



Critical Areas Ordinance

Wetlands

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What is a wetland?

Wetlands are those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions.

Wetlands can be identified by three characteristics:

1. Hydric soils – soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.
2. Water – the presence of standing water at least part of the year.
3. Plants – water-tolerant or water-dependent plant species.

Why are wetlands important?

Wetlands perform a variety of functions that are important to the environmental and economic well-being of Whatcom County.

Wetlands:

- Control flooding by acting as reservoirs for incoming stormwater;
- Improve water quality by filtering contaminants;
- Maintain stream flows by gradually releasing stored water after floods and wet seasons;
- Recharge groundwater;
- Stabilize shoreline areas;
- Provide fish and wildlife habitat;

- Create places for recreation, education, scientific study, and aesthetic appreciation.

Does my property contain a wetland?

To assist you in determining if your property may contain a wetland, you may contact Whatcom County Planning and Development (Land Use Division). In many cases, a qualified wetland specialist should visit your property to determine the presence, type, extent, and boundaries of any wetland(s). The Department can provide you with a list of qualified wetlands specialists.

Non-Regulated Wetlands

- Areas in which wetlands were created by activity, intentional or unintentional, other than mitigation subsequent to July 1, 1990.
- Isolated wetlands less than 1/3 acre in size.
- Any wetland hydrologically isolated, with vegetation dominated by invasive species or pasture grasses, and the dominant functions of which are restricted to stormwater storage/flood attenuation, and the functions of which are no greater than all alternative non-wetland sites on the parcel of property in question.

Regulated Wetlands

Regulated wetlands include all other wetlands.

THE PLANNING AND DEVELOPMENT SERVICES HANDOUT SERIES

Buffers and setbacks

All regulated wetlands shall be protected by a standard 100' buffer except that:

- Isolated wetlands not characterized as mature forested, fens, sphagnum bogs, or Estuarine wetlands shall be protected by a standard 50' buffer;
- Isolated wet meadows shall be exempt from the standard buffer requirement when it is determined that the wetland functions are restricted primarily to stormwater storage or attenuation;
- All buffers shall be measured on a horizontal plane from the wetland edge; and
- Buffers shall remain naturally vegetated except where the buffer can be enhanced to improve the wetland's functional attributes.

Under certain conditions, Whatcom County allows modification of these buffer widths by granting agreements for buffer averaging. The County also has the authority to require larger buffer zone widths when necessary to protect a particular wetland's functions and values.

Other Restrictions and Provisions

Examples of activities which are subject to the standards contained in the CAO and other applicable federal, state, and local ordinances include:

- Forest practices;
- Agricultural activities;
- Land divisions and land use permits;
- Building and clearing activities adjacent to wetland areas; and
- Draining or placing fill in a wetland.

For specific information on these and other restrictions and provisions, consult the Whatcom County Critical Areas Ordinance.

What is the review process for my project?

Review and approval for a proposed development within a critical area may be initiated through the application for any project permit in Whatcom County. The County will use the following procedure for critical areas review upon submittal of a project or land use application:

- The technical administrator will determine if the project is located within a critical area or its potential buffer area.
- If the proposed activity is located within a critical area or its buffer, the technical administrator will confirm the presence or absence of a critical area through site inspection or other appropriate means.
- A Critical Areas Assessment Report is required when any part of the project may impact a regulated critical area.

The recommendation and conclusions of the approved report will be used to assist the administrator in making a final decision concerning critical areas jurisdiction and appropriate mitigation measures.

Mitigation

There shall be no activity allowed within a regulated wetland or its associated buffer without mitigation. When alteration or impact to a critical area is proposed, efforts shall be made to mitigate impacts in the following order:

1. Avoid the adverse impact altogether.
2. Minimize adverse impacts by limiting the degree or magnitude of the action.

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3. Rectify the adverse impact by repairing, rehabilitating or restoring the affected environment.
 4. Reduce or eliminate the adverse impact over time by preservation and maintenance.
 5. Compensation for the adverse impact by replacing, enhancing, or providing substitute resources or environments.

Mitigation may include a combination of the above measures.

Mitigation report

The mitigation report must contain the following information:

- The purpose of the project;
- An examination of project on-site design alternatives;
- A description of the critical area affected by the proposal;
- An assessment of the critical area and analysis of the potential adverse impacts as a result of the activity;
- An analysis of how these impacts have been avoided and/or minimized;

In addition, a 5-year performance/ maintenance bond in the amount of 125% of the cost of mitigation must be submitted.

Wetland Protection

Protecting wetlands requires public education, involvement, and cooperation. If your property contains a wetland, there are ways you can protect it. Avoid dumping, draining, or filling near your wetland. Even yard waste can

degrade a wetland's functions and values. Wetland animals need the benefits provided by a buffer zone.

Consider marking or fencing off a buffer area around your wetland. Learn more about wetland preservation and enhancement by calling Whatcom County Planning and Development (Land Use Department) or the Washington State Department of Ecology at 360-407-6000.

This sheet has been provided to you as general information and is not intended as a substitute for the actual codes or regulations (Ordinance #97-056 WCC Title 16 Chapter 16.16 adopted November 3, 1997).

Fees

Please refer to the current Whatcom County Unified Fee Schedule.

Information

Due to the administrative complexity of these regulations, it is usually best to visit with PDS staff or contact the Natural Resource Specialist to answer any additional questions.

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