2014-2015 Development Code Docket
A-4: Amend Critical Areas Ordinance to incorporate the 2014 DOE wetland rating system changes

Date: February 18, 2015

Public Hearing Date: March 18, 2015

Prepared by: Katie Pruitt, Associate Planner

Proponent/Applicant: Thurston County

Action Requested: Amend Chapter 24.30 TCC to reflect the new wetland rating system adopted by the State Department of Ecology.

☐ Map Changes ☒ Text Changes ☐ Both ☐ Affects Comprehensive Plans/documents ☐ Affected Jurisdictions

ISSUE:
On January 1, 2015, Ecology’s new 2014 wetland rating system became effective and replaced the 2004 wetland rating system. Thurston County Critical Areas Ordinance requires the use of the, “most recently approved version of the Wetland Rating System for Western Washington….to determine the wetland’s category and its score for habitat, water quality, and hydrologic function.” (Section 24.30.025 TCC) The 2014 wetland rating system changes the scale of wetland category and function scores to better reflect the scientific accuracy of the tools. It also changes the name of “Natural Heritage Wetlands” to “Wetland of High Conservation Value.”

BACKGROUND:
The Washington State Department of Ecology’s wetland rating system is a widely used tool by many jurisdictions. The rating system categorizes wetlands into four categories based on their sensitivity to disturbance, their rarity, our ability to replace them, and the functions they provide. Wetland biologists are trained in how to use the rating system which applies a point system to wetland functions including habitat, water quality and hydrology to inform the ultimate category type (one through four). These delineations are then used to inform wetland buffers when permit applications are under review as required by the CAO.

The 2004 wetland rating system was used to inform the wetlands chapter in the 2012 Thurston County Critical Areas Ordinance. The 2014 wetland rating system differs from the 2004 wetland rating system in the following:
The new rating system changes the scale of wetland category scores from 1 - 100, to 9 - 27 to better reflect scientific accuracy of the tools. The maximum wetland category score of 27 points is calculated based on the total function points. The 3 functions to assess: habitat, water quality, and hydrology, each has a qualitative rating of High, Medium, or Low for different aspects of functions and a point range up to 9 points (9 points per function x 3 function categories = 27 points possible). The tables below are provided by the Department of Ecology.

Table for converting category scores

<table>
<thead>
<tr>
<th>2004</th>
<th>Western WA</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥ 70</td>
<td>Category I</td>
<td>23-27</td>
</tr>
<tr>
<td>51-69</td>
<td>Category II</td>
<td>20-22</td>
</tr>
<tr>
<td>30-50</td>
<td>Category III</td>
<td>16-19</td>
</tr>
<tr>
<td>&lt;30</td>
<td>Category IV</td>
<td>9-15</td>
</tr>
</tbody>
</table>

Tables for converting function scores

<table>
<thead>
<tr>
<th>2004</th>
<th>Final Habitat Score</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>29-36</td>
<td>High</td>
<td>8-9</td>
</tr>
<tr>
<td>20-28</td>
<td>Medium</td>
<td>5-7</td>
</tr>
<tr>
<td>≤ 19</td>
<td>Low</td>
<td>3-4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2004</th>
<th>Final Water Quality Score</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-32</td>
<td>High</td>
<td>8-9</td>
</tr>
</tbody>
</table>

The new rating system changes the name for one of the Category I wetlands. "Natural Heritage Wetlands" are now known as "Wetland of High Conservation Value." The purpose of this change is to be consistent with Washington State Departments of Natural Resources and Fish and Wildlife definitions.

The new rating system requires a change to our habitat buffer table found in Table 24.30-1. Buffers widths still range between 100 and 300 feet, but there are fewer values and therefore, greater change between buffer widths.

**DEPARTMENT ANALYSIS:**

Changes to the wetlands chapter in the CAO are mostly minor. Changing the scale of scoring (no. 1 above) and the name of one type of wetland (no. 2 above) does not affect implementation.

