Small Communities Critical Areas Ordinance Implementation Guidebook

STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

Small Communities Critical Areas Implementation Guidebook

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June 2007

Cover: This guidebook will help small cities and towns carry out critical areas ordinances to protect sensitive lands such as stream banks.

Photo: BHC Consultants

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Introduction

Many small communities that have worked hard to meet the state's requirements to update their Critical Areas Ordinance are now faced with the question: "What do we do with it?" When is it used? What's a critical areas permit? How does critical areas review relate to land use permits for subdivisions, short plats, etc.? In jurisdictions that don't have professional planners and engineers on staff, these questions are left to the clerk or administrator to answer. With little or no training in land use planning, permitting, and environmental laws, the city or town leadership must rely on outside consultants, state agencies, or professionals at nearby cities or the county.

It's possible that over a period of time, through some trial and error, you can figure out how the critical areas regulations should be implemented based on the "typical" types of development that are common to your community. But there is some risk in this approach. Given the heavy reliance on science that the regulations are based on, it's difficult for nonscientists to interpret things at the project level. Also, you have to make "judgment calls" and interpret the regulations, and every time you do, that may create precedents for later questions. These routines and processes aren't always documented and when you face the inevitable staff turnovers, the new clerk or administrator may be left to "reinvent" the process all over again.

Critical areas are only one of the factors considered when evaluating a development proposal.

To answer the questions above, the critical areas regulations are intended to be used whenever a development project impacts a critical area. A separate permit isn't usually issued, but the development code including the critical areas section is used along with other regulations addressing clearing and grading, stormwater management, and subdivisions.

Purpose

The purpose of this guidebook is to assist small cities and towns in implementing their Critical Areas Ordinance (CAO) in the context of the larger responsibility of reviewing and approving development. The requirements for updating the CAO are described in the *Critical Areas Assistance Handbook: Protecting Critical Areas Within the Framework of the Washington Growth Management Act* published by the Washington State Department of Community, Trade and Economic Development (CTED). This guidebook provides tools and proven processes that can be used to make implementing a CAO easier.

The specific type of information this guidebook provides is:

- Resources and contacts that small communities might use for information on managing habitat for fish and wildlife, wetlands, geological hazards, etc.
- Tools that communities could use to inform developers and property owners of requirements related to the CAO.
- Example documents that staff and elected officials can use in implementing critical areas ordinances.

This guidance was prepared with assistance from the Association of Washington Cities,

several private nonprofit groups, and staff from several small cities, using a water quality nonpoint pollution prevention grant from the Washington State Department of Ecology. This project is one way the state is helping reduce the diverse water quality impacts of development activities.

Critical Areas Assistance Handbook

The *Critical Areas Assistance Handbook* is guidance provided by CTED for updating your ordinance under the best available science requirements. This section provides information on the handbook.

The Growth Management Act (GMA) requires that comprehensive land use plans and development regulations, including critical areas regulations, be subject to continuing review and evaluation by the county, city, or town that adopted them. In 2002, the Legislature amended the GMA to require local governments to take legislative action to review and, if needed, revise their comprehensive land use plans and development regulations to ensure the plans and regulations comply with the requirements of the act according to a seven-year cycle.

CTED's *Critical Areas Assistance Handbook* was released in November 2003 and is meant as a guide to writing and updating a critical areas ordinance. The purpose of the handbook is to help Washington communities design locally appropriate programs for designating and protecting critical areas. The handbook discusses how to develop a protection program, how to identify and map critical areas, and the best available science and how to use it in designating and protecting critical areas. The appendices contain many useful examples that can be employed in developing a local ordinance including an example code with explanations and alternate suggestions. An electronic copy of the handbook can be downloaded at:

www.cted.wa.gov/site/745/default.aspx

How to Use This Small Communities Implementation Guidebook

This guidebook presumes a local jurisdiction's critical areas code has been updated to meet the best available science requirements using the *Critical Areas Assistance Handbook* and now the jurisdiction is ready to use the code in normal day-to-day permitting activities.

Many different types of projects from large-scale residential or commercial developments to single-parcel, new construction to property maintenance or repair to land divisions can trigger your critical areas development code. For the purpose of this document, the term project will be used to denote anything that will trigger critical areas regulatory protection.

Terminology

The language of growth management, including critical areas protection, has its own terms. Some of the most important for you to be familiar with are:

Anadromous fish – Species, such as salmon, which are hatched in fresh water, spend a large part of their lives in the sea, and return to fresh water rivers and streams to reproduce.

Best available science – The current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 925.

Best management practices – Conservation practices or systems of practices and management measures that avoid or minimize adverse impacts to critical areas.

Buffer – An area that is contiguous to and protects a critical area, which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

Critical aquifer recharge area – Areas described by WAC 365-190-080(2) that are locally determined to have a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2).

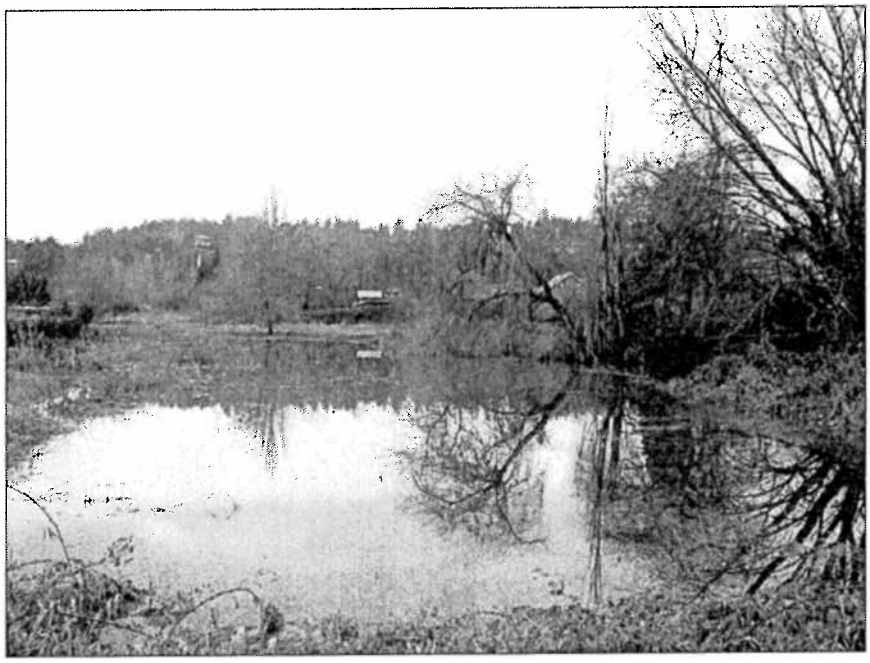
Critical areas – Any of the following areas or ecosystems: aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, and wetlands, as defined in RCW 36.70A.030 and described by WAC 365-190-080.

Fish and wildlife habitat conservation areas – Areas necessary for maintaining fish and wildlife species in suitable habitats within their natural geographic distribution so that isolated subpopulations aren't created as described by WAC 365-190-080(5).

Frequently flooded areas – Lands in the floodplain subject to a 1 percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined in accordance with WAC 365-190-080(3).

Geologic hazard areas – Lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to potentially significant or severe risk of landslides, erosion, or seismic activity.

Habitat – The specific area or environment in which a particular type of plant or animal lives.



This wetland along Hylebos Creek is in the City of Milton.

Photo: Paul Inghram

Hydric soil – A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Mitigation – Avoiding, minimizing, or compensating for adverse impacts to critical areas.

Monitoring – Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures through the monitoring period and analysis of data by various methods for the purpose of understanding and documenting changes in natural ecosystems and features. Monitoring also includes gathering baseline data.

Qualified professional – A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical areas subject in accordance with WAC 365-195-905(4). Generally, a qualified professional will have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or a related field, and have at least two years of related work experience. Many counties maintain lists of qualified professionals and some jurisdictions have banded together to manage a single roster of professional services providers. One such shared roster is maintained by the City of Lynnwood. For information, call the city's Community Development Department at 425-670-6645.

Restoration – Measures taken to restore an altered or damaged natural feature including wetlands, streams, protected habitat, or their buffers. The restoration may be necessary due to an unauthorized alteration or it may be to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Riparian habitat – Habitat bordering a river or stream that contains elements of both aquatic and terrestrial ecosystems that mutually influence each other.

SEPA – The Washington State Environmental Policy Act.

Streams – Those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is an area, which demonstrates clear evidence of the passage of water, and includes, but isn't limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year-round.

Stream types – Streams are commonly classified using the Washington State Department of Natural Resources Water Typing system defined in WAC 222-16-030. The system designates four types of waters, which are described generally below:

> **Type S** – Shorelines of the state, which includes all marine shorelines, larger lakes, rivers, and larger streams.
>
> **Type F** – These are waters, other than Type S, that contain fish habitat.
>
> **Type Np and Ns** – These are perennial (Np) or seasonal (Ns) streams without fish habitat.

Stream types were previously listed under an Interim Stream Typing System described by WAC 222-16-031. A conversion table between the old and new systems can be found in the CTED *Critical Areas Assistance Handbook*.

Wetlands – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands don't include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands. For identifying and delineating a wetland, local government shall use the *Washington State Wetland Identification and Delineation Manual,* Ecology Publication #96-94 (WAC 173-22-035).

Wetland delineation – This process identifies the existence of a wetland and its boundaries in a potential project impact area using the three-parameter approach (evidence of wetland vegetation, soils, and hydrology) detailed in the *Washington State Wetlands Identification and Delineation Manual.*

Wetland rating – The rating system was designed to differentiate between wetlands based on their sensitivity to disturbance, their significance, their rarity, our ability to replace them, and the functions they provide. The following description summarizes how wetlands are categorized based on the *Washington State Wetland Rating System for Western Washington,* Ecology Publication #04-06-025 and Washington State Wetland Rating System for Eastern Washington, Ecology Publication #04-06-015.

Category I – Unique or rare wetland type; more sensitive to disturbance than most wetlands; are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; provide a high level of functions.

Category II – Wetlands difficult, though not impossible, to replace, and provide high levels of some functions.

