Debbie Beadle

EXHIBIT NO. 97

From: Debbie Beadle
Sent: Monday, April 30, 2012 8:32 AM
To: Debbie Beadle
Subject: FW: PDF Copy of Presentation to Sammamish Planning Commission April 19, 2012 -- Prepared by David and Megan Gee. Follow up Public Comment by David Gee.

From: David Gee [mailto:dgee@gsblaw.com]
Sent: Tuesday, April 24, 2012 4:07 PM
To: Kamuron Gurol
Cc: ECA; Evan Maxim; Debbie Beadle; David Gee; meggee@comcast.net
Subject: PDF Copy of Presentation to Sammamish Planning Commission April 19, 2012 -- Prepared by David and Megan Gee. Follow up Public Comment by David Gee.

Dear Kamuron—

As requested, please find attached a PDF copy of the PowerPoint Presentation given by Megan to the Planning Commission last Thursday night (April 19, 2012). I would also request that the Planning Commission be provided with a copy of this correspondence.

First, I regret that I was unable to attend the Planning Commission Meeting on April 19, 2012—I was out of town for work. Although I will take the opportunity to review the video of the meeting, I was disappointed to hear from more than one person that you made statements to the Planning Commission to the effect that the Presentation was "colorful" and not factual. If that was not your intent, clarification would be appreciated.

For the record, we did not intend the Presentation to be adversarial. Rather, as I have discussed with you on several occasions, we believe that the burden imposed by the current Code is disproportionate, and we believe that our testimony regarding our experience with the Code helps to illustrate that concern and to support our specific recommendation to change the Code. We were careful to include supporting factual information and documentation as part of the Presentation (or within the Appendix), a copy of which was provided to each of the Commissioners that evening.

Perhaps given the consonance of the DOE guidance with the Code revision that we proposed in our Presentation (discussed below), there is no need to revisit points of disagreement. However, to the extent that you do intend to offer further comments on the accuracy of our Presentation to the Planning Commission, we respectfully request that you make those communications part of the public record as well so that we will have the opportunity to respond or clarify.

Second, with regard to the Code amendment that we proposed to the Planning Commission on April 19, I was interested to review the April 18, 2012 email from Kathy Curry to Evan Maxim regarding "Suggested regulatory approach to small wetlands," that transmits information provided by Department of Ecology's Donna Bunten, apparently in response to Sammamish City staff requests. (This correspondence is posted as Exhibits 67-70 at the Sammamish City ECA Review site).

In particular, it is very encouraging that the DOE recommendation is substantively the same as the recommendation that we made in our Presentation to the Planning Commission.

Here is the pertinent excerpt from the DOE email:

Page 10 discusses exempting small wetlands. The City's existing code is currently consistent with our recommended language on exempting small wetlands. We have included Ecology's language below if you wish to consider using it. Alternatively, an abbreviated version can be found in the *Guidance for Small Cities* on page A-3 and -4.

1. Exempt wetlands less than 1,000 sf where it has been shown by applicant that they are not associated with a riparian corridor, they are not part of a wetland mosaic and do not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife.

2. Evaluate the circumstances of wetlands between 1,000 sf and 4,000 sf in size. Ecology recommends the use of the 2004
Wetland Rating System to establish category and evaluate functions. Use the following criteria and local knowledge of natural resources to make an informed decision about whether to exempt wetlands between 1,000 sf and 4,000 sf from the requirement to avoid impacts.

a. The requirement to avoid impacts may be dropped for Category III and IV wetlands between 1,000 and 4,000 sf that meet all of the following criteria:
Wetland is not associated with a riparian corridor and
Wetland is not part of a wetland mosaic and
Wetland does not score 20 points or greater for habitat in the 2004 Western Washington Rating System and
Wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife

b. Impacts allowed under this provision to these wetlands will be fully mitigated as required in mitigation section.

c. All Category I and II Wetlands between 1,000 sf and 4,000 sf should be evaluated with full mitigation sequencing and buffer establishment. Any approved impacts should be adequately compensated by mitigation.

3. Wetlands larger than 4,000 sf will be evaluated using standard procedures for wetland review identified in Section XXX.

For your convenient comparison, here is the recommendation that we made to the Planning Commission, at page 5 of our Presentation:

[Option 2---Size + Function] Proposed Revision:

21A.50.320--Small and isolated wetlands with low functions or values.

A. Wetlands and associated buffers of less than one thousand square feet may be displaced when the wetland meets all of the following criteria, as documented in a wetland sensitive area study:

1. The wetland is not associated with a riparian corridor; and
2. The wetland is not part of a wetland mosaic; and
3. The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife; and
4. Impacts of displaced wetlands shall be mitigated pursuant to an approved mitigation plan.

B. Category III and IV wetlands between one thousand and four thousand square feet may be displaced without meeting the provisions of this Code regarding avoidance, minimization, rectification, and reducing and eliminating the impact over time that the criteria in subsection (A) are met and the wetland does not score twenty points or greater for habitat in the 2004 Western Washington Rating System.

As you can see, our proposed change to the Sammamish Code tracks squarely the guidance that City Staff requested and received from DOE. As Megan testified on Thursday night, we agree that the focus of the Code and its application should be on the function and value of a small wetland, and we believe that the Code should give the City and property owners much more flexibility *vis a vis* a site like ours that has been determined to be of low function and value under the Western Washington Rating System.

We will continue to work with the Planning Commission to encourage such a revision to the Code.

Sincerely,

David Gee

Copy to Planning Commission

From: Kamuron Gurol [mailto:kgurol@ci.sammamish.wa.us]
Sent: Friday, April 20, 2012 10:59 AM
To: meggee@comcast.net
Cc: David Gee; ECA; Evan Maxim; Debbie Beadle
Subject: Materials you presented to the PC

Hi Megan, could you please send to staff the materials you provided to the PC last night so we can add to the public record? Many thanks, -Kamuron

Please be aware that email communication with Council Members or City staff is a public record and is subject to disclosure upon request.

Environmental Critical Area Review

Small and Isolated Wetlands with Low Functions and Values

Presentation to
Sammamish Planning Commission
April 19, 2012

David and Megan Gee
22201 NE 28th Place, Sammamish

EXHIBIT NO. 97

ECA Review - Known Topics –

Additional Questions (Staff):

- Could Best Available Science support the filling of a small-sized, non-hydrologically isolated wetland, similar to the exemption provided for isolated wetlands? If so, what would be the appropriate size? Please identify any risks.

Additional Questions (CFS):

- Could Best Available Science support the exemption of a small-sized (up to 5,000 sf) Class III or Class IV wetland with low functions and values, similar to the exemption provided for isolated wetlands?

Current SMC:

21A.50.320 Wetlands – Limited exemption.

Isolated wetlands less than 1,000 square feet may be exempted from the provisions of SMC 21A. 50.290 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

[Option 1-Size Only] Proposed Revision:

21A.50.320 Wetlands – Limited exemption.

Isolated wetlands less than 5,000 square feet may be exempted from the provisions of SMC 21A. 50.290 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan.

(Ord. O99-29 § 1)

[Option 2-Size + Function] Proposed Revision:

21A.50.320 - Small and isolated wetlands with low functions or values.

A. Wetlands and associated buffers of less than one thousand square feet may be displaced when the wetland meets all of the following criteria, as documented in a wetland sensitive area study:

1. The wetland is not associated with a riparian corridor; and
2. The wetland is not part of a wetland mosaic; and
3. The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife; and
4. Impacts of displaced wetlands shall be mitigated pursuant to an approved mitigation plan.

B. Category III and IV wetlands between one thousand and four thousand square feet may be displaced without meeting the provisions of this Code regarding avoidance, minimization, rectification, and reducing and eliminating the impact over time, provided that the criteria in subsection (A), above, are met and the wetland does not score twenty points or greater for habitat in the 2004 Western Washington Rating System.

