

# Draft Revised Critical Areas Regulations and Draft Summary of Best Available Science Now Available for Review

June 2005

## CAR Review Project Public Meetings

### Meetings Scheduled To Discuss Proposed CAR Revisions

The County will be holding three public meetings—in the north, south and east areas—to provide an opportunity for citizens to discuss the proposed changes with County staff. Please attend whichever meeting is most convenient for you.

**Tuesday, July 19**

**6:30 - 8:30 p.m.**

Heatherwood Middle School  
1419 Trillium Blvd., Mill Creek

**Wed., July 27**

**6:30 - 8:30 p.m.**

Monroe Jr. High School  
1408 W. Main St., Monroe

**Thurs., July 28**

**6:30 - 8:30 p.m.**

Post Middle School Commons  
1220 East Fifth St., Arlington

**You're  
Invited!**

*Accommodations are available for persons with disabilities. Please make arrangements in advance by calling Mary Hurner, 425-388-6430. (TTY: 425-388-3700)*

## Goals of the CAR Review

The state Growth Management Act (GMA) requires local governments to review their critical areas regulations every seven years.

The review must include the use of science-based information in policies and regulations to protect the functions and values of environmentally sensitive areas such as wetlands, fish and wildlife habitat and to protect public safety in areas such as aquifer recharge areas, frequently flooded areas and geologically hazardous areas. "Functions and values" refers to the environmental benefits these areas provide and the degree to which they are effective—for example, wetland functions include protecting water quality and storing stormwater, which reduces flooding.

Counties are held accountable by state agencies to assure that "no net loss" of critical area functions and values are achieved. Snohomish County must complete its CAR review and revision process by December 1, 2005.

*Our intent is to use all the regulatory and non-regulatory tools available to us to respond to the no-net-loss standard. The challenge is in helping landowners understand where our flexibility is and where it is not. The draft documents are intended to continue a public participation process that will likely bring about*

## The County's Response to "No Net Loss" Standard for Critical Area Protection

CAR represents just one aspect of the County's approach to environmental protection. Achieving "no net loss" will depend on a combination of actions.

The natural environment chapter of the Comprehensive Plan gives the County three principal tools for achieving "no net loss": restoration and enhancement, development regulations, and monitoring programs. Through a variety of programs, the County has positive actions underway on each of these fronts. Regulating development activities in critical areas complements the County's overall environmental protection strategy.



*changes in how we manage environmentally sensitive areas, some of which may require new County programs.*

— Craig Ladiser, Director  
Planning & Development Services

# Proposed Regulatory Responses to CAR Issues

The table below contains a summary of the proposed changes to the County's current Critical Areas Regulations in response to key issues identified by citizens, property owners, stakeholders and the County's CAR review project team.

## A. Fish, Wildlife and Wetlands

**Issue:** More restrictive critical areas regulations may further limit the ability to develop on legally existing residential lots.

### Current CAR

Limited expansion of existing structures and reductions of buffers\* are allowed under some conditions, including existing small lots that cannot achieve the standards requirements for protection. Currently the following are allowed:

- Up to a 50% expansion of the footprint of an existing single family dwelling within a RHA may be allowed, provided that the expansion is no closer to the critical area than the existing structure [30.62A.470(2)].
- Reconstruction or replacement of a single family dwelling is allowed within a RHA provided that the dwelling occupies the same footprint [30.62A.470(4)].
- A RHA may be reconfigured by averaging the total area, provided the RHA is equivalent in area and function [30.62A.330(1)].
- A RHA may be reduced by up to 25% by making improvements to the functions of the RHA [30.62A.330(2)].
- Alternative proposals for treatment of the width of a RHA may be allowed, provided it can be demonstrated that the alternative treatment will result in a net improvement in the functions of the RHA [30.62A.110].
- In the event that application of the standard requirements will not allow a reasonable use of property, a "reasonable use exception" may allow for an exception to these standards [30.62A.620].

\* Note: "Buffers" are referred to as Riparian Habitat Areas (RHAs) in the preliminary draft CAR document and the terms are considered interchangeable in this document.