The one change that will effect implementation is the new range of habitat function scores which changes the habitat buffer table (no. 3 above). In sum, the habitat value scores will have fewer points and therefore, the change in buffer size will increase for each point change. Currently,
habitat buffers increase by 20 feet for each point change. The proposed amendment would change the buffer increase to 40 feet for each new point value.

The buffer width for mitigation would also change. The current buffer increases 15 feet for each change in point value. The proposed change would be 25 feet for each new point value with the exception of the first change in value. The first change would remain a 15 foot change due to a repeated buffer width in the 2012 CAO (see Attachment A – Table 24.30-1).

**Best Available Science:**
The Department of Ecology revised wetland rating system has undergone extensive peer review and has been developed using best available science. The changes to Table 24.30-1 TCC were recommended by Ecology’s lead staff on rating wetlands.

**Other Jurisdictions:**
Local jurisdictions throughout Washington state that require the use of the newest version of the wetland rating system are undergoing similar amendments. The amendment would apply to urban growth areas as well as the rural county.

**OPTIONS:**

1) Amend Chapter 24.30 TCC to reflect the changes made in the 2014 wetland rating system as indicated on Attachment A.

**Staff comments:** Thurston County CAO requires the use of the most recent approved version of Department of Ecology’s wetland rating system. This amendment ensures we are up to date with current code requirements.

2) Do not update the wetlands chapter. Changes could be made through an internal policy.

**Staff comments:** Option 2 is not recommended, but possible. A code change ensures staff, applicants, and consultants have the correct information. An internal policy would make it difficult to communicate the inconsistency between code requirements and code language.

**SEPA:**
A SEPA determination is not necessary for this amendment.

**NOTIFICATION:**
Written notice of the public hearing will be published in The Olympian at least twenty (20) days prior to the public hearing.

**DEPARTMENT COMMENTS:**
None at this time.

**STAFF RECOMMENDATION:**
Option 1 is recommended by staff and the Department of Ecology.
Staff requests the Planning Commission move to set a public hearing for March 18, 2015 at 7:00pm to receive public testimony on Option 1, to amend the wetlands chapter of the CAO to incorporate the most recently approved version of the wetland rating system

ATTACHMENTS:

Attachment A: Proposed amendments to the wetlands chapter

Q:\LONG RANGE PLANNING\DEV CODE AMENDMENTS 2014 TO 2015\CAO amendments\Wetlands Chapter Amendment_ Planning Commission Staff Report_2.18.15.doc
Wetlands Chapter Code Amendments

Deleted Text: Strikethrough Proposed Changes: Underlined

Unaffected Omitted Text: (...) 

24.30.030 Wetland categories.

A. Category I. Category I wetlands include wetlands that are rare; particularly sensitive to disturbance; relatively undisturbed (as described in Ecology's Washington State Wetland Rating System for Western Washington) with ecological attributes that are impossible to replace within a human lifetime; or provide a high level of functions. They include:

1. Estuarine wetlands larger than one acre that are relatively undisturbed, as described in Ecology's Washington State Wetland Rating System for Western Washington (e.g., no diking, ditching, filling, cultivation, grazing, and less than ten percent vegetative cover by non-native plant species);

2. Natural Heritage Wetlands—Wetland of High Conservation Value designated by the Washington Department of Natural Resources (DNR) Natural Heritage Program due to their high quality and relatively undisturbed condition (as described in Ecology's Washington State Wetland Rating System for Western Washington), or because they support plants listed by the DNR Natural Heritage Program as threatened or endangered;

3. All bogs;

4. Mature and old growth forested wetlands larger than one acre;

5. Wetlands in coastal lagoons; and

6. Wetlands with a total score for functions of seventy-twenty-three or more points under Ecology's Wetland Rating System for Western Washington.