Category III – Wetlands with a moderate level of functions and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

Category IV – Have the lowest levels of functions, are often heavily disturbed and should be able to replace, and in some cases be able to improve.

How Do You Get Help?

The Internet is a good place to start. State agencies, private conservation organizations, and other cities provide Web-based information that can be useful to your city or town staff. Below you will find descriptions and Web sites for some of the most useful sites.

Municipal Research & Services Center, *www.mrsc.org*

The Municipal Research & Services Center (MRSC) is a nonprofit, independent organization that works in cooperation with the Association of Washington Cities and the Washington State Association of Counties, CTED, and other organizations to provide:

- Dependable, professional advice about local government issues.
- Quick access to legal and policy research.
- Practical solutions that work.

- Sample documents: policies, ordinances, plans, budgets, etc.
- Timely and informative publications and guidebooks.
- Largest and best local government library in the state.
- 24-hour access to MRSC resources on the Web.
- Research service that save time and money.

For written documents and procedures, see the following Web site: *www.mrsc.org/sampledocs.aspx*

For information on critical areas: *www.mrsc.org/Subjects/Environment/criticalpg.aspx*

For information on development regulations: *www.mrsc.org/Subjects/Planning/devregpg.aspx*

For information on planning: *www.mrsc.org/Subjects/Planning/planning.aspx*

Phone: 206-625-1300

CTED, *www.cted.wa.gov*

This Washington State Department of Community, Trade and Economic Development is grouped into six divisions: Community Services, Housing, Local Government, Trade and Economic Development, Public Works Board, and Energy Policy. Every division works toward the agency's mission of investing in families, communities, and businesses to build a healthy and prosperous future. Many programs span one or more divisions.

As part of the Local Government Division, Growth Management Services assists local governments in designing their own growth management programs to fit local needs by:

- Providing technical and financial resources to help local governments develop county-wide planning policies, comprehensive plans, and development regulations, including critical areas ordinances.
- Helping counties and cities plan to conserve and protect their unique resource lands and critical areas.
- Reviewing local governments' plans and regulations for consistency and compliance with the GMA.
- Publishing guidebooks on chapters of the comprehensive plan including land use, transportation, capital facilities, and rural areas for counties.
- Presenting educational workshops and the Short Course on Local Planning for planning commissioners, local officials, and citizens.
- Offering Regional Planners' Forums four times each year in four locations. The forums are sponsored in cooperation with the Washington State Chapter of the American Planning Association and the Planning Association of Washington to discuss important planning topics of the day.

The Growth Management Services section of CTED has a planning staff assigned to all Washington cities and counties. Appendix A contains a list that shows which planners are responsible for each county and how to reach them. These resources are a phone call or e-mail away.

For CTED guidance on Critical Areas and the Best Available Science, see:

www.cted.wa.gov/site/418/default.aspx

Phone: 360-725-3000

Short Course on Local Planning

One of several ways in which CTED's Growth Management Services provides direct assistance to communities is through the Short Course on Local Planning, involving local workshops covering the legal basis of planning in Washington, the basics of comprehensive planning and plan implementation, and the role of the planning commission. The Planning Association of Washington, *www.planningpaw.org*, cosponsors the Short Course. There is no charge for the course. Courses are scheduled at the request of local communities, and are open to the public.

The presentation can be customized to most subjects including critical areas. Call 360-725-3000 for information.

Copies of the manual, *A Short Course on Local Planning*, are available on CD by calling 360-725-3000. To download the manual, see *www.cted.wa.gov/growth* then scroll down to Short Course/ Planning Education.

Department of Ecology, *www.ecy.wa.gov*

The Washington State Department of Ecology's technical assistance (TA) provides various resources to support voluntary compliance with environmental rules and good stewardship of Washington's environmental resources. The TA website is:

www.ecy.wa.gov/ta.html

Ecology's ground and surface water quality information can be found at:

www.ecy.wa.gov/programs/wq/links/standards.html

Ecology has recently published revised wetland rating systems plus guidance on managing and protecting wetlands and developing mitigation plans. These publications and additional information on training opportunities, and voluntary wetland stewardship activities, as well as contact information for regional wetlands staff, are available at:

www.ecy.wa.gov/programs/sea/wetlands/

Additional Department of Ecology wetlands contacts can be found at:

www.ecy.wa.gov/programs/sea/wetlands/contacts.htm

Documents, training, and information on floodplain management and related materials are at:

www.ecy.wa.gov/programs/sea/floods/

Ecology's Critical Aquifer Recharge Area information can be found at:

www.ecy.wa.gov/programs/wq/grndwtr/cara/

Phone: 360-407-6000

See Appendix A for a list of Ecology regional and wetlands staff.

Department of Fish and Wildlife, *wdfw.wa.gov*

The mission of the Washington Department of Fish and Wildlife (WDFW) is to provide sound stewardship of fish and wildlife. The WDFW manages more than 640 animal species that range from butterflies to elk. It also manages approximately 150 species of fish and shellfish ranging from clams to salmon. WDFW jointly co-manages many of these species with Native American Tribes. They help to protect and enhance the places that provide fish and wildlife needs, such as clean water, food, and cover. WDFW also enforces species protection laws and provides assistance to local governments and other stakeholders to protect habitat.

Regional biologists provide technical assistance to local governments creating or amending critical areas regulations. They are able to participate in local technical advisory committees, comment on draft ordinances, and supply biological information specific to fish and wildlife issues in your jurisdiction. See Appendix A for the regional office contact map and list for a biologist to contact in your area.

Critical areas information pertaining to fish and wildlife can be found on their Habitat page at:

wdfw.wa.gov/habitat.htm

Through its Priority Habitats and Species (PHS) program, WDFW can provide local governments with maps and management recommendations necessary to incorporate the needs of fish and wildlife in land use planning and project reviews. More information is at:

wdfw.wa.gov/hab/phspage.htm

WDFW also maintains Salmonscape, an interactive mapping application that provides a wide range of data related to stream-specific salmon distribution, status, and habitats. More information is at:

wdfw.wa.gov/mapping/salmonscape/

Phone: 360-902-2200

Department of Natural Resources, *www.dnr.wa.gov*

The Washington State Department of Natural Resources (DNR) is responsible for resource protection and land management, which includes responsibilities such as state Forest Practices Board rules that guide logging, road building, and other work in the woods. Other responsibilities include aquatic lands management and providing scientific information to the public about geologic hazards such as landslides, earthquakes, and volcanoes.

DNR has several sources of information that relate to critical areas protection.

DNR's Geology and Earth Resources Program provides geological hazards mapping, as well as scientific information about geologic hazards such as landslides, earthquakes, tsunamis, volcanoes, and abandoned coal mines. More information is at:

www.dnr.wa.gov/geology/

DNR's Aquatic Lands Program manages state owned aquatic lands including issuing use agreements for marinas, docks, boat ramps, bridges, and bedlands. More information is at:

www.dnr.wa.gov/htdocs/aqr/

DNR's Forest Practices Program regulates forest practices through the Forest Practices Board rules, which guide logging, road-building, and other work in the woods. More information is at:

www.dnr.wa.gov/forestpractices/

DNR manages state owned timberlands and some agricultural lands. More information is at:

www.dnr.wa.gov/base/statelands.html

DNR manages Natural Area Preserves and Natural Resource Conservation Areas, which provide human recreational and educational opportunities throughout the state, while conserving important ecological resources and fish and wildlife habitat. More information is at:

www.dnr.wa.gov/nap/

DNR manages the Natural Heritage Program that manages sites and information critical to rare and endangered species in the state. More information is at:

www.dnr.wa.gov/nhp/

DNR offers scientific and technical assistance to landowners on agricultural conservation, forest stewardship, and community forestry. It also provides map products and aerial photos. This information can be found at:

www.dnr.wa.gov/base/education.html

www.dnr.wa.gov/htdocs/rp/rp.html

www.dnr.wa.gov/htdocs/rp/urban/urban.htm

www.dnr.wa.gov/dataandmaps/maps/index.html

Phone: 360-902-1450

See Appendix A for information on DNR staff.

Other Helpful Information

The Washington Chapter of the American Planning Association (WA-APA) sponsors lectures, continuing education, workshops, training and more. These events are aimed at planning professionals, and nonmember city and town staff are always welcome. Most events are free or have a nominal charge. For general and statewide events, see the main Web site at:

www.washington-apa.org

Phone: 206-682-7436

The geographic sections of the WA-APA – Puget Sound, Inland Empire, Northwest, Southwest, and Peninsula – also program educational and informational events for continuing education on current topics important to planners and other community officials such as site plan approval, environmental review, and historic preservation. For more information, see:

www.washington-apa.org/sections

The Watershed Planning Act sets a framework for developing local solutions to watershed issues on a watershed basis. Watershed resource inventory areas or WRIAs refer to the state's major watershed basins. WRIAs are excellent sources of information pertaining to not only watersheds, but also streams, habitats, and shorelines. For more information, see:

www.ecy.wa.gov/watershed/index.html

Washington Trout is a nonprofit conservation-ecology organization dedicated to the preservation and recovery of

Washington's native fish and the ecosystems they depend on. Washington Trout seeks to improve conditions for all of Washington's wild fish by conducting important research on wild fish populations and habitats, advocating for better land-use, salmon harvest, and hatchery management, and developing model habitat-restoration projects. For details, visit:

www.washingtontrout.org/index.shtml

Phone: 425-788-1167

The Society of Wetland Scientists is another source of information and qualified professionals. See the Web site below:

www.sws.org/.pnw.sws.org/regional/pacificNW/

The Office of Regulatory Assistance (ORA) has additional information on state and federal permits that may be required for development projects on their Environmental Permitting Services Web page. This arm of the ORA is a general source of information and assistance on environmental permits including those issued by the Department of Ecology. For more information, see:

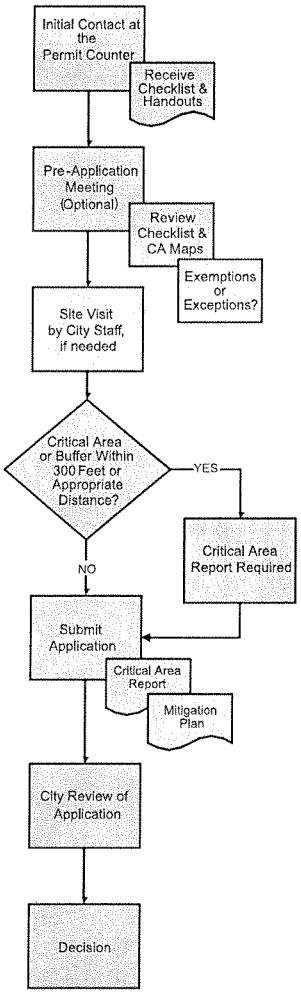
www.ora.wa.gov/permithelp/

Phone: 360-407-7037; 800-917-0043

Permit Process and Critical Areas

When someone applies for a development permit, there are usually several different sections of code that will apply to the project such as stormwater management, clearing and grading, and critical areas. The permit application requires an applicant to address all relevant sections of code. When a permit is issued, it means that the project as described in the application and any subsequent conditions of approval meets or exceeds the minimum code provisions. For example, the applicant may pay impact fees, stormwater shouldn't cause local flooding, and critical areas will be protected.