Best Available Science

- "implications of exempting wetlands less than 0.25 acre, as is commonly done in local wetland regulations, are unknown"
- "The expectation is that the rating system will not work well for wetlands smaller than 4000 square feet"
- "No studies were found that documented the role that small wetlands play in providing water quality or hydrologic functions"
- Isolated Wetlands:
  - "not adjacent to or have no direct surface water connection to any navigable waters"
  - "do not have a surface outlet by which water leaves the wetland, even seasonally, to another water body"

(PLEASE SEE APPENDIX FOR PERTINENT D.O.E. EXCERPTS)

Other Western Washington Jurisdictions

- Maple Valley--Size (Isolated Wetlands < 5000 sf)
- Kent—Size + Function (Isolated Class III + IV < 5000 sf)
- Black Diamond—Size + Function (< 1000 sf; and Class III + IV between 1000 + 4000 sf)
- Des Moines--Size + Function (< 1000 sf; and Class III + IV between 1000 + 4000 sf)
- City of Sultan--Size + Function (< 1000 sf; Class III + IV between 1000 + 4000 sf)
- Bellevue--Size + Function (Class IV < 2500 sf)
- Skagit County--Size and Function (Class II + III < 2500 sf; Class IV < 10,000 sf)

(PLEASE SEE APPENDIX FOR PERTINENT CODE EXCERPTS)

Balancing Benefits and Burdens

From: "Susan Cezar" <scezar@ci.sammamish.wa.us>
Date: Thu, Jan 26, 2012 10:43 am
Subject: isolated wetlands
To: "meggee@comcast.net" meggee@comcast.net

Hi Megan, thank you for your inquiry regarding hydrologically isolated wetlands under 5,000 square feet. The City does not have an inventory of all wetlands, or of isolated wetlands under 5,000 square feet. As you know, we did do some mapping work in a few areas of the city as time/resources allowed. There are a number of other resources that the city and the public can use to gain some information, such as the King County wetland inventory, aerial photos, and the mapped areas completed by the city. However, there isn't really a substitute for a professional evaluation on a site-specific basis.

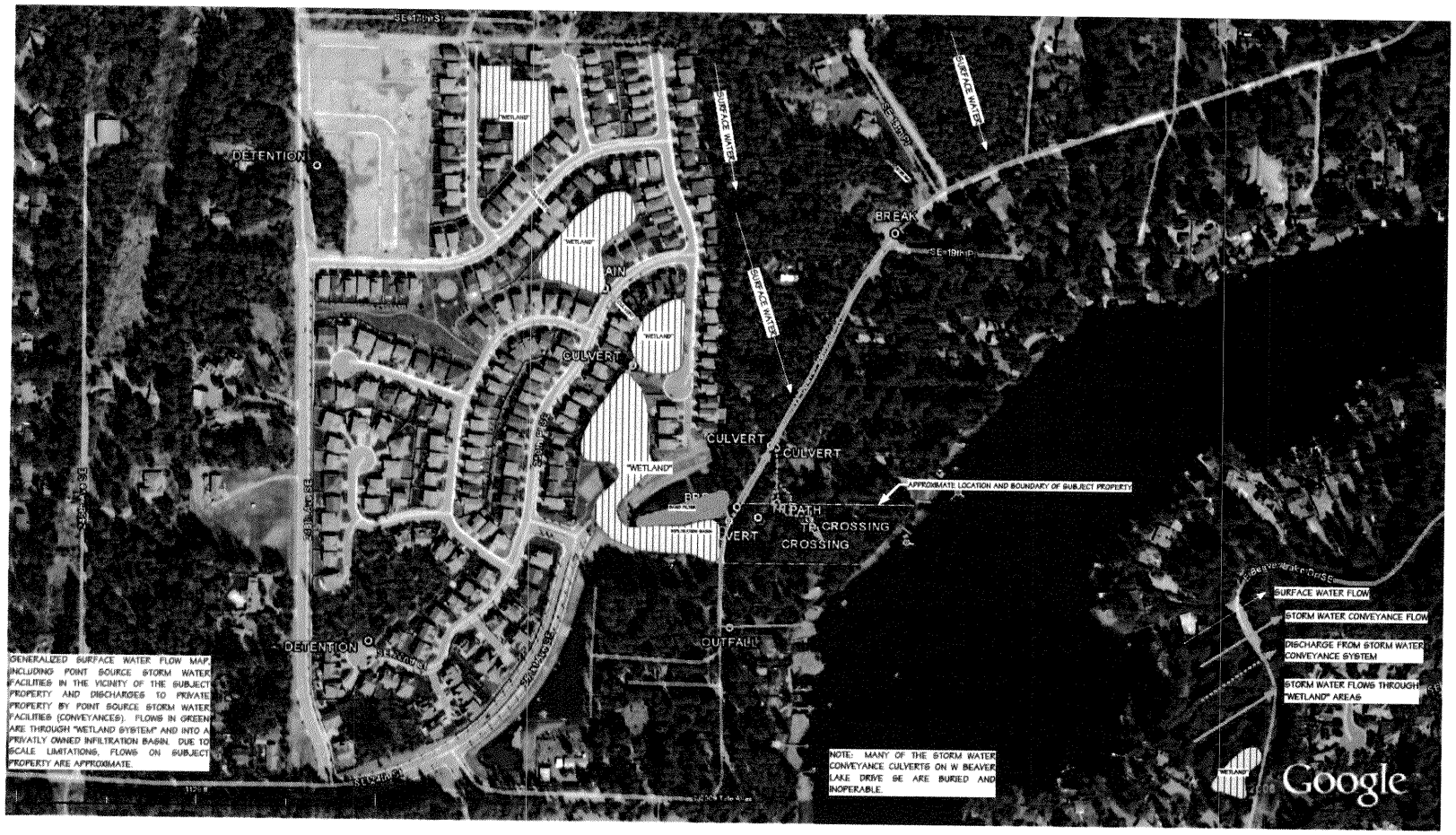
A few projects that the staff recall contained an isolated wetland less than 5,000 square feet are noted below:

1. Ivy 12 Plat, PLN2009-00004
2. Wrobel & Beaver Crest Plats, PLN2005-00082 and PLN2005-00083
3. Gramercy Park, PLN2005-00075 (not positive on this one)

I hope this information is helpful to you.
Susan

The City currently lacks data to measure benefit or burden of 1,000 vs. 5,000 square feet exemption

Balance: Limitations of Current Code



ENVIRON

Gee Properties
Critical Areas Study

FILE COPY

Prepared for:
David and Megan Gee
Sammamish, Washington

CORRECTIONS

Prepared by:
Scott Luchessa
ENVIRON International Corporation
Seattle, Washington

Date:
May 2009

RECEIVED BY PERMIT CENTER

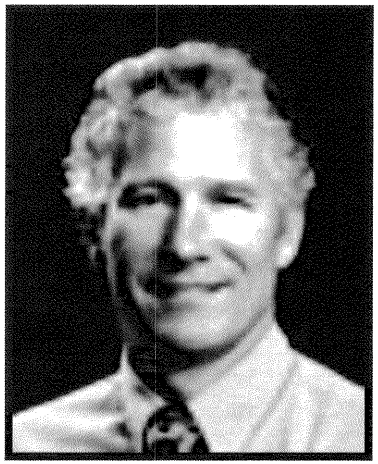
MAY 19 2009

CITY OF SAMMAMISH

Project Number:
03-22736

ENVIRON

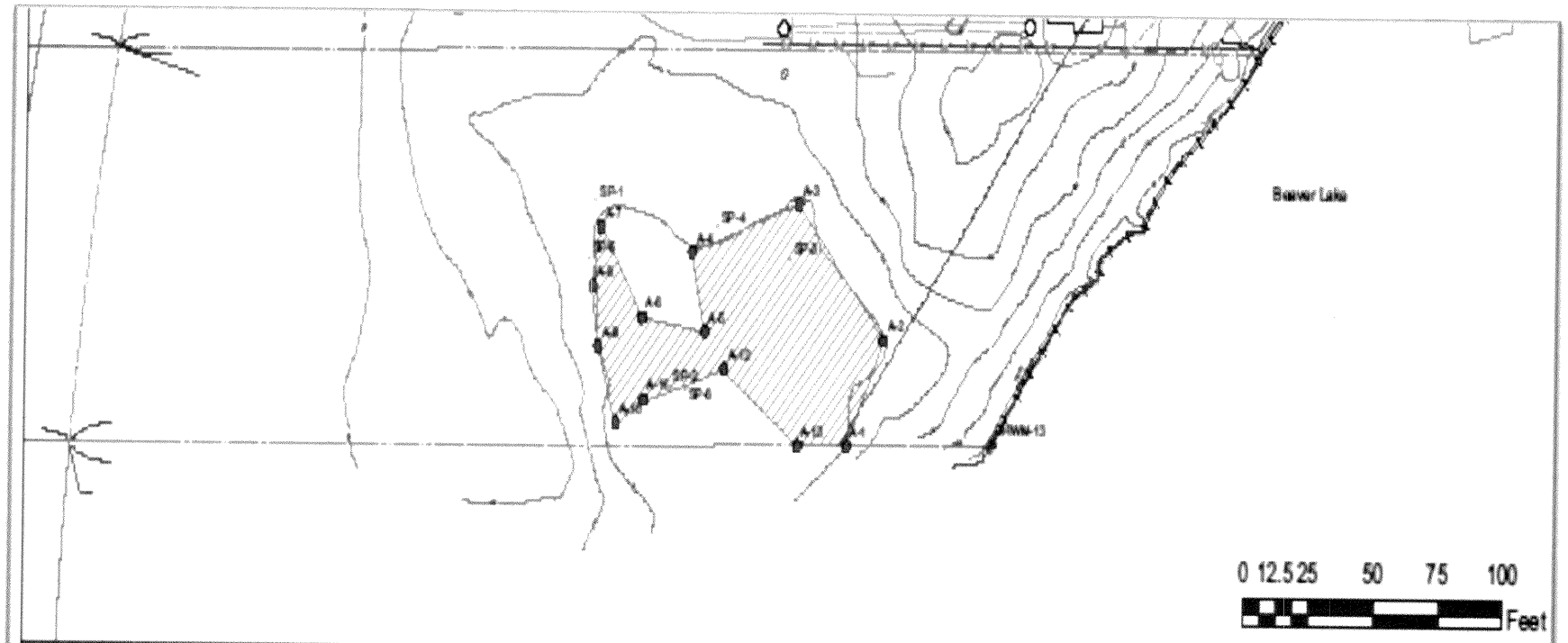
R08-00825



Scott Luchessa, MS
Senior Science Advisor

Environ Report:

- "isolated, closed depressional wetland"
- 3800 square feet



ENVIRON

Figure 2: Approximate location of delineated wetland boundaries and the ordinary high water mark (OHWM) of Beaver Lake (Source of Site Plan Base Map: JWS Design Inc.).

Environ: Wetland Rating

Table 2. Summary of estimated wetland functions, rating scores, and ratings.

Wetland	Function	Score[1]	Rating[2]	Comments
A	Water Quality	28		Closed depression but receives little pollutant loading
	Hydrology	7		Hydrologic functions appear limited by historical alterations
	Wildlife Habitat	12		Lack of structural complexity and diversity, high level of human activity, and poor connections to other undisturbed habitats
	Total	**47**	**III**	

[1] Depressional HGM types have maximum potential scores of 32, 32, and 36 respectively for water quality, hydrologic, and habitat functions, respectively.

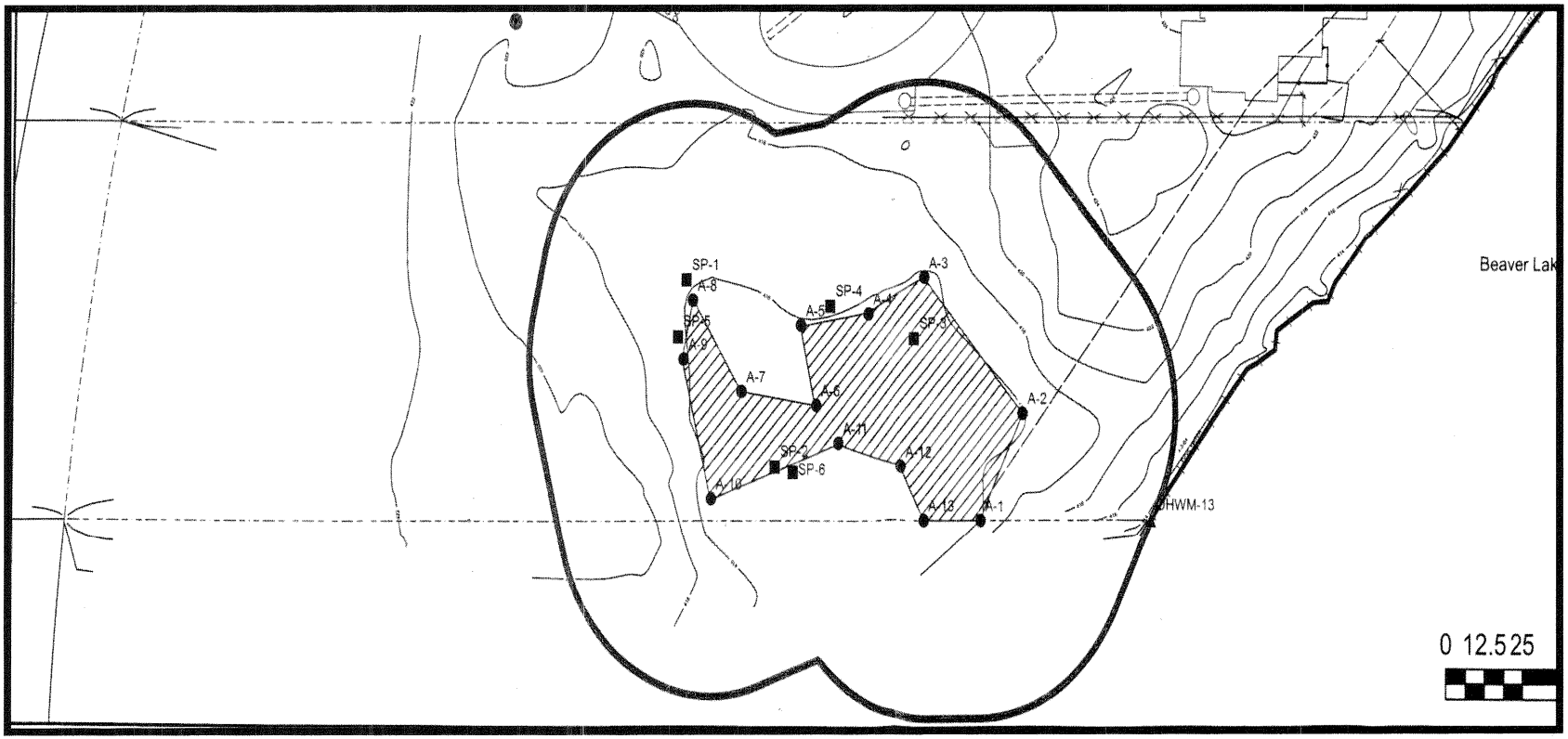
[2] Overall rating for the combined scores of the wetland using the most recent version of the western Washington Rating System (Hruby 2004). The system is expected not to provide accurate ratings for wetlands smaller than 0.1 acre (see text for a more detailed explanation).

Environ Report:

3.2.2 Wetland Functions

Table 2 summarizes the estimated functions from the completed wetland rating form (Appendix D). **It must be noted that the rating and the estimated functions denoted by the related scores appear to overestimate the potential function and is thought to be unreliable. Hruby (2004b) indicates in the annotated version of the rating system that the rating system for wetlands smaller than 4,356 sq. ft. (0.1 acre) "will not work well."** I concur with Mr. Hruby's position to a certain extent in that water quality functions are independent of the size of the wetland in so far as a unit of soil in a small wetland can provide the same potential treatment functions as in a large wetland. However, a small wetland has fewer units of soil and thus a much more limited capacity to provide water quality treatment (Le., total volume). Likewise small wetlands can provide breeding habitat for amphibians provided the right conditions exist. They do not appear to exist in this case. Though a Pacific chorus frog *(Pseudacris regil/a) was captured in the* slough sedge within the wetland, the entire stand of this sedge appears to be outside of the lowest lying portion of the depressional wetland that is seasonally inundated and there are no egg attachment sites within the seasonally inundated area. No tadpoles were observed in the shallow inundation within the wetland. **For small wetlands, such as this, the rating system appears to overestimate the water quality functions.**