### Proposed Change

The following additional measures are proposed to increase flexibility on constrained lots [SCC 30.62A.310] :


- Up to 4,000 square feet of encroachment into a riparian habitat area (RHA) may be allowed for a new single family dwelling, accessory structure, associated utilities, access driveway, on-site sewage disposal system and landscaping [30.62A.470(1)].
- A RHA may be reduced by 15% if it is designated as a separate tract [30.62A.330(3)].
- A RHA may be reduced by 15% with the installation of a permanent fence [30.62A.330(4)].
- A RHA may be reduced by up to 35% when enhancement, fencing and separate tracts are used in combination [30.62A.330(5)].
- View corridors may be created through RHAs provided that the corridor is no wider than 30 feet or 50% of the lot width, whichever is less [30.62A.460(4)].



**Issue: Lakes are important habitat for fish and wildlife that are not designated as critical areas in Snohomish County.**

Current CAR	Proposed Change
<p>Only lakes containing federally-listed threatened or endangered fish are protected.</p> <p><b>Table 1: Existing Buffers/Riparian Habitat Areas</b> Lakes with listed fish (Chinook or bull trout) ..... 150 feet type 1 (state shorelines) ..... Buffer N/A type 2 ..... Buffer N/A type 3 w/ anadromous fish ..... Buffer N/A type 3 w/out anadromous fish ..... Buffer N/A type 4 ..... Buffer N/A type 5 ..... Buffer N/A</p>	<p>Designate and protect lakes and provide RHAs as listed below [SCC 30.62A.310]:</p> <p><b>Table 2: Proposed Buffers/ Riparian Habitat Areas. Lake types based on updated state water typing system [WAC 222-16-031] (1997)</b> w/ anadromous fish ..... 150 feet type 1 (state shorelines) ..... 150 feet type 2 ..... 150 feet type 3 w/out anadromous fish .... 100 feet type 4 ..... 50 feet type 5 ..... 50 feet</p>

**Issue: Some agricultural activities could be impacted by changes to critical area regulations. Conversely, the GMA requires counties to protect commercially viable agricultural lands for farming.**

Current CAR	Proposed Change
<p>There are specific exemptions in County ordinances for certain commercial agricultural activities.</p> 	<p>Three treatment options are being proposed as an alternative to the specific exemptions currently available [SCC 30.62A.010(3)]:</p> <ul style="list-style-type: none"> <li>■ <b>Option 1</b> – Provide exception to CAR for all on-going commercial agriculture wherever it occurs, provided that: <ul style="list-style-type: none"> <li>– Agriculture is a legal use on the property.</li> <li>– There are documented and monitored “best management practices” in place.</li> <li>– The activity is exempt from federal regulation [section 404(f) CWA]; or the wetland is a small isolated wetland; and the activity requires no other County permit, other than a Flood Hazard Permit.</li> <li>– Any expansions of the on-going commercial agriculture activity can only occur on lands designated in the comprehensive plan as agricultural resource lands, and that a farm conservation plan has been approved by the NRCS or Conservation District.</li> </ul> </li> <li>■ <b>Option 2</b> – Provide exception for on-going commercial agriculture on designated ag-resource lands only, provided that: <ul style="list-style-type: none"> <li>– (the same criteria as option 1)</li> </ul> </li> <li>■ <b>Option 3</b> – Provide exception for all on-going commercial agriculture on designated ag-resource lands only, provided that: <ul style="list-style-type: none"> <li>– The activity is occurring consistent with USDA-NRCS or Conservation District farm conservation plan standards.</li> <li>– Any expansions of the on-going commercial agriculture activity can only occur on lands designated in the comprehensive plan as agricultural resource lands, and a farm conservation plan has been approved by the NRCS or Conservation District.</li> </ul> </li> </ul>

**Issue: Certain activities that are not currently regulated have the potential to affect streams, wetlands and wildlife habitat conservation areas.**

Current CAR	Proposed Change
<p>The regulations apply only to development activities requiring permits, such as grading, construction and subdividing property.</p>	<p>The County proposes to modify the regulations to apply to all development activities (such as clearing) occurring in wetlands and fish and wildlife habitat conservation areas and some geologic hazard areas, whether or not they require a permit. There will be exceptions for certain minor development activities (such as lawn mowing or routine landscaping ) that have little or no potential to affect critical areas. [SCC 30.62A.310]</p>

