hydrology (surface and/or groundwater) to
support existing and compensatory wetland area(s);
e. Nature of mitigation activities, including area of restored, created, enhanced, rehabilitated
and preserved wetland, by wetland type;
f. Detailed grading and planting plans showing proposed post-construction topography; general hydrologic patterns; spacing and distribution of plant species; size and type of proposed planting stock; watering or irrigation plans; and other pertinent information;
g. A description of site treatment measures including invasive species removal, use of mulch and fertilizer, placement of erosion and sediment control devices, and best management practices that will be used to protect existing wetlands and desirable vegetation;
h. A demonstration that the site will have adequate buffers sufficient to permanently protect the wetland functions.