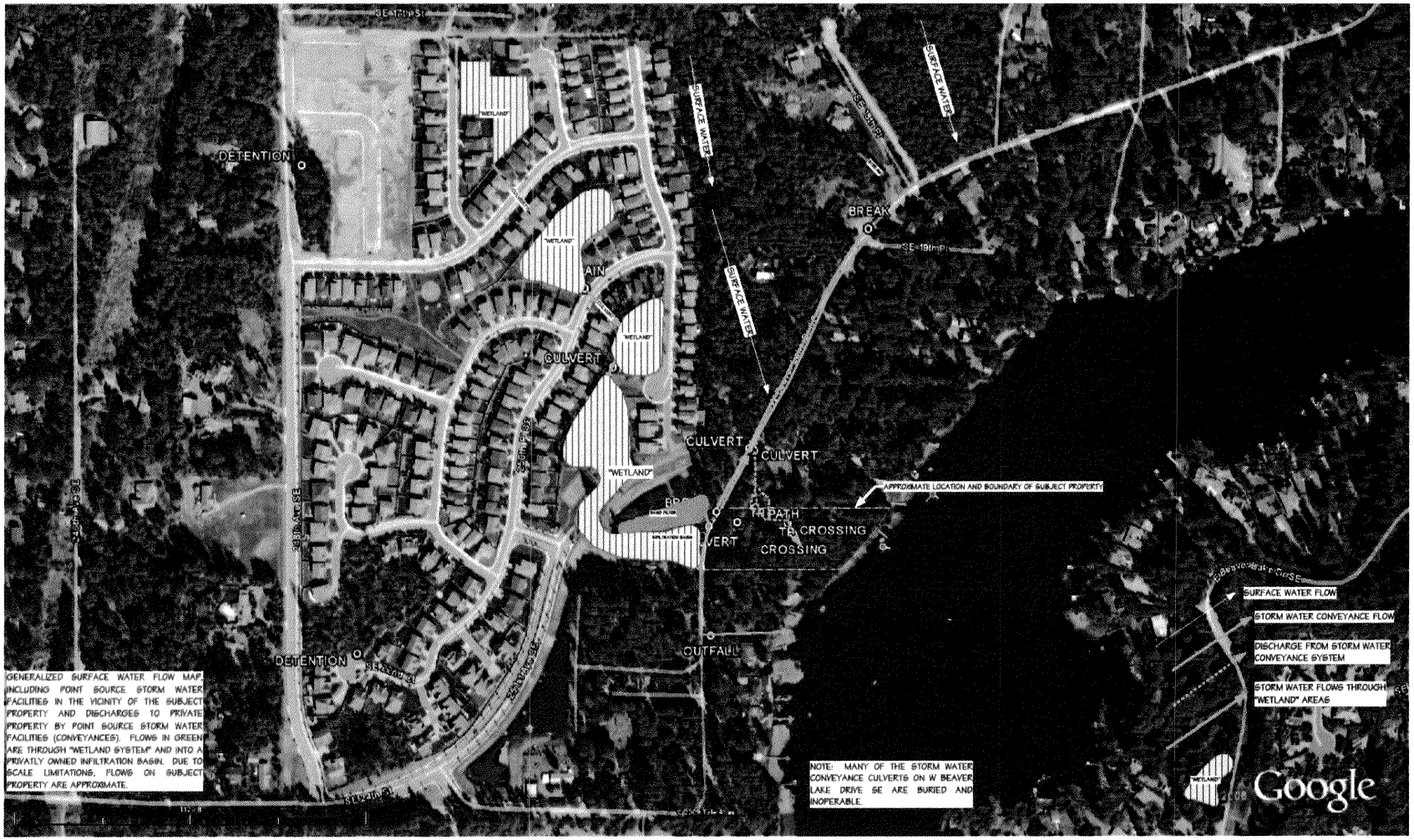
Burden: With Buffers = Approx. 20,000 sf = Nearly one-half of entire 1 acre site



Burden: Environ Conclusion:
Code denies "all reasonable economic use"

A preliminary estimate of the useable area from what appears to be the edge of pavement or perhaps the right of way for W Beaver Lake Drive is about 12,000 sq. ft. However, there is no sewage service available in this area and there appears to be insufficient room for a house and a septic drainfield (see Figure 2). There is no sewer service or plans to extend sewer service to this area at this time. In addition to the wetland buffer and building setback, SMC 21A.50.351 (4) requires a 50-foot setback for new residences from the OHWM of the Beaver Lake. SMC does contain provisions for buffer reduction and buffer averaging but it does not appear that these can be used to advantage given the lot size. **Thus, application of the code would appear to deny all reasonable economic use of the southern parcel.**

Hydrology Overstated due to Stormwater Diversion



Drainage Report
Gee Residence

Prepared For:

David and Megan Gee
22201 NE 28th Place
Sammamish, WA 98074

Prepared By:
Pacific Engineering Design, LLC
15445 53rd Avenue S., Suite 100
Seattle, WA 98188
Phone: (206) 431-7970
Fax: (206) 388-1648

FINAL

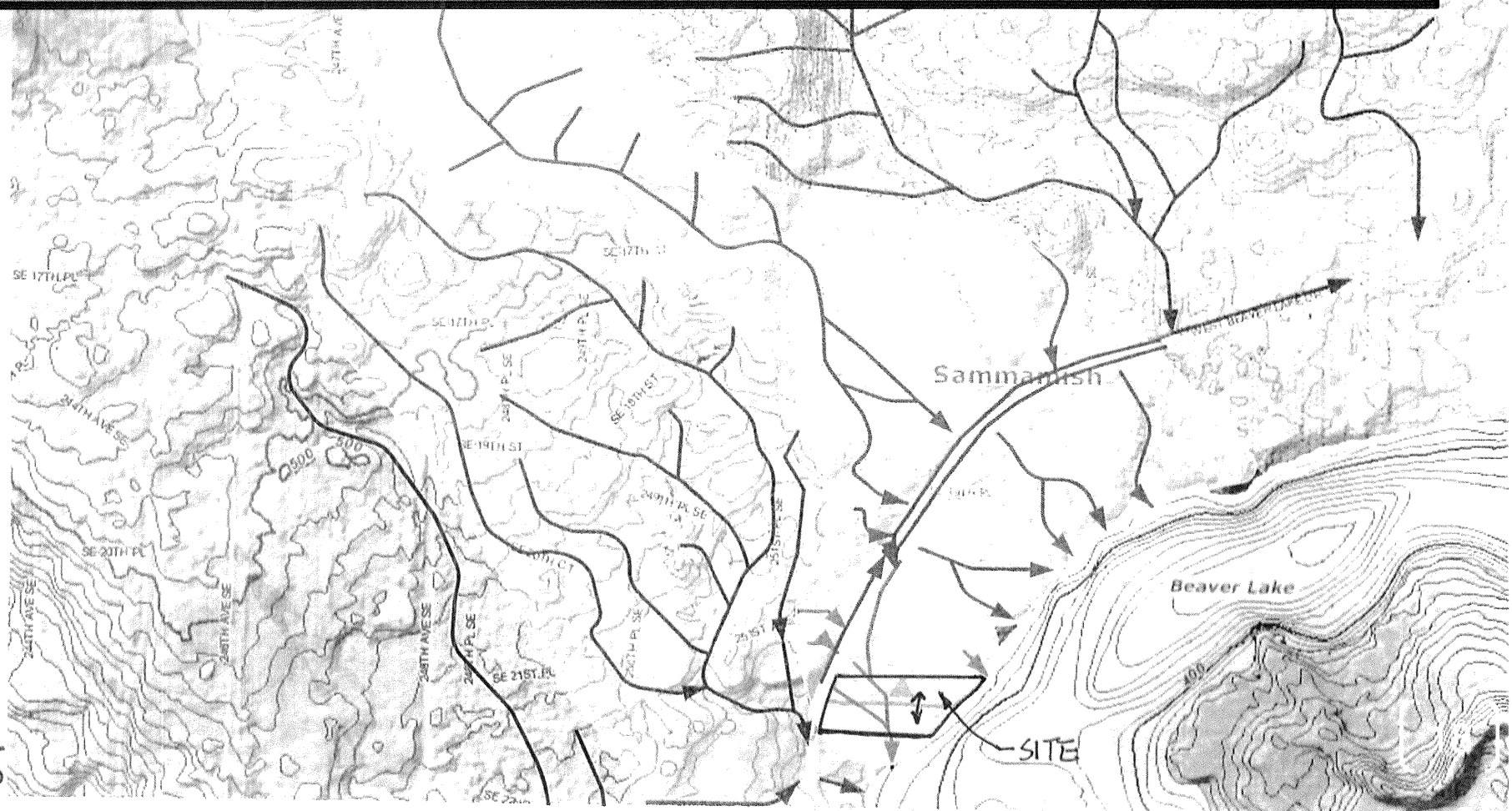
JINGSONG FENG
STATE OF WASHINGTON
32675
REGISTERED
PROFESSIONAL ENGINEER
7/22/2010

July 22, 2010 PED Job No. 10013

Pacific Engineering Design, LLC
Civil Engineering & Planning Consultants

"'wetland' probably does not exist in historic (natural) condition"