**Issue: Department of Ecology wetland science indicates that larger protective Riparian Habitat Areas are necessary to adequately protect most wetland functions, particularly wildlife.**

Current CAR	Proposed Change																							
<p>Buffers for wetlands range between 25-75 feet in urban growth areas, and 25-100 feet in rural-designated lands.</p> <p><b>Table 3: Existing Buffers/Riparian Habitat Areas</b></p> <table border="1"> <thead> <tr> <th></th> <th>UGA</th> <th>Rural</th> </tr> </thead> <tbody> <tr> <td>category 1</td> <td>75 feet</td> <td>100 feet</td> </tr> <tr> <td>category 2</td> <td>50 feet</td> <td>75 feet</td> </tr> <tr> <td>category 3</td> <td>25 feet</td> <td>50 feet</td> </tr> <tr> <td>category 4</td> <td>25 feet</td> <td>25 feet</td> </tr> </tbody> </table>		UGA	Rural	category 1	75 feet	100 feet	category 2	50 feet	75 feet	category 3	25 feet	50 feet	category 4	25 feet	25 feet	<p>Proposed change: The County proposes to extend the buffers in urban growth areas 40 to 225 feet, (depending on functions) and 75 to 225 feet in rural-designated lands. [SCC 30.62A.310]</p> <p><b>Table 4: Proposed buffers/Riparian Habitat Areas</b></p> <table border="1"> <tbody> <tr> <td>category 1</td> <td>75 to 225 feet depending on functions</td> </tr> <tr> <td>category 2</td> <td>75 to 225 feet depending on functions</td> </tr> <tr> <td>category 3</td> <td>60 to 110 feet depending on functions</td> </tr> <tr> <td>category 4</td> <td>40 feet</td> </tr> </tbody> </table>	category 1	75 to 225 feet depending on functions	category 2	75 to 225 feet depending on functions	category 3	60 to 110 feet depending on functions	category 4	40 feet
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**Issue: A review of the stream science indicates that the RHAs should be increased to provide additional protection for some functions on some streams, particularly salmon-bearing streams.**

Current CAR	Proposed Change																																				
<p>Buffers for streams range between 10-100 feet in urban growth areas, 25-100 feet in rural-designated lands, and 150 feet for streams with Chinook or bull trout.</p> <p><b>Table 5: Existing buffers/ Riparian Habitat Areas: Stream types based on 1993 version of state water typing system [WAC 222-16-030]</b></p> <table border="1"> <thead> <tr> <th></th> <th>UGA</th> <th>Rural</th> </tr> </thead> <tbody> <tr> <td>w/ Chinook or bull trout</td> <td>150 feet</td> <td>150 feet</td> </tr> <tr> <td>type 1</td> <td>100 feet</td> <td>100 feet</td> </tr> <tr> <td>type 2</td> <td>100 feet</td> <td>100 feet</td> </tr> <tr> <td>type 3 w/ anad fish</td> <td>100 feet</td> <td>100 feet</td> </tr> <tr> <td>type 3 w/out anad fish</td> <td>50 feet</td> <td>100 feet</td> </tr> <tr> <td>type 4</td> <td>25 feet</td> <td>50 feet</td> </tr> <tr> <td>type 5</td> <td>10 feet</td> <td>25 feet</td> </tr> </tbody> </table>		UGA	Rural	w/ Chinook or bull trout	150 feet	150 feet	type 1	100 feet	100 feet	type 2	100 feet	100 feet	type 3 w/ anad fish	100 feet	100 feet	type 3 w/out anad fish	50 feet	100 feet	type 4	25 feet	50 feet	type 5	10 feet	25 feet	<p>The County proposes to adopt a new state water typing system and increase buffers consistent with the table below, including mapped channel migration zones as an extension of the buffer area. (Channel migration zones are the areas affected by the movement of a river or stream channel across its valley bottom over a long period of time.) In addition, the distinction between UGA and rural requirements is being dropped. [SCC 30.62A.310]</p> <p><b>Table 6: Proposed Buffers/Riparian Habitat Areas: Stream types based on updated state water typing system [WAC 222-16-031] (1997)</b></p> <table border="1"> <tbody> <tr> <td>w/ anadromous fish</td> <td>150 feet</td> </tr> <tr> <td>type 1 (state shorelines)</td> <td>150 feet</td> </tr> <tr> <td>type 2</td> <td>150 feet</td> </tr> <tr> <td>type 3 w/out anadromous fish</td> <td>100 feet</td> </tr> <tr> <td>type 4</td> <td>50 feet</td> </tr> <tr> <td>type 5</td> <td>50 feet</td> </tr> </tbody> </table>	w/ anadromous fish	150 feet	type 1 (state shorelines)	150 feet	type 2	150 feet	type 3 w/out anadromous fish	100 feet	type 4	50 feet	type 5	50 feet
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**Issue: Habitats for state-listed threatened and endangered species and locally important species are not designated as critical areas in Snohomish County.**