Critical Areas Application Process



This diagram presents the general sequence of events related to critical areas that occur when a development permit is processed, including:

Initial contact – This is usually when the question is asked: "What do I need to do to build my project?" The applicant should also receive a "project application packet" that includes application forms, checklists, and various other handouts.

Pre-application meeting – If your city or town requires or offers it, then this meeting is scheduled after the applicant has had a chance to review the information materials available and prepare the Critical Areas Checklist. This is a chance for the administrative official to answer questions, provide information, and make sure the applicant understands the process.

Site visit – A site visit by the administrative official and perhaps the applicant allows them to see the site and discuss the existing conditions and the applicant's objectives.

Critical Areas Report – This report, prepared by the applicant's qualified professional, verifies the nature, extent, and location of critical areas on the project site, assesses their functions and values, and determines if they will be impacted by the project. It will indicate what measures will be undertaken to compensate for any impact such as establishing buffers or creating a Mitigation Plan.

Application submittal – This is all application materials including the Critical Areas Report and Mitigation Plan, if required, including permit fees.

City or town review – During the review process, the town or city's responsibility is to make sure that the application is complete, that the critical areas assessment is adequate and appropriate, and whether additional approval conditions may be necessary to ensure that the impacts are adequately mitigated.

Decision – Rather than just a straight yes or no on the project, the decision will usually be a conditioned approval.

Initial Contact About a Project

Sometimes citizens don't really have a specific project in mind, but are trying to find information about critical areas and how they affect the options for using their property. When someone first comes to the permit counter, the city or town should have printed information to help him or her understand the regulations and prepare for his or her project permit applications. This should include several items related to critical areas regulations such as:

- Critical areas application process flowchart.
- Critical Areas Checklist.
- Other informational handouts.
- Information on the pre-application meeting.

Examples of these and other forms and handouts can be found in the appendix. Customizable versions can be found on the CD version of this guidebook or downloaded on CTED's Growth Management Services' Web site at:

www.cted.wa.gov/site/418/default.aspx

Critical areas application process – The flowchart on the previous page gives an easily understood overview of the critical areas portion of the project's application process. See Appendix B for a copy of the flowchart that can be used as a handout for applicants and the public. Providing a copy of the permitting process flowchart may be helpful to permit applicants.

Critical Areas Checklist – The checklist, consisting of simple questions, is used as an initial screening process to help establish whether there is potential for the project to impact critical areas. Along with the site visit, this checklist will help determine whether the applicant will be required to proceed with a formal Critical Areas Report. A copy of the Critical Areas Checklist is located in Appendix C and a customizable version is available on the CD version of this guidebook or can be downloaded from the Growth Management Services' Web site at:

www.cted.wa.gov/site/418/default.aspx

Handouts – Other handouts might include information about what critical areas are, why and how they are protected, how they are identified and delineated, and specific information pertaining to the type of critical area such as wetlands or fish and wildlife corridors. Although this information may be very familiar to large developers and other frequent visitors to the permit counter, the handouts can be especially useful for homeowners and small contractors who may be encountering the critical areas ordinance for the first time. The Skagit County Wetlands, Stream, and Geo-Hazards fact sheets are good examples of these handouts. Copies of these handouts are found in Appendix D and a customizable version is available on the CD version of this guidebook or can be downloaded from the Growth Management Services Web site at:

www.cted.wa.gov/site/418/default.aspx

Maps – If available, critical areas maps could also be handed out at this time. If you haven't yet produced any critical areas maps, you may be able to acquire maps or data from state agencies or the county. Examples of possible maps include those from the National Wetlands Inventory, Federal

Emergency Management Agency, DNR's Geologic Hazards Program, etc.

Another source for geophysical data is the Web site:

http://gos2.geodata.gov/wps/portal/gos

Pre-Application Meeting

Prior to submitting an application for a building project, a short plat, clearing and grading, or some other land use activity, the applicant should meet with the city or town administrative official to discuss, among other things, critical areas requirements. Even when a pre-application meeting isn't required by code, it can be worthwhile to the city or town and the applicant.

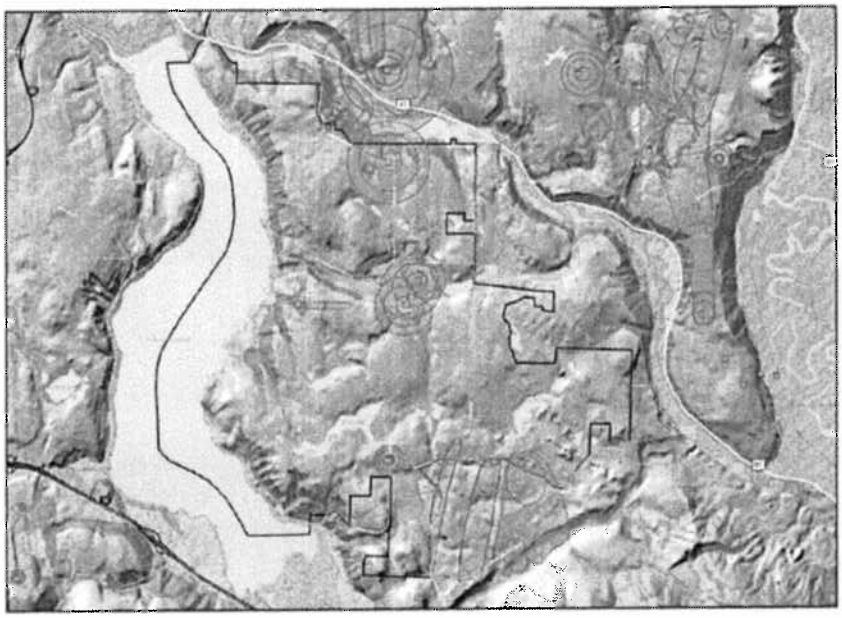
The information reviewed at this time will help make several procedural determinations such as whether an exemption applies or if a Critical Areas Report is necessary. The critical areas discussion may include the following:

- Review of the submitted Check List.
- Review of city or town critical areas maps, inventories, or soil surveys.
- Identify whether an exemption or exception applies.
- Determine if a Critical Areas Report may be required.

Critical Areas Checklist – The existence of a critical area isn't always obvious so the purpose of the Critical Areas Checklist is to help determine whether there is or may be a critical area or buffer within the project area. The questions should be simple and easily answered by the applicant. The example checklist included in this guidebook asks about terrain (flat, rolling, hilly, etc.), about standing water, whether there is a creek or stream, and about vegetation.

When reviewed in conjunction with local critical areas maps during the pre-application meeting, the administrative official may be able to determine whether a Critical Areas Report will be required.

City or town critical areas maps – Critical areas maps, which may or may not be available, are usually not official representations of delineated critical areas. These maps are meant to assist city or town staff in reviewing project applications and are used in conjunction with official delineations,



BHC Consultants

This map shows critical areas in the City of Sammamish.

site visits, and input from developers. The review of these maps helps the city or town and applicant to see generally what types of critical areas and their buffers may be present.

Exemptions – Exemptions range from emergency repairs to routine repair, maintenance, and modifications of existing structures to activities within the improved right-of-way to removal of certain vegetation and other projects. Exempt activities must still comply with the Critical Areas Ordinance, but generally, they may not be required to complete a Critical Areas Report. If an exemption applies, the administrative official can approve the project without a Critical Areas Report or a review by the hearing examiner or other hearing body.

Administrative exceptions – Administrative exceptions are generally used on small projects such as the construction or modification of a single-family residence with minimal impact to critical areas or their buffers. This exception is usually limited to critical areas such as Type N riparian areas and Category III and IV wetlands that score low for habitat functions. This exception gives the authority to approve these small projects to the administrative official instead of going to the hearing body. Critical areas reports and mitigation plans are still usually required.

Site Visit

A site visit is usually made by the administrative official or the community's consultant to help determine whether there is the potential to impact a critical area. It's usually preferred that the applicant and the administrative official visit the site together to promote an open discussion of the physical attributes of the property.

Critical Areas Report

If the administrative official determines that there is the potential to impact critical areas or critical area buffers, a Critical Areas Report will be required. A qualified professional who does an in-depth and detailed study of the project area produces this report, sometimes called a site assessment or special study. The report identifies what critical areas are in the project area, where exactly they are located, how the critical areas will be impacted by the proposed development, and how the applicant proposes to deal with the impact to critical areas. This is a very technical report that can be difficult to read for all but other qualified professionals. Because of that, a Critical Areas Report Checklist can be beneficial to people at the permit counter and to the applicants who are creating these reports. The checklist identifies exactly what is required to be included in the report. An example of a Critical Areas Report Checklist can be seen in Appendix E and a customizable version is available on the CD version of this guidebook or can be downloaded from the Growth Management Services Web site at:

www.cted.wa.gov/site/418/default.aspx

Will Critical Areas Be Impacted?

If critical areas will be impacted by the project, measures must be taken to protect the critical areas or to compensate for impacts. The following are some ways to protect critical areas and address impacts in the Critical Areas Report.