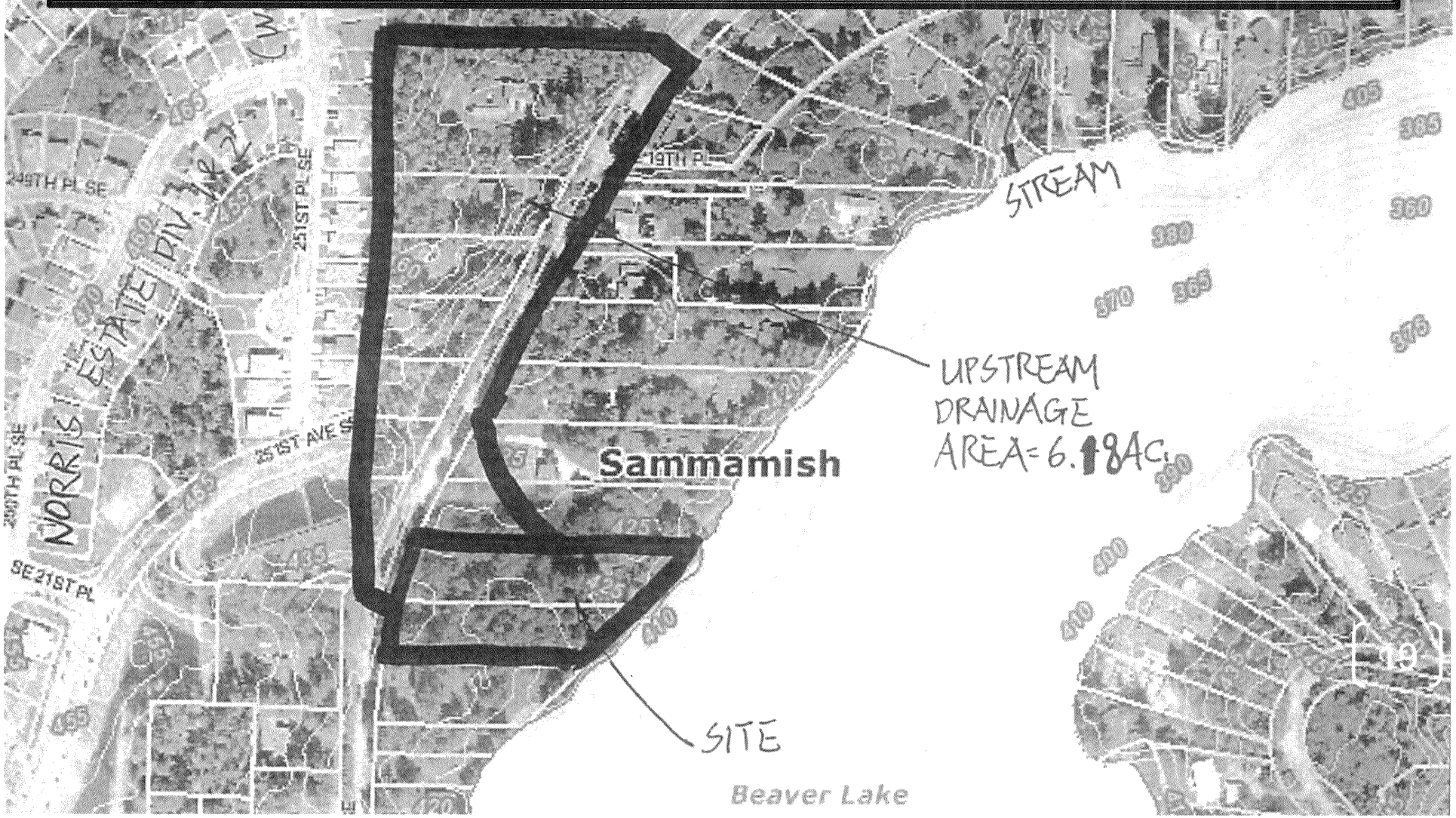
Old drainage maps show the drainage course conveys runoff directly to the lake (see Appendix exhibits A9, A13 and A15). Water in the depressed area dried out through infiltration on the March 19 site visit (one week later, with nearly no rain during the

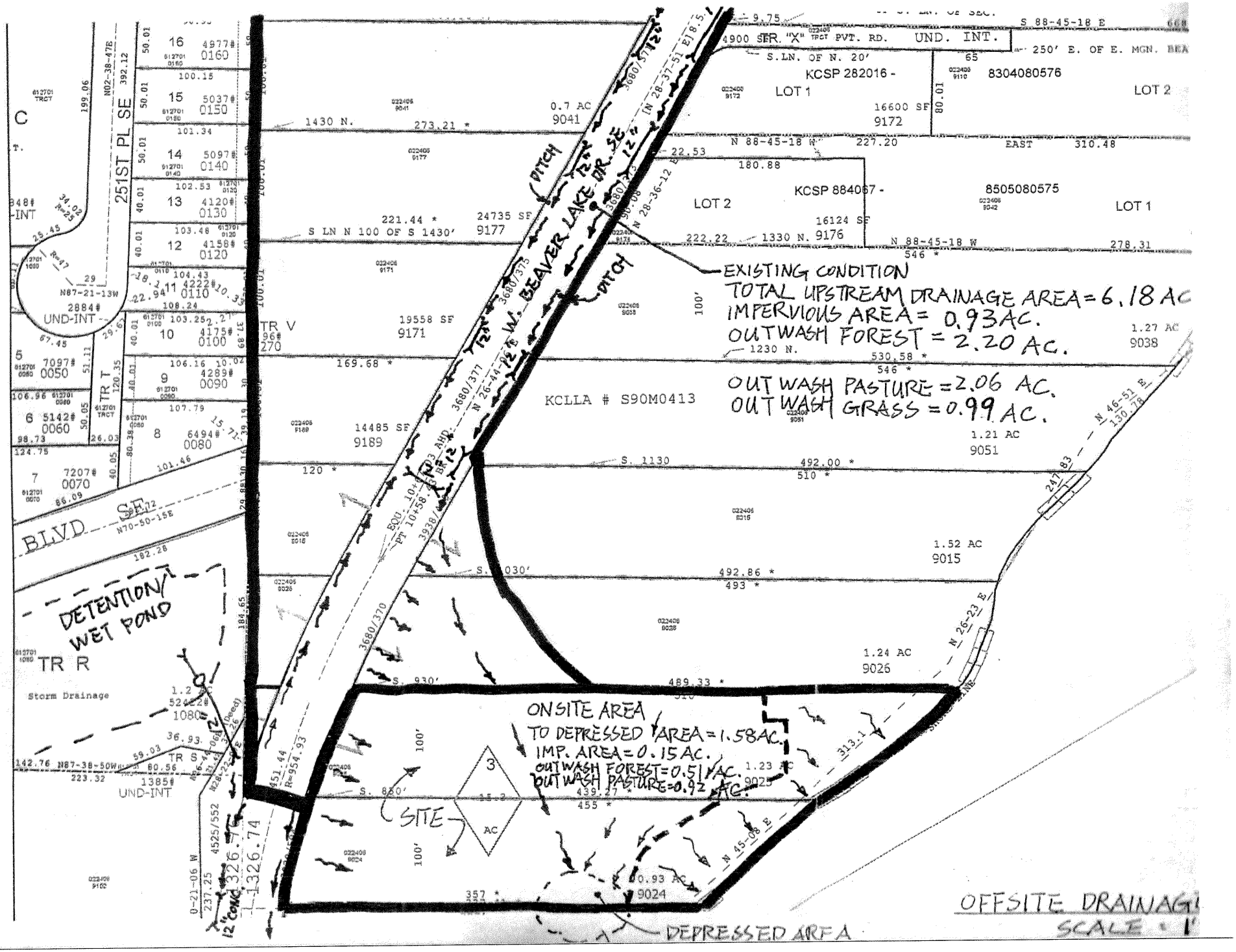


WATER SHED MAP
SCALE: 1" = 500'

A9

conditions, the 6.18 acres upstream drainage area consists of 0.93 acres of impervious area, 2.20 acres of outwash forest, 2.06 acres of outwash pasture and 0.99 acres of outwash grass. Approximately 1030 feet of undetained and untreated runoff from West Beaver Lake Road drains onto the site. Maps on pages 12 to13 display this upstream basin.





EXISTING CONDITION
TOTAL UPSTREAM DRAINAGE AREA = 6.18 AC
IMPERVIOUS AREA = 0.93 AC.
OUTWASH FOREST = 2.20 AC.
OUTWASH PASTURE = 2.06 AC.
OUTWASH GRASS = 0.99 AC.
ONSITE AREA
TO DEPRESSED AREA = 1.58 AC.
IMP. AREA = 0.15 AC.
OUTWASH FOREST = 0.51 AC.
OUTWASH PASTURE = 0.92 AC.
DETENTION/ WET POND
SITE
DEPRESSED AREA
KCLLA # S90M0413
KCSP 282016 -
8304080576
KCSP 884067 -
8505080575
LOT 1
LOT 2
251ST PL SE
BLVD SE
TR R
TR V
TR T
TR S
Storm Drainage
UND. INT.
S LN N 100 OF S 1430'
S. 1130
S. 1030'
S. 930'
S. 830'
N 88-45-18 W
N 26-23 E
N 45-08 E
N 46-51 E
N 28-36-12 E
N 28-37-51 E
N 26-44-06 E
N 70-50-15 E
N 87-21-13 W
N 87-38-50 W
N 02-38-47 E
0-21-06 W
1326.74
1326.76
OFFSITE DRAINAGE
SCALE = 1'

Diverted Drainage Substantially Increases Water Flow to Affected Area (up to 200X !!)

grass. Using the KCRTS method, with scale factor 0.90 (project location: Landsburg), peak flows to the depressed area are as follows:

Q 2 year peak = **0.359 cfs.**
Q 10 year peak = **0.411 cfs.**
Q 100 year peak = **0.932 cfs.**

Historic (natural) condition flows:
Under historic condition (the condition that existed prior to any development in the Puget Sound region), assume the 7.76 acre drainage areas to the depressed area is outwash forest, peak flows to the depressed area are as follows:

Q 2 year peak = **0.002 cfs = 0.56%** of the existing 2 year peak.
Q 10 year peak = **0.040 cfs = 9.73%** of the existing 10 year peak.
Q 100 year peak = **0.235 cfs = 25.21%** of the existing 100 year peak.

