

Whatcom County Critical Areas Ordinance Update

February 2005



What are Critical Areas?

- Geologically Hazardous Areas
- Frequently Flooded Areas
- Critical Aquifer Recharge Areas
- Wetlands
- Fish and Wildlife Habitat Conservation Areas

Why this Update?

- Comply with the Growth Management Act
- Incorporate Best Available Science (BAS)
- Ensure that future development is compatible with critical area protection
 - No Net Loss of functions and values
 - Special consideration for anadromous species



What are the GMA Goals?

1. Focus urban growth in urban areas
2. Reduce sprawl
3. Provide efficient transportation
4. Encourage affordable housing
5. Encourage sustainable economic development
6. Protect property rights
7. Process permits in a timely and fair manner
8. Maintain and enhance natural resource-based industries
9. Retain open space and habitat areas and develop recreation opportunities
10. Protect the environment
11. Encourage citizen participation and regional coordination
12. Ensure adequate public facilities and services
13. Preserve important historic resources
14. Manage shorelines wisely



What is Best Available Science?

Characteristics:

- Peer reviewed
- Standardized methods
- Quantitative analysis
- Logical conclusions
- References
- Proper context

Sources:

- Research
- Monitoring
- Inventory
- Survey
- Modeling
- Assessment
- Synthesis
- Expert opinion



Our Process to Date

- Review scientific data and prepare BAS Report (Spring - Summer 2004)
- Develop code recommendations based on BAS (Fall 2004 - Winter 2004)
- Develop draft code for review (Jan – Feb 2005)
- Update County critical areas inventory and maps (ongoing)



Public Involvement

- Advisory committees
- Public workshops
- Public comment period
- Website (www.co.whatcom.wa.us/criticalareas)
- Mailing list
- Public hearings



Advisory Committee Involvement

Technical Advisory Committee

- Scientific experts from local, state, tribal & federal agencies
- Reviewed all findings, recommendations and draft code

Citizens' Advisory Committee

- Representatives from agriculture, industry, forestry, neighborhood and watershed groups
- Reviewed all findings, recommendations, and draft code



What Happens Next?

- Public review and comment on the draft code (February 4th to March 4th)
- Public workshops (February 15th at Shuksan Middle School and 16th at Lynden Community Center)
- Public hearings with Planning Commission (tentatively scheduled to begin March 24th)
- Public hearings with County Council (April)
- Adoption (April/May)



Proposed Code Changes

- More detailed standards – improves consistency and predictability
- Built-in flexibility – process and standards tiered to fit potential development impacts
- Clearer emphasis on impact avoidance – first step in protecting critical areas
- Includes more detail for technical analyses to ensure sound decision making and predictability
- More recognition of watershed processes



Other Improvements

- Effective process and criteria for Reasonable Use exceptions
- Maintains special provisions for agriculture – farm plan requirements updated based on new information
- Expedited review process for single family developments in many cases
- Clearer process to resolve disputes



Geologically Hazardous Areas

- Restricts developments on alluvial fans
- Regulates development within 300 ft of potential landslide hazards
- No new structures in channel migration zones, *where maps have been adopted*
- Critical facilities prohibited in all hazard areas including tsunami, volcanic, and seiche hazards
- Clearer geotechnical report requirements for new developments



Frequently Flooded Areas

- Provides for protection of floodplain ecology along with flood hazard management
- Can require mitigation for floodplain impacts consistent with health and safety standards
- Clarifies roles and responsibilities between County departments

Critical Aquifer Recharge Areas

- Requires special reports for uses that can affect groundwater (auto yards, storage tanks, some septic systems)
- Prohibits some 'high risk' uses (injection wells, some wood treatment facilities, mining in some areas)
- Improved mapping

Wetlands

- Wetland categories based on Ecology rating system
- New criteria for exempt wetlands:
 - Less than < 0.1 acre in size
 - Low quality
 - Outside the floodplain/shorelines
 - No significant habitat value (including amphibians)
- Alteration of wetlands limited to few specific uses



Wetland Buffers

- Based on category, habitat value, and adjacent land use
- Widths can be averaged *or* reduced if specific criteria are met
- Widths can be increased when additional protection is needed
- Only certain uses allowed in the buffer

Wetland Buffers

	High Intensity	Moderate Intensity	Low Intensity
Cat I	100 - 300	75 - 225	50 - 150
Cat II	100 - 275	75 - 150	50 - 100
Cat III	80 - 150	60 - 110	50 - 75
Cat IV	50	40	25

Wetland Mitigation

- All unavoidable impacts require mitigation
- Higher standards for mitigation planning to improve success
- Replacement ratios based on type of mitigation provided (1.5:1 to 12:1)
- Longer monitoring for some mitigation sites
- Includes more detailed provisions for Wetland Mitigation Banking



Habitat Conservation Areas

- Distinguishes listed, priority, and locally important species
- Regulates development in and adjacent to streams and other important habitats
- New standards for culverts, storm water facilities, bank and shore protection, etc.
- Beaches designated as locally important habitats along with Chuckanut corridor



Habitat Conservation Area Buffers

- Stream buffers:
 - Shoreline streams – 150 ft
 - Other fish bearing stream – 100 ft
 - Non-fish bearing streams – 50 ft
- Marine shorelines – 150 ft
- Other habitats – case by case

What You Can Do

- Review the draft code, maps and supporting documents
- Provide written comments to County by March 4th
- Discuss with fellow citizens and/or Advisory Committee members
- Attend an upcoming open house (February 15th and 16th)
- Participate in public hearings with Planning Commission and County Council (~ March 24th)



Questions and Answers