- Buffers. Proposed buffers are identified.
- Notice on Title. This identifies delineated critical areas, buffers, and native growth protection areas and guarantees that these

areas are identified so that they remain part of the property, and aren't subdivided or developed further in the future.

- Designate Native Growth Protection Areas. These areas, identified on the property title, designate areas on private property that must be maintained in their natural state.

- Designate Critical Areas Track. Similar to native growth protection areas except these are separate tracts, generally owned by a homeowners association, that must be maintained in their natural state.

- Mitigation Plan. Once it has been determined that a project will impact a critical area or its buffer, a Mitigation Plan needs to be developed. The Mitigation Plan explicitly lays out how the applicant plans to mitigate the impact. This plan is developed by the qualified professional in conjunction with the Critical Areas Report. The plan is a proposal by the applicant and is subject to review and approval by the jurisdiction along with the rest of the application.

  An example of a Mitigation Plan Checklist is provided as part of the Critical Areas Report Checklist in Appendix E.

Mitigation Sequence

Before critical areas can be impacted, applicants must demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. The following is the preferred sequence of events to be considered:

- Avoid the impact altogether by not taking certain actions.
- Minimize impacts by limiting the magnitude of an action, by using technology, or by taking steps to avoid or reduce impacts.
- Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
- Reduce or eliminate the impact by preservation and maintenance.
- Compensate by replacing, enhancing, or substitute resources.
- Monitor the impact and take appropriate corrective measures.

Application Submittal

The Critical Areas Report, a Mitigation Plan, if required, and all supporting documentation are submitted with the entire project application.

Decision

This decision is on the entire project permit not just the critical areas. Under limited, specific circumstances, the administrative official may render a decision on a project. These are usually small projects specifically identified in the municipal code.

In most instances, a hearing examiner, planning commission, or city or town council makes the decision. Those decisions aren't necessarily approval or denial but rather approval with specific conditions. This means that the project is approved as long as certain conditions are met.

Following are some examples of what those conditions could be:

- Ensuring access for emergency vehicles.
- Increasing right-of-way to comply with municipal code.
- Requiring a Mitigation Plan for impacts to wetlands, habitat, or other critical areas
- Modifying setbacks to comply with code.

If the permit is denied or if the applicant doesn't agree with some of the conditions, the applicant usually has several options for next steps. Some of those options are described below.

- Appeal. Usually appeals are taken to the next higher authority such as the hearing examiner, planning commission, or city or town council. Appeal procedures should be defined in the jurisdiction's municipal code.
- Reasonable Use Exception. If the application of a Critical Areas Ordinance would deny all reasonable use of a property, the property owner could apply for a reasonable use exception. This might be used when buffers or setbacks severely limit or even eliminate the ability of the property owner to develop an existing legal lot. The reasonable use exception might allow a reduction in a buffer or setback to accommodate a single-family residence.
- Variance. A variance would grant relief from some of the requirements of the code by permitting construction that would otherwise be prohibited by the code. This is often used if the strict application of the code is found to deprive a property of rights and privileges enjoyed by other properties in the vicinity, or due to special circumstances applicable to the property, including size, shape, and topography.

Follow-up and Monitoring

Follow-up and monitoring means observing and recording data on impacts of the development project. During construction, jurisdictions should strive to get their inspectors who are already checking these sites to include inspection of critical areas items. After construction, there should at least be a post-construction inspection to insure compliance with conditions. Further periodic inspections should be made where needed – for example, to ensure plant survival and replanting as necessary. Some projects or mitigation measures may require monitoring for several years, while others may require only a post-construction inspection. See Appendix F for an example of a Monitoring Report Checklist.

Scenario Examples

The following examples are meant to show how typical permit applications might proceed through the system in relation to the critical areas code.

Deck Addition

In this example, the homeowner wishes to add a deck to the rear of her home. The property is adjacent to a Type F stream and the ordinary high water mark and habitat buffer were established when the home was built.

Initial contact – The applicant arrives at the permit counter and inquires about what requirements need to be met to build a deck. She receives a "project application packet" including information on streams and a Critical Areas Checklist.

Pre-application meeting – At the pre-application meeting, the homeowner and the administrative official review a critical areas map that includes the property, the deck plans, and the Critical Areas Checklist. Although the home isn't located in the floodplain or the habitat buffer, it appears that the proposed deck may intrude into the buffer and a site visit is scheduled.

Site visit – During the site visit, it's determined that the deck will not intrude into the buffer but it will be built partially within the building setback.

At this point, the administrative official is able to make a determination on critical areas impacts for the deck project. The project is within 300 feet of a critical area, which normally triggers the local code requirement for a Critical Areas Report. But since the project is clearly outside of the buffer, the administrative official can waive the Critical Areas Report because the requirements that an addition to an existing legally constructed structure that doesn't further alter or increase the impact to the critical area or buffer qualifies for a partial exemption as defined in the municipal code. The building setback doesn't apply because uncovered decks are specifically allowed in setbacks. The homeowner may continue with the permit application process with no additional critical areas requirements.

Short Plat

A property owner wishes to split a small parcel into six lots and build single-family residences on each. The property gently slopes to one corner where there is a small pond.

Initial contact – The property owner is experienced so he picks up a packet at the permit counter and schedules a pre-application meeting.

Pre-application meeting – At the pre-application meeting, the property owner and the administrative official review a critical areas map that includes the property, a preliminary site plan, and the Critical Areas Checklist. On the checklist, the property owner has indicated that the area around the pond has standing water at times. The critical areas map doesn't show wetlands so a site visit is scheduled.

Site visit – During the site visit, the administrative official notes vegetation and other signs that indicate the possibility of wetlands on the site. As most of the planned project site is within 300 feet of the pond and possible wetlands, the administrative official

determines that a Critical Areas Report will be required.

Critical Areas Report – The property owner hires a "qualified professional" to complete the Critical Areas Report. The town has provided a copy of the Critical Areas Report Checklist that is used to help review the finished report.

The Critical Areas Report identifies the area around the pond as a Category III wetland. Based on the habitat score obtained during the wetland classification, the report recommends a 75-foot buffer as established in the critical areas code. The report further recommends, in accordance with the critical areas code, a 10 percent buffer reduction for cleanup of significant refuse throughout the pond, the wetland, and its buffer, and an additional 10 percent buffer reduction for removal and maintenance of invasive nonnative vegetation. Native vegetation will be replanted in degraded portions of the wetland and its buffer, which will be monitored and maintained for five years. A Mitigation Plan is included in the report, which documents that mitigation sequencing was applied and that the wetland functions and values will be maintained. Finally, the pond, wetland, and buffer are to be placed into a separate critical areas tract to be maintained by a homeowners association comprised of the owners of the six new lots.

Application submittal – The Critical Areas Report is submitted along with the rest of the completed permit application.

City review – The permit review may be carried out by city or town staff such as a planner or city administrator or by a contract planner or consultant. The review is usually documented in a staff report that details where the application complies with city code and where it may not comply. A recommendation accompanies the staff report and may request additional information or may recommend conditional approval. A jurisdiction may request additional documentation, an adjustment to a site plan to bring it into compliance with local ordinances, or additional detail in a Mitigation Plan. A conditional approval may require use of best management practices for erosion control during construction.

In reviewing the Critical Areas Report in this application, the city reviewer agrees with the classification of the wetland and the establishment of a 75-foot buffer. The reviewer recommends approval of the requested buffer reductions with the condition that the Mitigation Plan be amended to include an explanation of how monitoring and maintenance will be done. In addition, the reviewer verifies that the critical areas tract complies with municipal code.

Decision – A hearing examiner or the city council typically renders the decision and unless the applicant can convince the decision-making authority otherwise, the city reviewer's recommendation will strongly influence the decision.

Appendix A – State Agency Contact Information

This appendix includes selected staff contacts and general geographic coverage for these state agencies and their regions.