Overflow never happens. Water level in the depressed area is unremarkable for less than 10 year storm events. In the other words, "wetland" probably does not exist in historic (natural) condition.

SUMMARY

There is a significant upstream basin draining onto the Gee Properties.

The site area draining onto these properties is 7.76 acres including 0.93 acres of untreated water from the public road West Beaver Lake Drive SE.

Individual Property Burden: $583,000

KING COUNTY DEPT. OF ASSESSMENTS
500 FOURTH AVENUE, ROOM 740
SEATTLE, WA 98104-2384

ADDRESS SERVICE REQUESTED

ACCOUNT NUMBER: 022406-9024-07

OFFICIA
VALU
READ

FOR TAXES DUE IN 2011

APPRAISED VALUE

	OLD VALUE	NEW VALUE
LAND	971,000	368,000
BLDGS ETC	0	0
TOTAL	971,000	368,000

	APPRAISED VALUE OLD VALUE	APPRAISED VALUE NEW VALUE	VALUE AFTER EXEMPTION
LAND	971,000	368,000	368,000
BLDGS. ETC	0	0	0
TOTAL	971,000	368,000	368,000

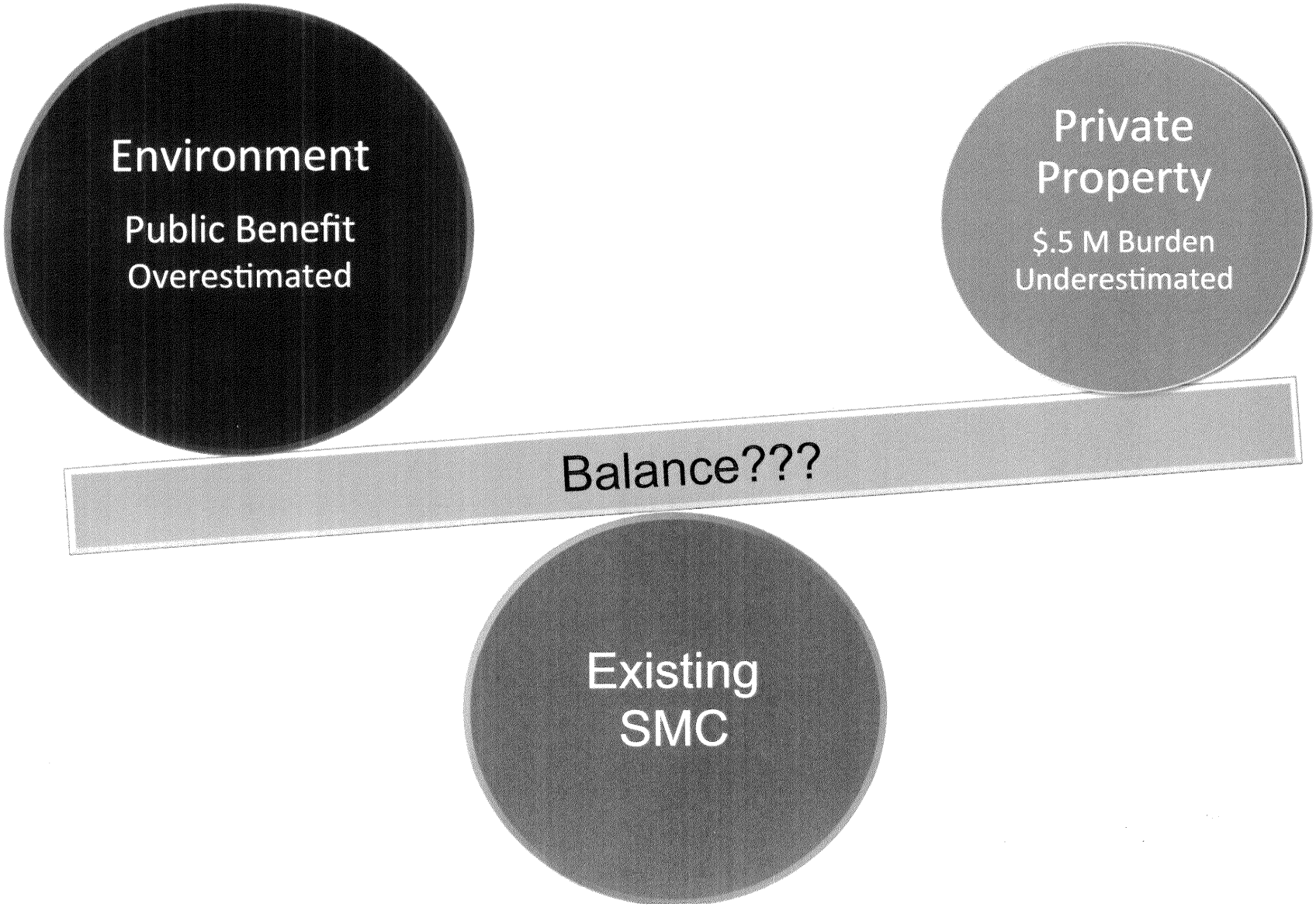
MAILING ADDRESS:

GEE DAVID-MEGAN 760328
22201 NE 28TH PL
SAMMAMISH WA 98074

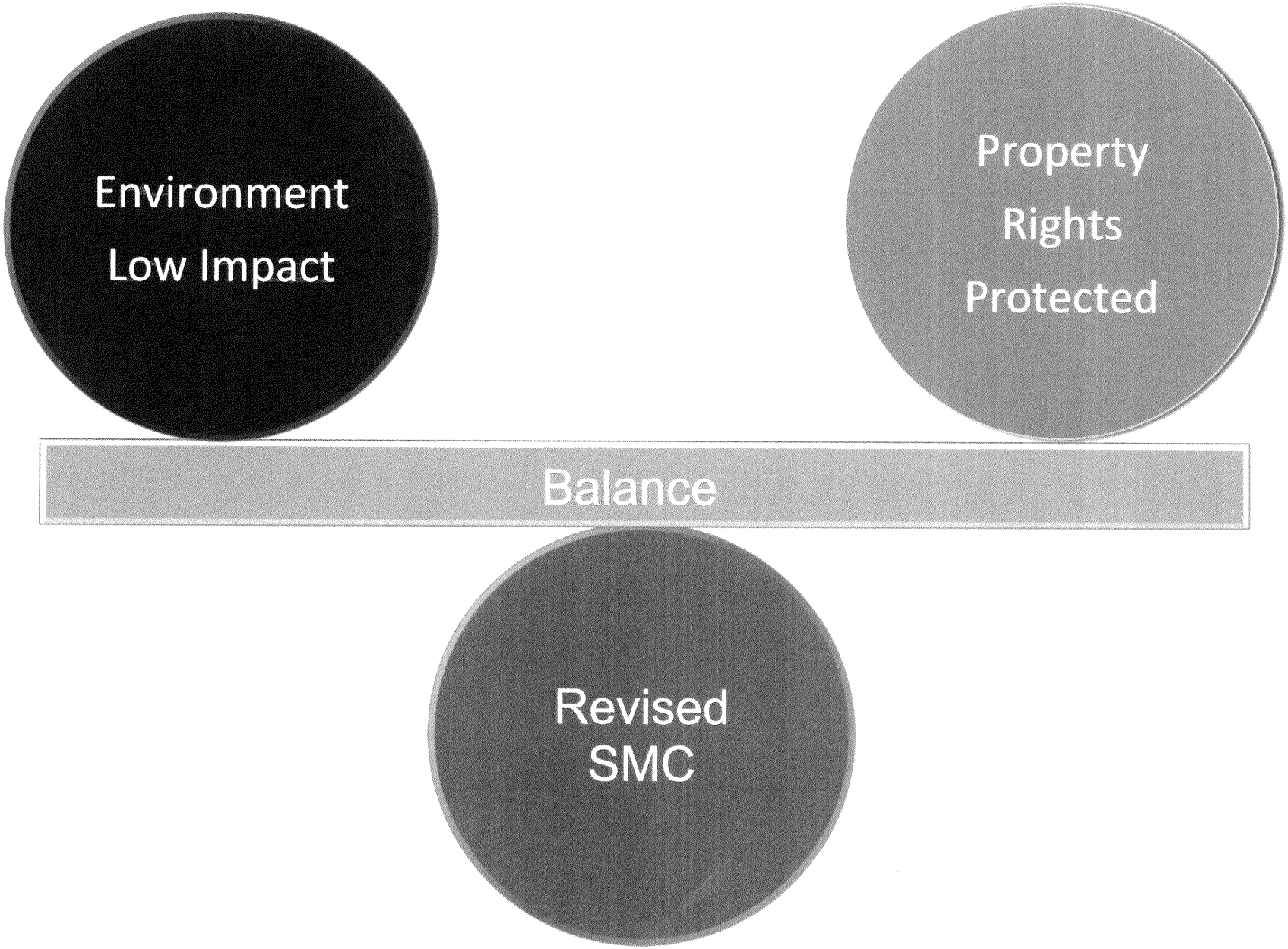
DOA Form 1 (4/5/10)