B. Category II. Category II wetlands provide high levels of some functions and are difficult, though not impossible, to replace. They include:

1. Estuarine wetlands smaller than one acre and estuarine wetlands larger than one acre that are altered to a greater extent than specified in TCC 24.30.030(A)(1);

2. Wetlands identified by the DNR Natural Heritage Program as containing "sensitive" plant species; and


C. Category III. Category III wetlands have functions scoring between thirty-sixteen and fifty-nineteen points under Ecology's Wetland Rating System for Western Washington. Typically, they have been disturbed and contain less diverse wildlife habitat or are more isolated from other habitat than Category II wetlands.

D. Category IV. Category IV wetlands have levels of functions scoring between nine and fifteen twenty-nine or fewer points under Ecology's Wetland Rating System for Western Washington. Typically, they are extensively altered.
24.30.045 Wetland buffers—Standard width.

Table 24.30-1 identifies the standard buffer widths. Buffer widths are specified for both water quality and habitat protection. The widest of the applicable buffers under habitat and water quality applies.

**Table 24.30-1. Standard Wetland Buffer Widths**

<table>
<thead>
<tr>
<th>BUFFER TO PROTECT</th>
<th>HABITAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Habitat Value</td>
<td>Moderate Habitat Value</td>
</tr>
<tr>
<td>0—18</td>
<td>19—24</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Point score for habitat from the wetland rating form under the Wetland Rating System for Western Washington.

Buffer width for habitat for all wetlands except estuarine wetlands and coastal lagoons (See section on Water Quality below)

Buffer width with mitigation under 24.30.050 TCC

Buffer width for estuarine wetlands and coastal lagoons

**BUFFER TO MAINTAIN**

**WATER QUALITY**

Natural heritage wetlands, Wetland of high conservation value, bogs, and

250′
| Wetlands containing sensitive plant species documented by the DNR Natural Heritage Program | 50' |
| Wetlands less than 10,000 square feet in size that are not a functional part of a mosaic wetland, do not support priority wildlife species, and do not drain to a stream or a Category I or II wetland | 50' |
| All other wetlands not listed in the preceding two rows | 100' |

...  

24.30.060 Wetland buffers—Reconfiguration.

The approval authority may authorize or require reconfiguration of wetland buffers as follows:

...  

B. Development Consistent with Preservation of Wetland and Buffer Functions. The approval authority may reconfigure the buffer width, except for buffers associated with bogs and natural heritage wetland of high conservation value, to accommodate proposed development. If necessary, the approval authority may have a qualified professional review and evaluate the submitted information at the applicant’s expense. The applicant shall demonstrate compliance with all of the criteria below.

1. The proposed use cannot be accommodated on the site without reconfiguration of the buffer (see TCC 24.30.050).

2. The scale, design, or orientation of the proposed land use has been adjusted to the extent practical to minimize buffer alteration.

3. Demonstration that the wetland and/or buffer contains variations in sensitivity due to existing physical characteristics (e.g., variations in topography, soils, vegetation, or wildlife usage), and that the wetland functions would benefit from a wider buffer in places, and would not be adversely impacted by a narrower buffer in other places.

4. If the wetland has a wildlife habitat score of twenty-five or more points under Ecology’s Washington State Wetland Rating System for Western Washington, the applicant shall submit a habitat assessment demonstrating that wildlife habitat will not be significantly diminished and that documented habitat-sustaining priority or locally important wildlife species (see TCC 24.25.065) will not be affected.
24.30.065 Wetland buffers—Tree protection.

Trees within wetland buffers with driplines that extend beyond the upland edge (furthest from the wetland) of buffers with a wildlife habitat rating of twenty-five points or more under the Wetland Rating System for Western Washington shall be protected as follows:

24.30.070 Wetland mitigation.

All unavoidable adverse impacts to wetlands and associated buffers shall be mitigated consistent with the provisions of this section. A qualified wetland scientist shall identify the wetland functions using the best professional judgment and the best available technology, consistent with guidance from the department of ecology, including but not limited to the following documents: Wetland Rating System for Western Washington; Wetland Mitigation in Washington State, Parts 1 and 2; and Selecting Wetland Mitigation Sites Using a Watershed Approach.