Department of Community, Trade and Economic Development

Department of Ecology

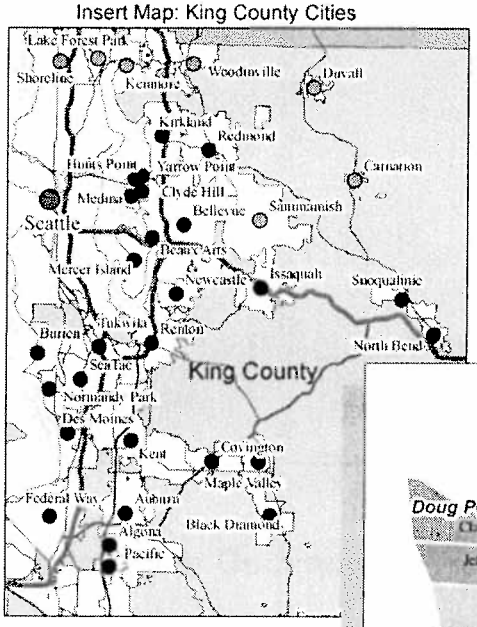
Department of Fish and Wildlife

Department of Natural Resources

Department of Community, Trade and Economic Development

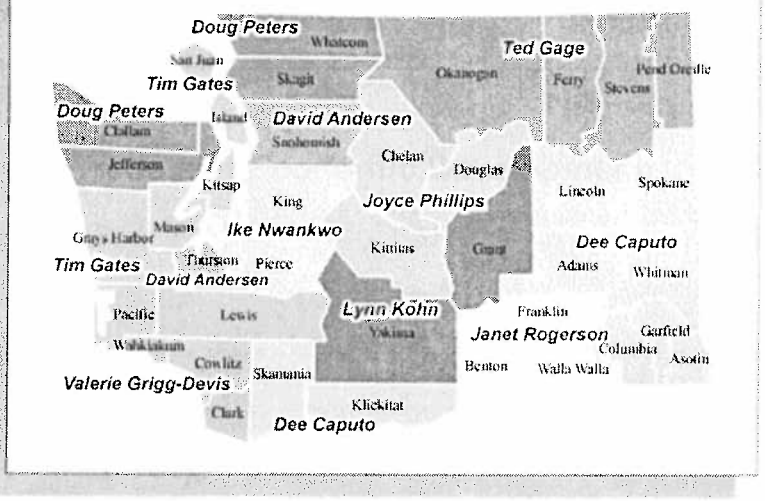
Growth Management Services Staff

Insert Map: King County Cities



PLANNER	EMAIL	PHONE
Anne Fritzel (all Pierce and Thurston cities)	AnneF@cted.wa.gov	(360) 725-3064
Bill Mandeville (all Snohomish cities)	BillM@cted.wa.gov	(360) 725-3051
David Andersen (Counties only)	DavidA@cted.wa.gov	(360) 725-3052
Dee Caputo	DeeCa@cted.wa.gov	(360) 725-3068
Doug Peters	DouglasP@cted.wa.gov	(360) 725-3046
Ike Nwankwo (Counties only)	IkeN@cted.wa.gov	(360) 725-3056
Janet Rogerson (Tacoma and assigned counties)	JanetR@cted.wa.gov	(360) 725-3047
Joyce Phillips	JoyceP@cted.wa.gov	(360) 725-3045
Lynn Kohn	LynnK@cted.wa.gov	(360) 725-3042
Ted Gage	TedG@cted.wa.gov	(360) 725-3049
Tim Gates	TimG@cted.wa.gov	(360) 725-3058
Valerie Grigg Devis	ValerieGD@cted.wa.gov	(360) 725-3065
King County Cities		
Bill Mandeville (see insert map)	BillM@cted.wa.gov	(360) 725-3051
Joyce Phillips (Seattle)	JoyceP@cted.wa.gov	(360) 725-3045
Sam Wentz (see insert map)	SamW@cted.wa.gov	(360) 725-3063

County Assignments

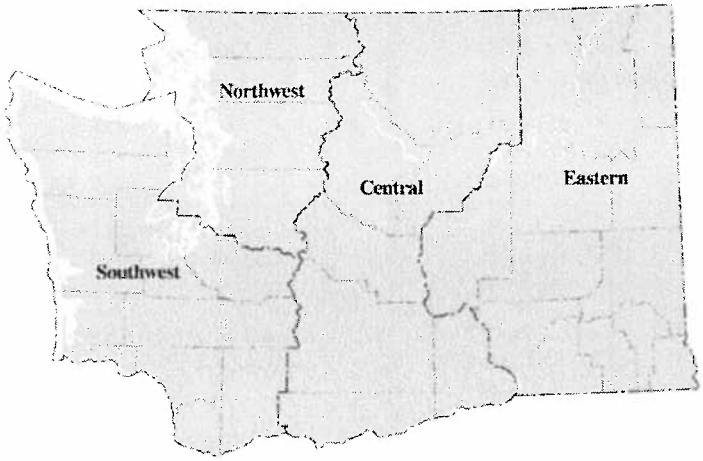


GMA Planner Assignments:
May 1, 2007

STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

For more information, see *www.cted.wa.gov/growth.*

Department of Ecology



Department Of Ecology Regional Offices

Headquarters
300 Desmond Drive
Lacey, WA 98503
360-407-6000

Northwest Regional Office
3190 - 160th Ave. SE
Bellevue, WA 98008-5452
425-649-7000

Southwest Regional Office
300 Desmond Drive
Lacey, WA 98503
360-407-6300

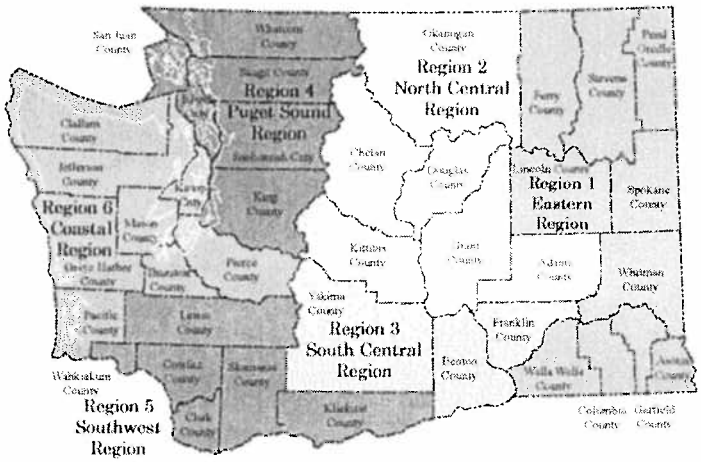
Central Regional Office
15 West Yakima Ave - Suite 200
Yakima, WA 98902-3452
509-575-2490

Eastern Regional Office
N. 4601 Monroe
Spokane, WA 99205-1295
509-329-3400

Ecology Wetlands Contacts	
Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	Jeremy Sikes (509) 329-3426 jsik461@ecy.wa.gov
Benton, Kittitas, Klickitat ,Yakima	Cathy Reed (509) 575-2616 craj461@ecy.wa.gov
Chelan, Douglas, Okanogan	Gary Graff (509) 454-4260 gagr461@ecy.wa.gov
Clallam, Jefferson, Grays Harbor, Mason, Pacific	Rick Mraz (360) 407-6221 rmra461@ecy.wa.gov
Wahkiakum, Skamania, Lewis, Clark, Cowlitz	Mark Cline (360) 407-7273 mcli461@ecy.wa.gov
Pierce, Thurston	Brad Murphy (360) 407-6167 bmur461@ecy.wa.gov
San Juan, Skagit, Snohomish	Paul Anderson (425) 649-7148 paan461@ecy.wa.gov
Whatcom, Island	Susan Meyer (425) 649-7168 sume461@ecy.wa.gov
King, Kitsap	Richard Robohm (425) 649-4447 riro461@ecy.wa.gov

For more information, see *www.ecy.wa.gov/programs/sea/wetlands/contacts.htm*.

Department of Fish and Wildlife



Regional Office Contact Information

WDFW Region 1
2315 North Discovery Place
Spokane Valley, WA 99216-1566
Telephone (509) 892-1001
Fax (509) 921-2440

WDFW Region 2
1550 Alder Street NW
Ephrata, Washington 98823-9699
Telephone (509) 754-4624
Fax (509) 754-5257

WDFW Region 3
1701 South 24th Avenue
Yakima, Washington 98902-5720
Telephone (509) 575-2740
Fax (509) 575-2474

WDFW Region 4
16018 Mill Creek Boulevard
Mill Creek, Washington 98012-1541
Telephone (425) 775-1311
Fax (425) 338-1066

WDFW Region 5
2108 Grand Boulevard
Vancouver, Washington 98661
Telephone (360) 696-6211
Fax (360) 906-6776

WDFW Region 6
48 Devonshire Road
Montesano, Washington 98563
Telephone (360) 249-4628
Fax (360) 664-0689

For more information on each regional office, visit *www.wdfw.wa.gov/reg/regions.htm.*

Department of Natural Resources

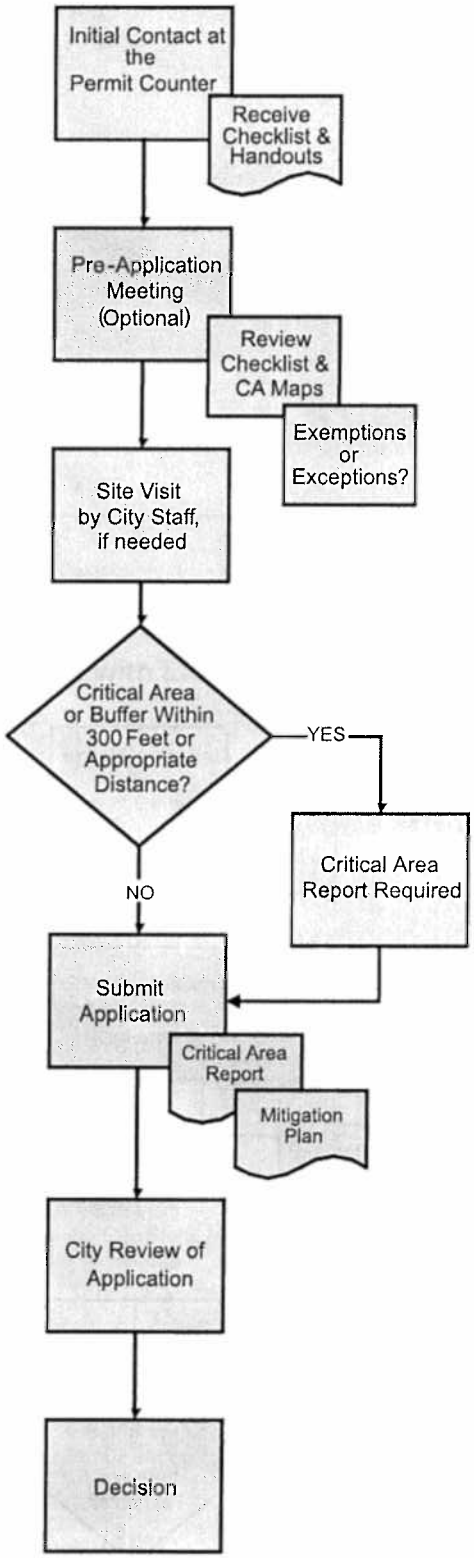
Aquatics Division
Hugo Flores
360-902-1126
hugo.flores@wadnr.gov
GMA/SMA Planning and State Harbor Areas
www.dnr.wa.gov/htdoc/aqr/

Geology and Natural Resources Division
Timothy Walsh
360-902-1432
tim.walsh@dnr.wa.gov
Chief Geologist, Hazards Section
Washington Geological Survey
Division of Geology and Natural Resources
Washington Department of Natural Resources
L.G., L.E.G. #355
www.dnr.wa.gov/geology/

Appendix B – Flow Chart of a Critical Areas Ordinance Process

Critical Areas Review Process

Completed in Conjuction with Land Use or Building Permit Application



Appendix C – Critical Areas Checklist

This checklist is an example that can be adapted for use by local jurisdictions. It should be edited to include local information and reflect local regulations.

City Name

Department of Planning & Development Services
Phone: 555.555.5555
FAX: 555.555.5556

Date Received: _____
Critical Areas File No.: _____
Checklist Fee: _____

CRITICAL AREAS CHECKLIST

The Critical Areas Checklist contained on this form is to be filled out by any person preparing a Development Permit Application for the City of *CityName* prior to his/her submittal of the application to the city.