DAPZSP1 98074

Growth Management Act Planning Goals (RCW 36.70A.020)

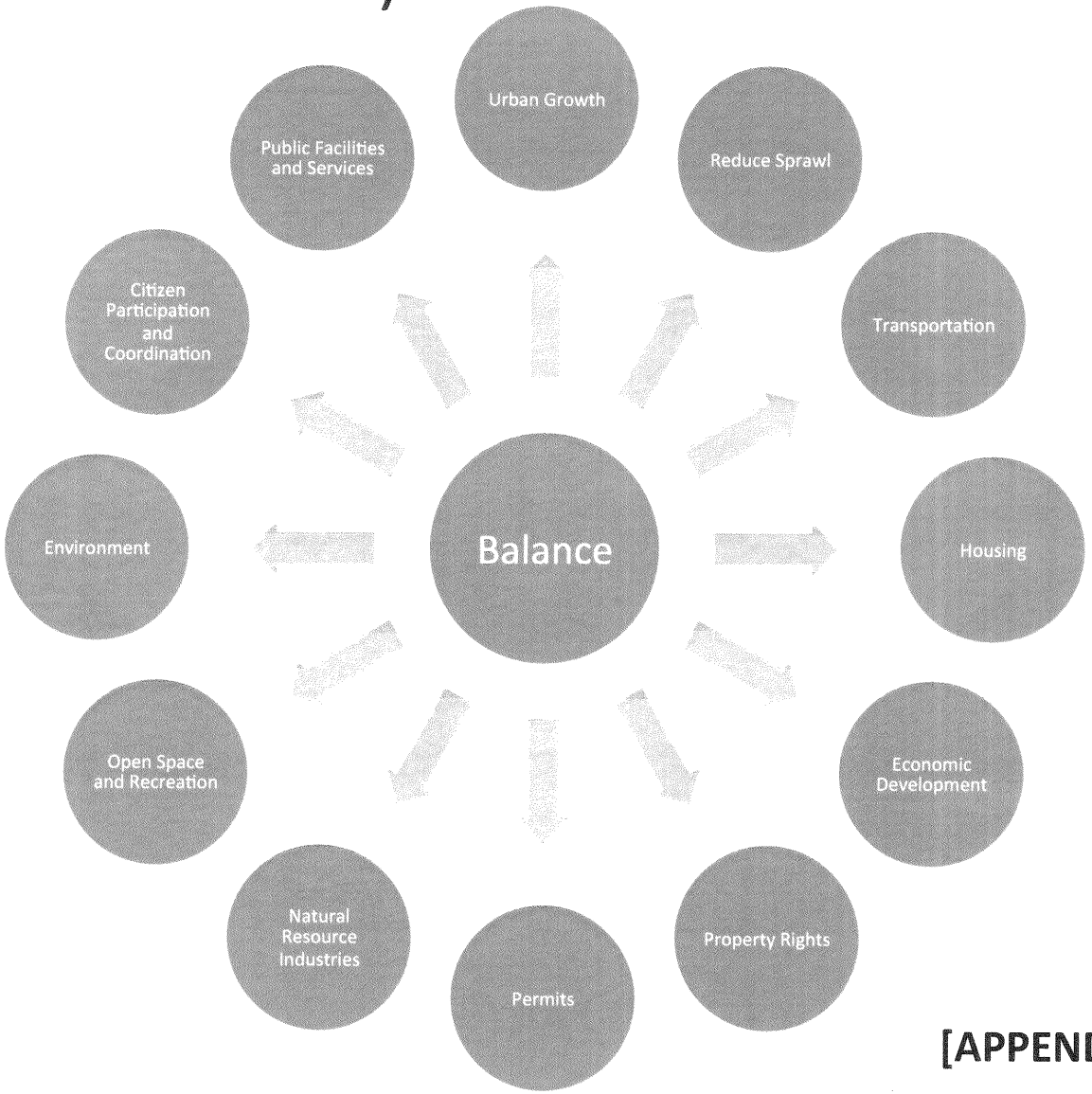


Growth Management Act Planning Goals (RCW 36.70A.020)



Appendix

Growth Management Act Planning Goals (RCW 36.70A.020)



[APPENDIX]

ECA Review - Known Topics – Additional Questions (Staff):

Mitigation requirements and options for development on sites with wetlands and streams with low functions and values:

- Could Best Available Science support an increase to the 1,000 square foot isolated wetland exemption (SMC 21A. 50.320)?
- Could Best Available Science support the filling of a small-sized, non-hydrologically isolated wetland, similar to the exemption provided for isolated wetlands? If so, what would be the appropriate size? Please identify any risks.

[APPENDIX]

ECA Review - Known Topics – Additional Questions (CFS):

- What is the Best Available Science regarding development on sites with wetlands and streams with low functions and values?
- What is the most commonly accepted BAS definition of isolated wetlands? Is there a statutory definition? Who is qualified to make that designation at a particular site?
- Are there other cities or municipalities in in Western Washington that have size-based exemptions for isolated wetlands? If so, what is the size range? Are there exemptions for isolated wetlands that are not based upon size?
- Could Best Available Science support the exemption of a small-sized (up to 5,000 sf) Class III or Class IV wetland with low functions and values, similar to the exemption provided for isolated wetlands?

[APPENDIX]

2005 Sammamish ECA Review (10/31/05 Draft): Proposed exemption of small isolated wetlands

City of Sammamish DRAFT Supplemental Code Changes Related to Critical Areas

~~development regulations shall be delineated pursuant to said manual~~. (Ord. O2003-132 § 10)

21A.15.1410 Wetland, isolated.

"Wetland, isolated" means a wetland ~~that has a total size less than 5,000 square feet excluding buffers, which~~ that is hydrologically isolated from other wetlands or streams, does not have permanent open water, and is determined to be of low function. (Ord. O2003-132 § 10)

21A.15.1415 Wetlands.

~~"Wetlands" means those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally~~

[APPENDIX]

City of Sammamish
Proposed Critical Areas Regulations - Public Comment Summary
Including Staff Response & Planning Commission Final Recommendation
October 31, 2005

Isolated wetlands: The City should revise the proposed isolated wetland definition to include 5,000 square feet instead of 1,000 square feet. Wouldn't this be more consistent with Army Corps regulatory thresholds for wetlands?	The size limit on the isolated wetland exemption is in SMC 21A.50.320 (1,000 SF) and is not proposed to be changed. Size is not a necessary part of the isolated wetlands definition.	Staff suggests revision of the definition as follows: **21A.15.1410 Wetland, isolated.** "Wetland, isolated" means a wetland ~~that has a total size less than 1,000 square feet excluding buffers, which~~that is hydrologically isolated from other wetlands or streams, does not have permanent open water, and is determined to be of low function. (Ord. O2003-132 § 10)	Modify 21A.15.1410 as follows: "Wetland, isolated" means a wetland ~~that has a total size less than 1,000 square feet excluding buffers, which~~that is hydrologically isolated from other wetlands or streams, does not have permanent open water, and is determined to be of low function. (Ord. O2003-132 § 10)

No support provided for 1000 vs 5000 square feet

[APPENDIX]

[BAS] Small Wetlands

Studies of the relationship between wetland size and wildlife distribution have mostly focused on amphibians and birds. Few studies have examined how use of wetlands by mammals relates to wetland size, and no studies of this relationship were found for macroinvertebrates or reptiles. No studies were found that documented the role that small wetlands play in providing water quality or hydrologic functions.

* * * * * *

The literature emphasizes that small wetlands are critically important to amphibians, particularly when connectivity between wetlands and with adjacent uplands is maintained. However, none of the studies evaluated the role of wetlands less than 0.5 acre, so the implications of exempting wetlands less than 0.25 acre, as is commonly done in local wetland regulations, are unknown.