Current CAR	Proposed Change
<p>Only habitats of federally-listed threatened and endangered species are protected. Currently listed are the spotted owl, gray wolf, grizzly bear, bald eagle, marbled murrelet, bull trout and the Chinook salmon.</p>	<p>The County proposes to designate and protect state-listed fish and wildlife species, including the Sandhill crane (Endangered) and Fisher (Endangered), and provide a mechanism for nomination, adoption and protection of species and habitats of local importance. [SCC 30.62A.510 &amp; SCC 30.62A.520]</p>

**Issue: Community-based salmon conservation plans in Snohomish County recommend a variety of regulatory and non-regulatory actions to protect and restore the watersheds.**

Current CAR	Proposed Change
<p>There are no code provisions derived from community-based salmon conservation plans (such as those of the Snohomish, Stillaguamish and Lake Washington watersheds) in current policies or regulations.</p> 	<p>Incorporate many of the regulatory recommendations from these community-based salmon conservation plans into critical areas policies and regulations, such as [SCC 30.62A.310]:</p> <ul style="list-style-type: none"> <li>■ Designation and protection of channel migration zones as geologic hazard areas and fish and wildlife habitat conservation areas.</li> <li>■ Modify stream buffers to be more consistent with the three salmon conservation plans in Snohomish County. (See table 6)</li> </ul>

**B. Critical Aquifer Recharge Areas**

**Issue: Certain unregulated land use activities have the potential to impact groundwater quality and quantity. Aquifer recharge areas are lands containing highly permeable soils that allow rainwater and runoff to efficiently replenish groundwater resources.**

Current CAR	Proposed Change
<p>The regulations apply only to permit applications subject to SEPA. They do not apply to single-family residential development or on-going agriculture, and they contain few specific restrictions on certain land uses which have the potential to impact groundwater resources.</p>	<p>The regulations will be modified to apply to all development activities which have the potential to impact potable groundwater supply areas, whether or not they require a permit [30.62C.010]. In addition, they will provide more specific rules limiting land use activities that have the potential to impact groundwater supplies. [SCC 30.62A.310]</p>

## C. Geologic Hazard Areas

**Issue:** Building structures in channel migration zones can be hazardous and may affect the County's flood insurance rates.

### Current CAR

With the exception of floodway restrictions, there are presently no code provisions restricting structures in channel migration zones.



### Proposed Change

The County proposes to designate channel migration zones on the larger rivers which are the most prone to migration over a 100 year period, prohibit new buildings (homes, barns, etc.) and limit development of other structures (roads, utilities, etc.). [SCC 30.62B.227(1)]

**Table 7: Channel Migration Zone Dimensions [30.62.225(1)]**

River Name	CMZ Width (ft)	Limits (mi)
North Fk Skykomish River	100	0.00 - 8.64
North Fk Stillaguamish River	300	0.00 - 35.18
Pilchuck Creek	100	0.00 - 6.96
Pilchuck River	100	0.00 - 36.17
Sauk River	700	County Line to Sauk R. Br 414
Sauk River	300	Sauk R. Br 414 to Whitechuck R.
Skykomish Braided Reach	700	13.18 - 21.13
Skykomish River	300	0.00-13.18; 21.13-29.15
Snohomish River & Sloughs	100	All
Snoqualmie River	100	0.00 - 5.41
South Fork Skykomish River	100	0.00 - 6.71
South Fork Stillaguamish River	100	0.00 - 43.07
Stillaguamish River & Sloughs	100	All
Sultan River	100	0.00 - 7.64
Wallace River	100	0.00 - 7.71

**Issue:** Low-lying coastal shorelines are potentially vulnerable to tsunamis.

### Current CAR

Tsunamis are not addressed in any Snohomish County code.