The purpose of the checklist is to enable city staff to determine whether any potential critical areas are, or may be, present on the subject property. The information needed to complete the checklist should be easily available from observations of the site or data available at City Hall (critical areas inventories, maps, or soil surveys).

A property owner, or his/her authorized representative, must fill out the checklist, sign and date it, and submit it to the city. The city will review the checklist, make a precursory site visit, and make a determination of the subsequent steps necessary to complete a development permit application.

Please submit a vicinity map, along with the signed copy of this form to assist city staff in finding and locating the specific piece of property described on this form. In addition, the applicant shall include other pertinent information (e.g., site plan, topography map, etc.) or studies in conjunction with this checklist to assistant staff in completing their preliminary assessment of the site.

The undersigned applicant, and his/her/its heirs, and assigns, in consideration on the processing of the application agrees to release, indemnify, defend, and hold the City of *CityName* harmless from any and all damages, including reasonable attorney's fees, arising from any action or infraction based in whole or part upon false, misleading, inaccurate, or incomplete information furnished by the applicant, his/her/its agents, or employees.

By my signature, I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am authorized to file this application on the behalf of the owner as listed below.

SIGNATURE OF APPLICANT/AGENT _____ DATE _____

Property Owner's Authorization

By my signature, I certify that I have authorized the above Applicant/Agent to apply for the subject land use application, and grant my permission for the public officials and the staff of the City of *CityName* to enter the subject property for the purposes of inspection and posting attendant to this application.

SIGNATURE OF OWNER _____ DATE _____

PLEASE PRINT CLEARLY

Owner/Applicant

_____
Name

_____
Street Address

_____
City State Zip

_____
Telephone

_____
E-mail (optional)

Owner/Applicant

_____
Name

_____
Street Address

_____
City State Zip

_____
Telephone

_____
E-mail (optional)

CRITICAL AREAS CHECKLIST

Site Information (soils/topography/hydrology/vegetation)

1. Site Address/Location: _____
2. Property Tax Account Number: _____
3. Approximate Site Size (acres or square feet): _____
4. Is this site currently developed? YES NO (circle one). If yes, how is site developed? _____

_____

5. Describe the general site topography. Check all that apply.

_____ Flat: less than 5-feet elevation change over entire site.

_____ Rolling: slopes on site generally less than 15% (a vertical rise of 10 feet over a horizontal distance of 66 feet).

_____ Hilly: slopes present on site of more than 15% and less than 30% (a vertical rise of 10 feet over a horizontal distance of 33 to 66 feet).

_____ Steep: grades of greater than 30% present on site (a vertical rise of 10 feet over a horizontal distance of less than 33 feet).

_____ Other (please describe):

6. Site contains areas of year-round standing water: _____ ; Approx. Depth: _____
7. Site contains areas of seasonal standing water: _____ ; Approx. Depth: _____

   What season(s) of the year? _____
8. Site is in the floodway _____ floodplain _____ of a watercourse.
9. Site contains a creek or an area where water flows across the grounds surface? _____

   Flows are year-round? _____ Flows are seasonal? _____ (What time of year?_____).
10. Site is primarily: forested _____; meadow _____; shrubs_____ ; mixed _____ ;

    urban landscaped (lawn, shrubs, etc) _____.
11. Obvious wetland is present on site: _____.

For City Staff Use Only

1. Plan Check Number, if applicable? _____
2. Site is zoned? _____
3. Mapped soil type(s)? _____

   _____
4. Critical areas inventory or CA map indicates critical area on site? _____

   _____
5. Site within designated landslide hazard area? _____

DETERMINATION

CA Report Required _____ **Exemption** _____

Reviewed By _____ **Date** _____

Appendix D – Information Sheet Handouts (Examples)

The following handouts were prepared by Skagit County for use in their Planning and Development Services department. Before any of these are used by another jurisdiction, they should be thoroughly edited to reflect standards and regulations that apply specifically to that city.

These handouts give good general information on critical areas while answering frequent questions.

Wetlands

A Skagit County Critical Areas Ordinance Fact Sheet

The Skagit County Critical Areas Ordinance (CAO) regulates development affecting wetlands; fish and wildlife habitat conservation areas including streams; aquifer recharge; and frequently flooded and geologically hazardous areas.

This CAO fact sheet is one in a series, which describes the above-listed types of environmentally critical 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?

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

Wetlands can be identified by three characteristics:

- Hydric soils–soils saturated with water.
- Water–the presence of standing water or saturated soils within the top 12" to 18" of the surface during the growing season.
- Plants—water tolerant or water dependent plant species.

They generally include, but are not limited to ponds, marshes, bogs, wet meadows, and swamps.

Why are wetlands important?

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

- Control flooding by acting as natural reservoirs for incoming storm flow;
- 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 Skagit County Planning & Development Services. They can provide you with inventoried wetlands maps. Since not all county wetlands were identified in the wetland inventory, these maps should be used as a general guide for property owners. Your property may still contain a wetland that requires protection under the county's Critical Areas Ordinance. In this case, a qualified wetland specialist should visit your property to determine the presence, type, extent, and boundaries of any wetland(s). You may contact Skagit County for a list of qualified wetlands specialists.

Wetland Classification

Skagit County relies on the Washington State Department of Ecology's Wetlands Classification and Rating System to classify wetlands.

The county's wetlands are classified into four categories base upon their size, function, and value. Briefly, Category I wetlands receive the highest protection since

they are the most biologically complex and contain the highest functions and values performed by wetlands. Conversely, Category IV wetlands receive considerably less protection, and are often minimal in size, perform limited functions, and provide less value than the other categories.

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.

Buffers and Building Setbacks

Buffers are undisturbed areas of native vegetation which surround wetlands or other critical areas. In Skagit County, no activity is allowed within a regulated wetland or its buffer, unless otherwise specified.

Buffer widths range in size according to wetland type:

- Category I Wetland – 150 feet
- Category II Wetland – 100 feet
- Category III Wetland – 50 feet
- Category IV Wetland – 25 feet

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

Existing structures within a wetland or the buffer may be remodeled, reconstructed, or replaced. However, a structure cannot further intrude upon the critical area or its buffer.

Wetland Protection

Protecting wetlands requires public education, involvement, and cooperation. You can learn more about them by visiting wetland sites and familiarizing yourself with local wetlands ordinances.

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 about wetland regulations and additional ways to preserve and enhance your wetland by contacting Skagit County Planning & Development Services, or the Washington State Department of Ecology

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, Class IV General, and Conversion Option Harvest Plans (COHPs);
- Livestock restrictions;
- 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 you may contact the Skagit County Critical Areas staff at (360) 336-9410, pds@co.skagit.wa.us or read the Critical Areas Ordinance online at *www.skagitcounty.net.*

Prepared by Skagit County Planning & Development Services. Special thanks to Kitsap County Community Development. September 2005.

Streams

A Skagit County Critical Areas Ordinance Fact Sheet

The Skagit County Critical Areas Ordinance (CAO) regulates development affecting wetlands; fish and wildlife habitat conservation areas including streams; aquifer recharge areas; frequently flooded areas; and geologically hazardous areas.

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What is a stream?

A stream is an area where the surface water flow is sufficient to produce a defined channel or bed. A defined channel or bed is an area which demonstrates clear evidence of the passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water throughout the year.

This definition is not meant to include irrigation ditches, canals, storm or surface water runoff devices, or other artificial watercourse, unless used by salmon, or if it was a natural stream which was straightened or relocated during construction.

Why are streams important?

Streams benefit the environmental and economic well-being of Skagit County. Streams provide numerous values and functions. They:

- help maintain water quality;
- store and convey stormwater and floodwater by acting as natural stormwater management facilities;
- are a source for groundwater recharge;
- provide important fish and wildlife habitat and food, both instream and within their corridors; and
- offer areas for recreation, education, scientific study, and general aesthetic appreciation.

How does development impact a stream corridor?

Unless appropriately mitigated, development can degrade a stream's wildlife habitat and water quality, undermining its values and functions. Uncontrolled development can:

- increase stormwater runoff and flooding;
- contribute excessive sediment and higher water conditions, thereby causing erosion;
- increase stream turbidity (cloudy appearance from sediment) which can reduce the light and oxygen necessary for plant and animal life;
- pollutants; and
- remove vegetation along stream banks, a stream component crucial to maintaining water temperature, bank stabilization, and pollutant filtering capabilities.

Stream Classification

Throughout the state, water bodies—including streams—have been classified by the Department of Natural Resources based on flow volume and importance to fish and wildlife, domestic use, and public recreation. Streams in Skagit County have been classified as Type 1 through Type 5.

Type 1 streams (or waters) have the largest flow volumes (at least 20 cubic feet per second) and provide important fish and wildlife protection. Examples include the Skagit, Samish, Cascade, and Sauk rivers. Type 5 streams tend

to be very small, seasonal streams and often have no name.

You can read more about stream classification in the Forest Practice Rules produced by Washington State Department of Natural Resources in WAC 222-16-031.

Buffers and Building Setbacks

As with streams, most critical areas are provided a "buffer" of native vegetation to protect them from human activities. No clearing or grading is allowed within this buffer or within the critical area itself. Standard buffer width requirements depend on the stream type. These are minimum requirements and may be increased to protect a stream. The buffer requirements are as follows:

- Type 1 Stream – 200 feet
- Type 2 Stream – 200 feet
- Type 3 Stream – 100 feet
- Type 4 Stream – 50 feet
- Type 5 Stream – 50 feet

Alteration of a stream or its buffer may require a Mitigation Plan with the county. The applicant must also meet the requirements of other jurisdictions, such as the Department of Fish & Wildlife's Hydraulic Project Approval (HPA).

Buffers begin at the "ordinary high water mark" (OHWM) of the stream channel and extend in either direction from the stream. The OHWM is typically placed at the line often found on the bank of streams which is the average extent of high water. Alternatively, the OHWM may be placed at the top of the bank if this line is not visible, or where the vegetation changes to an upland type.