Wetlands in Washington State Chapter 5, Volume 1 – A Synthesis of the Science, March 2005, p 5-8, 5-10

[APPENDIX]

[BAS] Western Washington Wetland Rating System

21 August 2004 Annotated Version (Hruby Comment):

[7]: The expectation is that the rating system will not work well for wetlands smaller than 4000 square feet. I suggest you still rate them, but the scores and category you get are not as robust as for the larger wetlands. We did not have any wetlands smaller than 1/10 acre in our reference set, so we are unable to make a firm conclusion. My experience, however, is that the indicators of function become difficult to interpret in very small wetlands. * * * * *

We do not have any methods to adequately characterize functions in very small wetlands because no research has been done on their functions (with the exception of some studies about amphibians showing that wetlands as small as 200 square feet can provide good habitat).

[APPENDIX]

[BAS] Isolated Wetlands

In 2001, the U.S. Supreme Court determined that isolated wetlands are not subject to regulation under Section 404 of the federal Clean Water Act if the only basis for their regulation is their use by migratory birds. However, the Court did not define "isolated," and the federal government has not issued any new guidance or regulations to clarify the situation. In general practice, the U.S. Army Corps of Engineers (Corps), the federal agency that administers the Clean Water Act, considers isolated wetlands to be those of any size that are not adjacent to or have no direct surface water connection to any navigable waters.

* * * * *

Wetlands can be defined as isolated based on their geographic isolation, ecological isolation, or hydrologic isolation (Tiner et al. 2002). For this discussion, isolated wetlands are defined by a very specific type of hydrologic isolation—they do not have a surface outlet by which water leaves the wetland, even seasonally, to another water body.

Wetlands in Washington State Chapter 5, Volume 1 – A Synthesis of the Science, March 2005, p 5-6, 5-11

[APPENDIX]

Maple Valley (2006)

18.60.300 Isolated wetlands – Limited exemption.

Isolated wetlands less than 5,000 square feet may be exempted from the provisions of MVMC 18.60.270 and 18.60.280 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan. (Ord. O-06-333 § 1).

[APPENDIX]

Kent (2006)

11.06.610 Avoiding wetland impacts.

C. Filling of a hydrologically isolated emergent Category III or Category IV wetland less than five thousand (5,000) square feet in size shall be permitted, provided a replacement wetland area is created pursuant to KCC 11.06.660(D). For the purposes of this section, a hydrologically isolated wetland shall be determined by the U.S. Army Corps of Engineers.

[APPENDIX]

Black Diamond (2009)

19.10.235 - Provisions for small isolated wetlands.

B. Wetlands and associated buffers of less than one thousand square feet may be displaced when the wetland meets all of the following criteria, as documented in a wetland sensitive area study:

1. The wetland is not associated with a riparian corridor; and
2. The wetland is not part of a wetland mosaic; and
3. The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife; and
4. Impacts of displaced wetlands shall be mitigated pursuant to Section 19.10.240

C. Category III and IV wetlands between one thousand and four thousand square feet may be displaced without meeting the provisions of Section 19.10.240 regarding avoidance, minimization, rectification, and reducing and eliminating the impact over time, provided that the criteria in subsection (B), above, are met and the wetland does not score twenty points or greater for habitat in the 2004 Western Washington Rating System.

(Ord. No. 875, § 4(Exh. B), 2-26-2009)

[APPENDIX]

Des Moines (2007)

18.86.120 Wetlands – Limited exemptions.

The city manager or designee may allow exemptions from the provisions of this chapter based on the following criteria:

(2) Wetlands between 1,000 and 4,000 square feet shall be evaluated using the Washington State Wetland Rating System for Western Washington (Hruby, 2004, or as revised) to establish category and evaluate functions. The following criteria and local knowledge of natural resources shall be used to determine whether to exempt wetlands between 1,000 and 4,000 square feet from the requirement to avoid impacts.

(a) The requirement to avoid impacts may be dropped for Category III and IV wetlands between 1,000 and 4,000 square feet that meet all of the following criteria:

(i) Wetland is not associated with a riparian corridor; and

(ii) Wetland is not part of a wetland mosaic; and

(iii) Wetland does not score 20 points or more for habitat in the wetland rating system; and

(iv) Wetland does not contain habitat identified as essential for local populations of priority species identified by [the] Washington Department of Fish and Wildlife.

(b) Impacts allowed under this provision to these wetlands will be fully mitigated as set forth in DMMC 18.86.130.

[APPENDIX]

City of Sultan (2007)

16.80.110 Regulation of small wetlands.
Small wetlands are those that are less than 4,000 square feet.

A. Wetlands less than 1,000 square feet are exempt where it has been shown by the applicant that the wetland is not associated with a riparian corridor, they are not part of a larger wetland system, and do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.

B. Wetlands between 1,000 and 4,000 square feet are to be evaluated using the 2004 Western Washington Wetland Rating System and the below criteria when determining whether or not to exempt these smaller wetlands:
1. Category III and IV wetlands between 1,000 and 4,000 square feet may be exempt if the following requirements are met:
    a. The wetland is not associated with a riparian corridor; and
    b. The wetland is not part of a larger wetland system; and
    c. The wetland does not score 20 points or greater for habitat in the 2004 Western Washington Rating System; and
    d. The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife and;
    e. Surface water impacts are mitigated pursuant to an approved mitigation plan or the Department of Ecology Storm Water Management Manual when necessary.

[APPENDIX]

Bellevue Land Use Code 20.25H.095 (2006)

B. Designation of Critical Area.

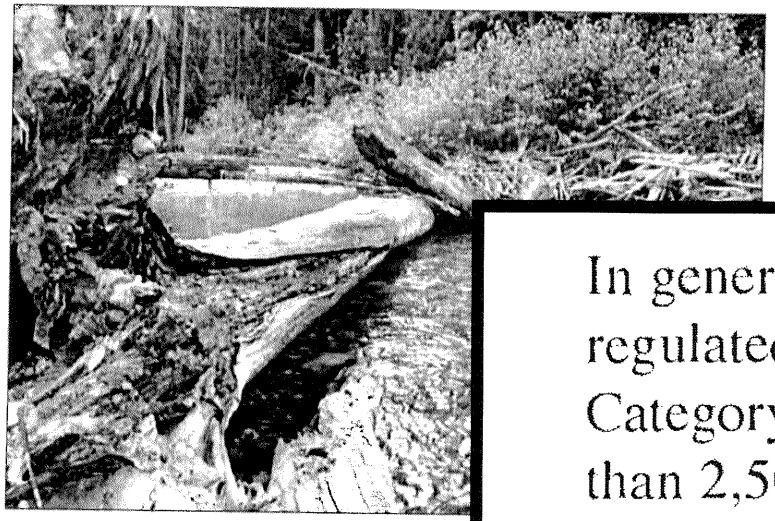
The following wetlands are hereby designated as critical areas subject to the requirements of this part...

4. Category IV Wetlands Over 2,500 Square Feet. Category IV wetlands have the lowest levels of functions (scores less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and also need to be protected.

[APPENDIX]

From Sammamish ECA Website

Small Communities Critical Areas Ordinance Implementation Guidebook



STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

Wetlands

A Skagit County Critical Areas Ordinance Fact Sheet

he Skagit County Critical Areas Ordinance (CAO) egulates development affecting wetlands; fish nd wildlife habitat conservation areas including treams; aquifer recharge; and frequently flooded and eologically hazardous areas.

his CAO fact sheet is one in a series, which escribes the above-listed types of environmentally ritical areas protected by Skagit County under Title 14, Chapter 14.24, Critical Areas Ordinance, effective June 13, 1996. This has been provided to you as general information and is not intended as a substitute for the actual codes or regulations. For more information, contact Skagit County Planning & Development Services at (360) 336-9410 or *pds@co.skagit.wa.us.*

What is a wetland?
Vetlands are those areas inun-

environmental and economic well-being of Skagit County. Wetlands:

Since not all county wetlands were identified in the wetland these maps should a general guide for wners. Your property ontain a wetland that rotection under the ritical Areas Ordinance. e, a qualified wetland hould visit your prop- ermine the presence, t, and boundaries of d(s). You may contact nty for a list of quali- ds specialists.

d
ication
nty relies on the n State Department of Wetlands Classifica- ating System to classify

mportant?
etlands perform a variety of nctions that are important to the

wetland, you may contact Skagit County Planning & Development Services. They can provide you with inventoried wetlands maps.

's wetlands are classi- fied into four categories base upon their size, function, and value. Briefly, Category I wetlands re- ceive the highest protection since

35

In general, all wetlands are regulated, with the exception of Category II and III wetlands less than 2,500 square feet in size and Category IV wetlands less than 10,000 square feet.

[APPENDIX]