C. Mitigation In-kind. Mitigation for impacts to estuarine wetlands, coastal lagoons and associated buffers shall be as determined to be appropriate by the approval authority in consultation with the WDFW and Ecology. Mitigation for all other lost or diminished wetland and buffer functions shall be in-kind, unless the applicant demonstrates that:

1. Higher levels of wetland and buffer functions would result from an alternate approach; or

2. The impacted wetland and buffer provide minimal functions (e.g., they score less than twenty-five points for habitat and less than five points for water quality under Ecology’s Wetland Rating System for Western Washington) and the proposed mitigation action(s) will result in a wetland with greater functions or provide functions shown to be limiting within a watershed; or

24.30.080 Wetland mitigation—Ratios.

C. Category III and IV Wetlands. The maximum mitigation ratio for impacts to Category III and IV wetlands shall be 1:1 under the following circumstances:

3. The wetland has a score for habitat of nineteen-four or fewer points under the Wetland Rating System for Western Washington;

<table>
<thead>
<tr>
<th>Table 24.30-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I - Scoring 70-23 points or more for functions</td>
</tr>
<tr>
<td>Category I - Natural Heritage</td>
</tr>
</tbody>
</table>
### Table 24.30-4. Allowable Uses in Wetlands and Buffers and Related Restrictions

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-site sewage disposal system or drain field within 300 feet of Category I bogs or Natural Heritage Wetlands of High Conservation Value - New</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**LEGEND:**

A = Allowed without a Critical Area Review Permit, subject to requirements of this title

P = Permitted, subject to Critical Area Review Permit and requirements of this title

X = Prohibited

**24.30.090 Wetlands—General standards.**

C. Direct Impacts to Category III and IV Wetlands. Uses and activities may directly impact Category III and IV wetlands between one thousand and four thousand square feet in size and their associated buffers with mitigation, pursuant to this chapter under the following circumstances:

1. Compliance with all of the criteria below shall be demonstrated:

   c. The wetland has a score for habitat of **nineteen-four** or fewer points under Ecology's Wetland Rating System for Western Washington;

D. Timing. Uses and activities authorized in wetlands and buffers with a habitat score of **twenty-eight** or more points under Ecology's Wetland Rating System for Western Washington shall be
undertaken, constructed or installed during the time frame specified by the review authority in consultation with the WDFW and/or Ecology to minimize habitat impacts.


24.30.190 Wetlands—Golf courses, parks, playgrounds, athletic fields, and expansive landscaped areas—Maintenance.

Maintenance of approved golf courses, parks, playgrounds, athletic fields, and expansive landscaped areas within the buffers of Category I wetlands, Category II bogs, Category II wetlands containing sensitive plants identified by the DNR Natural Heritage Program, and areas within one hundred feet of associated Type S or F streams or within one hundred feet of other wetlands or streams shall conform to the following:

A. Application of Fertilizers and Other Chemicals. Fertilizer, herbicide and pesticide management practices for golf courses, parks, playgrounds, athletic fields and other landscaped areas of one acre or larger in size that encroach into the wetland buffer shall comply with the following:

3. If necessary to maintain water quality in bogs, natural-heritage-wetlandswetland of high conservation value, or wetlands containing sensitive plants identified by the DNR Natural Heritage Program, the approval authority may require use of stormwater treatment methods that provide a high level of stormwater cleansing, consistent with the Drainage Design and Erosion Control Manual for Thurston County, as amended (Chapter 15.05 TCC). The approval authority may require an evaluation of the water quality at the outflow of stormwater facilities draining to wetlands identified in this section and require remedial action as necessary to sustain the wetland/sensitive plant species.