Buffer widths are increased if there are streamside wetlands which provide overflow storage for stormwater, feed water back to the stream during low flows, or provide shelter and food for fish.

Streams in Ravines

For streams in ravines, the minimum buffer width must be the minimum buffer required for the stream type, or a buffer width which extends 25 feet beyond the top of the slope, whichever is greater.

Stream Crossings

While stream crossing are allowed under SCC 14.24.530, all crossings must be the only reasonable alternative and any impacts to the stream and/or its buffer must be fully mitigated.

Please contact the Washington Department of Fish and Wildlife for specific stream crossing requirements. (WDFW LaConner office 360-466-4345)

Livestock Restrictions

In areas that would allow livestock to access streams, damage should be avoided by fencing along a stream's outer buffer edge.

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, Class IV General and Conversion Option Harvest Plans (COHPs);
- Land divisions and land use permits; and
- Road construction

For specific information, contact the Skagit County Critical Areas staff by calling (360) 336-9410 or read the Critical Areas Ordinance online at www.skagitcounty.net.

Prepared by Skagit County Planning & Development Services. Special thanks to Kitsap County Community Development. September 2005.

Geo-Hazards

A Skagit County Critical Areas Ordinance Fact Sheet

The Skagit County Critical Areas Ordinance (CAO) regulates development affecting wetlands; fish and wildlife habitat conservation areas including streams; aquifer recharge; and frequently flooded and geologically hazardous areas.

This CAO fact sheet is one in a series, which describes the above-listed types of environmentally critical 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 geologically hazardous area?

Geologically hazardous areas are places highly susceptible to erosion, landslides, earthquakes, or other geologic events. Their designations are dependent upon slope, soil type, geologic material, and hydrologic conditions. In Skagit County, the most hazardous of these areas are typically found along marine shorelines, stream valleys, and steep slopes.

In many cases, these areas may be extremely desirable for development because of the scenic view or water and beach access, but their development may endanger people, property, and surface water resources.

Does my property contain a geo-hazard?

To assist you in determining if your property contains a geo-hazard, you may contact Skagit County Planning & Development Services. They can provide you with maps of geologically hazardous areas.

Since not all geo-hazards have been identified on county resource maps, these maps should be used as a general guide for property owners.

Your property may still contain a geo-hazard that requires protection under the county's Critical Areas Ordinance. In this case, a qualified geologist may need to visit your property to make the appropriate development recommendations.

Classification and Designation

In Skagit County, five types of geologically hazardous areas exist:

- landslide
- erosion
- seismic
- volcanic
- mine hazard

Because of the overlap that exists between the above-listed hazard areas, they have been combined into two categories: "known or suspected risk" and "unknown risk."

Areas of Known or Suspected Risk include:

- **Erosion hazard**—those project areas located within map unit delineations #51 Dystic Xerorthents, #99 Mundt, and #117 Saxon as identified in the USDA Soil Survey of Skagit County Area (1989).
- **Landslide hazards**—areas with slopes greater than 30 percent with landslides identified as Unstable (U), Unstable Old Slide (UOS), or Unstable Recent Slide (URS), and Unstable Bluff (UB).
- The project falls within 200 feet of an alluvial fan, mine hazard area, or slopes having the following characteristics: Gradients of 15% or greater intersecting geologic contact with permeable sediments or an area having a 40% slope

or steeper and with a vertical relief of 10 feet or more (severe slope).

- Areas of historic failure; slumps, earthflows, mudflows, lahars, or landslides on maps or technical reports published by the USGS, DNR, or other documents authorized by government agencies.
- Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action (addressed as a flood hazard).
- **Seismic hazards**—areas that have a potential for soil liquefaction and soil strength loss during groundshaking, and areas within a Holocene fault line (indicated by USGS maps and studies).
- **Volcanic Hazards**—areas located in the volcanic hazard zone for Glacier Peak, Washington, or the potential volcanic hazard area of Mount Baker, Washington.

Areas of Unknown Geologic Hazards:

As part of any development application where no current information is available to confirm that the items identified as Known or Suspected Risk are present on the project area, the Critical Areas Checklist will provide a description of the known and visible site features and be used by staff during a site visit in evaluating whether geologically hazardous area study is required.

Buffers and Building Setbacks

Most critical areas have a buffer of land that protects them from human activities. No clearing or grading is allowed within this buffer or critical area.

- A minimum buffer of native vegetation from the toe of the slope to 30 feet beyond the top of the slope is required for geologically hazardous areas in Skagit County. The buffer may be increased by the administrative official for development adjacent to a marine bluff or ravine which is designated as unstable or where a larger buffer is necessary to prevent risk of damage to proposed and existing development.

Building Clearance from Ascending Slopes:

Buildings below slopes shall be set a sufficient distance from the slope to provide protection from slope drainage, erosion, and shallow failures.

Where existing slope is steeper than 1 horizontal to 1 vertical, the toe of the slope shall be assumed to be at the intersection of a horizontal plane drawn for the top of the foundation and a plane drawn tangent to the slope at an angle of 45 degrees to the horizontal.

Footing setback from Descending Slope Surface:

Footing on or adjacent to slope surfaces shall be founded in firm material with an embedment and setback from the slope surface sufficient to provide vertical and lateral support for the footing without detrimental settlement. Where the slope is steeper than 1 horizontal to 1 vertical, the required setback shall be measured from an imaginary plane 45 degrees to the horizontal, projected upward from the toe of the slope.

Alternate Setback and Clearance:

The building official may approve alternate setbacks and clearances for building code reasons only. This may require an investigation and recommendation of a qualified engineer to demonstrate that the intent of these regulations has been satisfied. Such an investigation shall include consideration of material, height of slope, slope gradient, load intensity, and erosion characteristics of slope material.

Other Restrictions and Provisions

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

- Building/clearing activities;
- Cut and fill slopes for road construction;
- Forest Practices, Class IV General, and Conversion Option Harvest Plans (COHPs); and
- View Corridors.

For specific information you may contact the Skagit County Critical Areas staff at (360) 336-9410 or read the Critical Areas Ordinance online at www.skagitcounty.net.

Prepared by Skagit County Planning & Development Services. Special thanks to Kitsap County Community Development. September 2005.

Appendix E – Critical Areas Report Checklist

This checklist is an example that can be adapted for use by local jurisdictions. It should be edited to include local information such as city name and phone number. The checklist also should be edited to reflect the local critical areas development regulations.

The following is a brief description of the checklist:

- The first page is owner and site information required for all sections of the critical areas report.
- The second page is a submittal checklist that would be required by all reports. The boxes titled Critical Areas Reports and Maps and Specific Reports are supported by one or more additional checklists described below.
- The next page is General Requirements and includes requests for information that would be required in all critical areas reports.
- The Wetlands, Fish and Wildlife Habitat, Critical Aquifer Recharge Area, Geologically Hazardous Area, and Frequently Flooded Area Specific Requirements would be used only when those specific critical areas are impacted.
- The Mitigation Plan Requirements page is used whenever mitigation will be required.

City Name

Department of Planning & Development Services
Phone: 555.555.5555
FAX: 555.555.5556

Date Received: _____
Critical Areas File No.: _____
Checklist Fee: _____

CRITITAL AREAS REPORT CHECKLIST

Owner/Applicant

_____
Name

_____
Street Address

_____
City State Zip

_____
Telephone

_____
E-mail (optional)

Owner/Applicant

_____
Name

_____
Street Address

_____
City State Zip

_____
Telephone

_____
E-mail (optional)

By my signature, I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am authorized to file this application on the behalf of the owner as listed below.

SIGNATURE OF APPLICANT/AGENT _____ DATE _____

SITE INFORMATION

1. Site Address/Location: _____
2. Property Tax Account Number: _____
3. Legal Description of Property *(attach if necessary)*: _____
4. Approximate Site Size *(acres or square feet)*: _____
5. Type of Critical Areas *(check all that apply)*: Wetlands ____ Fish and Wildlife Habitats (including streams) ____

   Aquifer Recharge Areas ____ Geologically Hazardous Areas ____ Frequently Flooded Areas ____
6. Description of Proposed Project: _____

CRITITAL AREAS REPORT CHECKLIST

SUBMITTAL CHECKLIST – All items must be submitted with the application:

__ Application form	All requested information must be provided.
__ Filing fee	Applicable fee as calculated by city staff. (See separate Fee Schedule.)
__ List of surrounding property owners	Attach a complete list of the names and mailing addresses of surrounding property owners for property within 500 feet of the project site.
__ SEPA Environmental Checklist	Submit if required (Including any wetland impacts – consult city staff)
__ Critical Areas Report and Maps (Two 11" x 17" or larger-scaled copies and one 8-1/2" x 11" reduction)	See the attached Critical Areas Report and Map Checklist for requirements.
__ Specific Report	The following reports are required depending on the type of critical area(s) impacted: - Wetlands and their buffers - Fish and wildlife habitat conservation areas (including streams) - Critical aquifer recharge areas - Geologically hazardous areas - Frequently flooded areas Reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area. See the specific checklist for report requirements.
__ Associated Land Use Applications	Consult with city staff to determine if other land use permits are required.

Where a valid Critical Areas Report has been prepared, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required Critical Areas Report, if deemed still valid and appropriate by a professional engineer or geologist. The applicant shall submit a Hazards Assessment detailing any changed environmental conditions associated with the site based on the best professional judgment of the engineer/geologist.

CRITITAL AREAS REPORT CHECKLIST

General Requirements

The Critical Areas Report must be prepared by a "qualified professional," as defined in (municipal code chapter). All reports may require additional information as determined by the administrative official. The administrative official may approve a Critical Areas Report supplemented by or composed of any previous studies required by other laws and regulations.

At a minimum, the report shall contain the following:

❑ The name and contact information of the applicant, a description of the proposal, and identification of the permit requested.

❑ Maps and site plans (specify size and scale).

- Vicinity map clearly showing the location of the property.
- Critical areas map showing all critical areas, required buffers, and existing topography based on city or surveyed data.
- Site plan detailing the development proposal (including stormwater facilities) and the limits of construction. This map should be overlaid on the critical area/topographical map.
- Topography map showing the location and extent of all grading, cut and fill, and post construction contours.