### Proposed Change

The County proposes to identify potential tsunami hazard areas to address potential danger from wave-related impacts on coastal environments. Applicants will be required to record notice with the county auditor acknowledging the hazard [SCC 30.62B.270].



## CAR Review Timeline and Public Meeting Schedule

### Public Meetings, 6:30-8:30 p.m.

Tues., July 19 .... Meeting in Mill Creek (Heatherwood Middle School)

Wed., July 27 .... Meeting in Monroe (Monroe Jr. High School)

Thurs., July 28 .... Meeting in Arlington (Post Middle School)

### Review & Adoption Schedule

Aug .... Public meetings to present SEIS

Sept/Oct .... Revised Draft CAR Issued

Oct/Nov .... County Council/Planning Commission  
Hearings on Draft Revisions

Dec .... CAR Final Revisions Completed & Ready for  
Review by Planning Commission & County Council.

**You're  
Invited!**



*Fish & Wildlife Habitat  
Conservation Areas*



*Wetlands*



*Geologic Hazard Areas*



*Aquifer Recharge Areas*



*Frequently Flooded Areas*

## Supplemental Environmental Impact Statement to be Issued

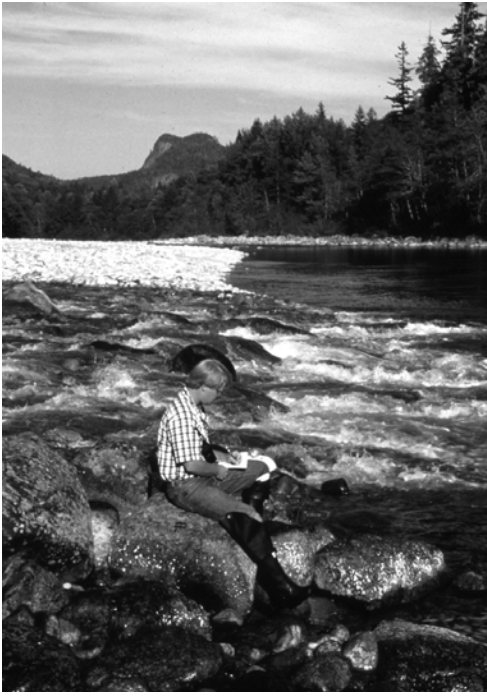
A Supplemental EIS (SEIS) will be issued describing the expected effects of changes proposed in the Revised Critical Areas Regulations on the county's existing natural and built environments.

This environmental analysis is considered "supplemental" because it will be based on the Final EIS recently issued for the 10 Year Update of the Comprehensive Plan. The analysis is occurring because CAR will directly reflect the policies laid out in the Comprehensive Plan. Critical Areas Regulations are required by GMA to be addressed in the land use policy plan (Comprehensive Plan), and specified in the regulations (Snohomish County Code) which implement the Plan.

A Public Meeting will be held to present the SEIS and give citizens a chance to comment on its findings. Public notice will be given when the SEIS is available and when the Public Meeting has been scheduled.

*This paper is recycled & recyclable. June 2005*





# Critical Areas Regulations Review Project


Preliminary drafts of the revised Critical Areas Regulations (CAR) and Summary of Best Available Science are now available for public review. These documents are intended to continue a public participation process that will likely bring about changes in how we manage environmentally sensitive areas. Copies are available in both electronic and print formats:

- Download a copy by visiting the homepage of the County's website at [www.co.snohomish.wa.us](http://www.co.snohomish.wa.us), and selecting Critical Areas Review and Update.
- Purchase a hard copy at the Planning Division reception desk, located on the fourth floor of the Admin-West Building on the County campus. The cost of the *Preliminary Draft Critical Area Regulations* is \$5 and the *Draft Summary of Best Available Science for Critical Areas* is \$10.

Please come to one of three public meetings to discuss proposed revisions.

**See inside for meeting schedule . . .**

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