New on-site sewage disposal systems are subject to all of the following:

B. Separation from Bogs and Natural Heritage Wetlands —wetland of high conservation value. New on-site sewage disposal systems shall not be allowed within three hundred feet of Category I bogs, Natural Heritage Wetlands —wetland of high conservation value, or wetlands draining to a stream listed by the Washington Department of Ecology under Section 303(d) of the Clean Water Act as impaired for nutrients unless the applicant demonstrates that due to soil conditions, surficial geology, the direction of ground water flow or other relevant factors, the sewage disposal system will not adversely impact the wetland or sensitive plants identified by the Washington Department of Natural Resources Natural Heritage Program. The approval authority shall review the information submitted by the applicant and consult with the Washington Department of Ecology and others with expertise, as needed, prior to allowing the proposed sewage disposal system within three hundred feet of such wetlands. Any approved sewage disposal systems shall be located as far from the wetland as possible.

24.30.280 Wetlands—Roads/streets, railroads, bridges and culverts—New and expanded.

Proposed road and railroad crossings of wetlands and/or associated buffers shall be avoided unless the approval authority determines that it is not possible. Proposed road or railroad crossings of wetlands...
and buffers and expansion of existing roads exceeding the limitations of TCC Section 24.30.270 shall follow all applicable local, state, and federal laws and the applicable requirements listed below. These requirements also apply to private access roads and driveways. (Also see TCC Section 24.25.280).

... C. Access roads and driveways shall be subject to the following requirements, as well as subsection D below.

1. Utility Maintenance Access. The director may allow maintenance roads for utility corridors accommodating transmission lines, pipelines, and similar major utilities when the applicant demonstrates to the director's satisfaction that the road is necessary. Maintenance roads shall not be allowed where they would adversely impact bogs, Natural Heritage Wetlands of high conservation value, or wetlands with a score for habitat of 29 eight or more points under Ecology's Wetland Rating System for Western Washington.

   If allowed, maintenance roads shall be located in the least impactful location in the outer twenty-five percent of the buffer contiguous to the utility corridor, or the side away from the wetland. To the maximum extent practicable, access for utility maintenance within wetland buffers shall be limited to access points rather than by a continuous access road extending through the buffer. The width of the maintenance road shall be minimized; in no event shall it be wider than fifteen feet.

... 24.30.300 Wetlands—Stormwater facilities—New and expanded generally.

Stormwater facilities (e.g., detention, retention, treatment, and conveyance facilities) associated with new roads and other development shall be designed and located outside of wetlands and wetland buffers, except as otherwise provided in TCC 24.30.310. Stormwater facilities shall not be allowed in the buffers of Category I and II wetlands, including bogs or natural heritage wetlands of high conservation value, with the exception of stormwater conveyance pipes extending through the outer twenty-five percent of the standard buffer when there is no alternative. No discharges of stormwater shall be allowed to flow to bogs or natural heritage wetlands of high conservation value.

... 24.30.380 Wetlands—Vegetation removal—Other allowed vegetation removal.

Removal of vegetation is allowed as part of an approved habitat restoration or enhancement project in the wetland or associated buffer. Other vegetation may be removed from wetlands and associated buffers provided compliance with all of the criteria below can be met:

... B. The approval authority may allow trimming of vegetation to provide a view corridor in the outer (furthest from the wetland) twenty-five percent of the standard buffer of Category III and IV wetlands with a wildlife habitat rating of nineteen-four points or less under the Wetland Rating System for Western Washington, provided that trimming is limited to view corridors with maximum widths of twenty feet. Trimming shall be limited to limbng or crown thinning in compliance with Tree Care Industry Association (formerly the National Arborist Association) trimming standards. No more than thirty percent of the live crown of a tree may be removed in any three-year period. Trimming shall not include felling, topping, or removal of trees or jeopardize the tree's survival. Snags shall be left in place except as provided for in TCC 24.30.350(A).