❑ The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site.

❑ Identification and characterization of all critical areas, water bodies, and buffers adjacent to the proposed project area.

❑ A statement specifying the accuracy of the report, and all assumptions made and relied upon.

❑ An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development.

❑ An analysis of site development alternatives including a no development alternative.

❑ A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas.

❑ Plans for adequate mitigation to offset any impacts, in accordance with Mitigation Plan requirements and additional requirements specified for each critical area.

❑ A discussion of the performance standards applicable to the critical area and proposed activity.

❑ Financial guarantees to ensure compliance.

❑ Any additional information required for the critical area as specified in the corresponding chapter.

Wetlands

In addition to the Critical Areas Report general requirements and associated maps, submit a specific Wetlands Report, if needed. This supplemental report must also be prepared by a "qualified professional," as defined in (municipal code chapter). All reports may require additional information as determined by the administrative official.

A wetland report shall provide an analysis of all wetlands and buffers on site and within three hundred (300) feet of the lot or parcel boundaries including, at a minimum, the following information:

- ❑ Wetland category as rated according to the Washington State Wetland Rating System for Western Washington (Department of Ecology 2004, or as revised).
- ❑ Show the standard buffer requirements for each wetland.
- ❑ The wetland boundaries shall be surveyed by a licensed surveyor or using an equivalent method with an accuracy of +/- one (1) foot of a survey.
- ❑ Determination of each wetland size.
- ❑ Description of overall water sources and drainage patterns on site.
- ❑ Description of vegetation, hydrologic conditions, and soil and substrate conditions.
- ❑ Description of wildlife and habitat.
- ❑ 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.
- ❑ Wetland Mitigation Requirements.

  The Department of Ecology, U.S. Army Corps of Engineers Seattle District, and Environmental Protection Agency Region 10 recently published joint guidance on wetland mitigation. This two-part publication is available at *www.ecy.wa.gov/programs/sea/wetlands/mitigation/guidance/*. The agencies developed this guidance to help the regulated community comply with environmental laws and policies and to improve the quality and effectiveness of mitigation in Washington. A checklist for wetland mitigation plans is included in Appendix D of *Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans* (Version 1, Publication #06-06-011b, March 2006). Applicants who also need state and federal permits will benefit by using this checklist, as it will help streamline the approval process.

Fish and Wildlife Habitat Specific Requirements

In addition to the Critical Areas Report, which is required for all applications, a specific Fish and Wildlife Delineation Report may be required. This supplemental report must also be prepared by a "qualified professional," as defined in *(municipal code chapter)*. All reports may require additional information as determined by the administrative official.

Fish and Wildlife Delineation Report including:

- ❑ This report shall include all habitat conservation areas and recommended buffers within three hundred (300) feet of the project area.
- ❑ The report shall include all shoreline areas, floodplains, other critical areas, and related buffers within three hundred (300) feet of the project area.
- ❑ Detailed description of vegetation on and adjacent to the project area and its associated buffer.
- ❑ Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species.
- ❑ A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area.
- ❑ A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality.
- ❑ A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats in accordance with Mitigation Sequencing.
- ❑ A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs

Critical Aquifer Recharge Areas Specific Requirements

In addition to the Critical Areas Report, which is required for all applications, a specific Critical Aquifer Areas Report may be required. This supplemental report must also be prepared by a "qualified professional," as defined in *(municipal code chapter)*. All reports may require additional information as determined by the administrative official.

- ❑ Are any watercourses, including intermittent streams, drainage channels, ditches, or springs, located on site?
- ❑ Is the site within the 100-year flood plain on flood insurance maps published by FEMA, or on other local flood data maps?
- ❑ What types of soils are found on the site (for example, clay, sand, gravel, peat, muck)?
- ❑ What is the U.S. Department of Agriculture soil classification of the soil found on site?
- ❑ Is there any evidence of ground water contamination on or in the vicinity of the site?
- ❑ Is there a Wellhead Protection Area on the site?
- ❑ Is there any ground water information available from wells that have been dug in the vicinity? If so, describe, including depth of ground water and ground water quality.
- ❑ What percent of the site will be covered with impervious surfaces when the project is complete?
- ❑ Does the proposed activity or construction involve any discharge of waste materials or the use of hazardous substances?

Geologically Hazardous Areas Specific Requirements

In addition to the Critical Areas Report, a specific Geo-Hazards Report may be required.
This supplemental report must also be prepared by a "qualified professional," as defined in *(municipal code chapter)*. All reports may require additional information as determined by the administrative official.

❑ Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:

- A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
- A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and
- A description of the vulnerability of the site to seismic and other geologic events.

❑ Site and Construction Plans including:

- All geologically hazardous areas within the zone or distance of potential significant influence, as determined by a professional engineer/geologist;
- The type and extent of geologic hazard areas, any other critical areas, and buffers on, adjacent to, or within a zone or distance of potential significant influence as determined by a professional engineer/ geologist;
- Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;
- The topography, as determined by a professional engineer or geologist, of the project area and all hazard areas addressed in the report; and
- Clearing limits.

❑ Analysis of Proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.

❑ Minimum Buffer and Building Setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geotechnical analysis.

CRITITAL AREAS REPORT CHECKLIST

In addition to the above information, additional technical information must be provided for the following specific hazards:

❑ Erosion and landslide hazard areas.

❑ Seismic hazard areas.

❑ Mine hazard areas.

❑ Other geologically hazardous areas.

Frequently Flooded Areas Specific Requirements

In addition to the Critical Areas Report, a specific Flood Hazard Report may be required. This supplemental report must also be prepared by a "qualified professional," as defined in *(municipal code chapter)*. All reports may require additional information as determined by the administrative official.

Frequently Flooded Areas Report including:

- ❑ All shoreline areas, floodplains, other critical areas, and related buffers within three hundred (300) feet of the project area.
- ❑ The report shall describe the effects of the proposed development on floodplain functions including, but not limited to:
  - Storing and conveying floodwater.
  - Reducing peak flows and flow velocities.
  - Reducing redd scour and displacing rearing juvenile fish at the project site and downstream.
  - Maintaining sediment quality in streams.
  - Improving water quality.
- ❑ Development within frequently flooded areas shall be allowed maintaining and improving fish access.
- ❑ The reports shall also include mitigation for adverse effects on floodplain functions.

Mitigation Plan Requirements

See each critical areas section for specific mitigation requirements. When mitigation is required, the applicant shall submit a Mitigation Plan with the Critical Areas Report, prepared by a "qualified professional," as defined in *(municipal code chapter)*. The Mitigation Plan shall include:

- ❑ Detailed summary of the project, including the impacts to the critical area, and the proposed mitigation to compensate for lost functions and values to appear in the beginning of the report.
- ❑ Rationale for selecting the mitigation site.
- ❑ Complete site characterization of the impact site and proposed mitigation site to include parcel size, ownership, soils, vegetation, hydrology, topography, and wildlife.
- ❑ Goals, objectives, performance standards, and implementation schedule for the mitigation proposal.
- ❑ Report and maps of the critical areas to be impacted and the proposed mitigation site, including grading and planting plan.
- ❑ Monitoring, maintenance, and contingency plan. The monitoring schedule (dates, frequencies, and protocols) must be included and a monitoring report submitted accordingly. Monitoring and maintenance shall be required for at least five years unless otherwise stipulated by another government agency.
- ❑ Map of development, with scale, shown in relation to critical area.
- ❑ Financial guarantees ("surety") for 150% of the total costs to ensure the mitigation plan is fully implemented, including, but not limited to, the required monitoring and maintenance periods.

Appendix F – Monitoring Report Checklist

This Monitoring Report Checklist is meant to assist city staff when a project requires mitigation and monitoring. This checklist is taken from *Wetland Mitigation in Washington State – Part 2, Version 1* (Ecology Publication #06-06-011b). This appendix provides an outline of information to provide in a typical Monitoring Report. There may be cases in which all of the information is not practical (e.g., very small projects) or that providing more information might be necessary (e.g., large or complex projects). This decision is made by city staff working with applicant. In the majority of cases, however, the information in the checklist should be provided.

MONITORING REPORT CHECKLIST

Monitoring report details.

❑ Project name.

❑ Associated permit and reference number(s) (assigned by the U.S. Army Corps of Engineers, the Washington State Department of Ecology, local government).

❑ Who prepared the Monitoring Report (name, address, and phone number).

❑ Who the Monitoring Report was prepared for (name, address, and phone number).

❑ Date of the Monitoring Report, including the time period for which the monitoring activities occurred.

Brief description of the development project.

❑ Location of the development project and directions to the development site(s).

❑ Date construction of the development project started.

❑ Area (acres) and type(s) of wetlands affected by the development project. Also briefly describe impacts to other aquatic resources.

Brief description of the mitigation project.

❑ Goals and objectives of the mitigation project.

❑ Location of the mitigation project and directions to the mitigation site(s).

❑ Date construction of the mitigation site(s) was completed. Specify when different activities were completed (e.g., excavation, planting, installation of irrigation systems).

❑ Area (acres) and type(s) of existing wetlands at the site and proposed for restoration (reestablishment and rehabilitation), creation (establishment), enhancement, and/or preservation (this could be from the executive summary of the mitigation plan).

❑ Who completed mitigation site activities (name, address, and phone number).

❑ Copies of any records of long-term protection (e.g., conservation easement, deed restriction).

8-1/2" x 11" map of the mitigation site(s).

❑ Inset showing the geographic location of the site.

❑ Landmarks.

❑ Type(s) of wetlands and other aquatic habitats (as constructed).

❑ Locations of photographic record stations.

Summary of management actions (maintenance and contingencies) implemented at the mitigation site(s).

Summary of monitoring results.

❑ List of performance standards for the mitigation project.

❑ Table of monitoring results compared to performance standards for specified target dates.

❑ Summary of field data taken to determine compliance with performance standards.

❑ Photographic record of the site from the most recent monitoring visit at record stations (photo pans are required in addition to along transect lines).

❑ Summary of any problems or significant events that occurred on the site that may affect the ultimate success of the mitigation project.

❑ Summary of any lessons learned.