

WETLANDS – RESIDENTIAL DEVELOPMENT

One of the first steps in planning for residential development is to determine if any critical areas (or buffers) are present on the site. The Planning and Community Development Department is able to provide such determinations based on information available in house or for a fee the property owner may apply for a determination to be made by critical areas planning staff. The determination would involve a site inspection and result in a written decision regarding the presence of a wetland, the wetland category and the range of potential buffers.

The regulation of wetlands includes the establishment of buffers to further protect water quality and habitat. Wetlands have been broken into five main categories (labeled A – E) and the buffers can vary significantly based on these categories. In addition to the type of wetland, the land use intensity being proposed and existing habitat and slope around the wetland all factor into the size of the wetland buffer. The County’s Wetland Identification Guide is available for those interested in actively identifying wetlands on their property and determining the likely buffer size given the category and condition of the wetland, as well as the intensity of the development they are proposing.

If it is determined that a wetland exists on their property, the owner should first evaluate the potential for planning development of their site in a manner that allows for complete avoidance of the wetland and buffer. If an impact is unavoidable, the owner is required to develop a plan for minimizing (reducing) the amount of disturbance to the greatest extent feasible. When impacts do occur, compensation is required through mitigation. This stepped approach is referred to as mitigation sequencing. Once the mitigation sequencing criteria has been applied, a landowner may choose to apply for buffer averaging, which can allow the buffer size to be reduced in one area while being proportionally increased in another. The result is development that results in no net loss in buffer.

As a means of aiding property owners planning to develop their property, the County has adopted a process call the Rural Stewardship Plan (RSP). The RSP allows the property owner to coordinate with planning and critical areas staff to develop a plan for development and long-term management of their property. The RSP includes creating a detailed site plan and site specific conditions that apply to use of the property. The goal is for property owners to get the desired use of their property while ensuring the long-term protection of public resources.

KEY TERMS

Buffer Averaging – Reducing buffer size in a particular area to allow for development while proportionately increasing the buffer size of the same wetland in another area (requires a Mitigation Plan).

Habitat and Water Quality Buffers – Buffers for wetlands are based generally on their importance in protecting water quality or habitat. Water quality buffers are related to the wetland type and land use intensity, while habitat buffers are determined using a habitat rating system and the land use intensity. Whichever of the two buffers is greater in size will apply to the wetland.

Land Use Intensity – A determination made at the time of development which considers the type, character, density and location of the proposed development, as well as the amount of cleared area and impervious surfaces being created. Land Use Intensity is used in determining the required wetland buffer size.

Mitigation Plans – A professional report that describes and explains actions needed to compensate for impacts to a wetland or wetland buffer. Typically includes a plan for managing and monitoring the wetland, as well as a contingency plan.

Mitigation Sequencing – A tiered process for planning development involving wetlands. Sequencing involves first attempting to avoid impacts to the wetland and buffer. If avoidance cannot be achieved then the owner must propose to reduce (minimize) the amount of disturbance and restoration is required to repair those impacted portions of the wetland and/or buffer. If it is determined that an alteration of the critical area cannot be avoided, reduced and restored, mitigation in the form of compensation will be required. Compensation can be achieved by creating new wetlands, re-establishing or rehabilitating previously disturbed wetlands, or further enhancing or protecting existing wetlands.

Reasonable Use – Use of a property that is encumbered by a critical area or buffer which can be allowed when considering the size of the lot, type of use or structure being proposed and the existing similar uses and structures in the surrounding vicinity. The intent of reasonable use is to ensure that a property owner is not prevented from obtaining reasonable economic use of their property resulting from the imposition of the critical areas regulations.

Rural Stewardship Plan (RSP) – A plan developed voluntarily by or for a property owner that establishes the acceptable location for development on their lot, the presence and location of regulated critical areas and buffers and a management plan for appropriate long term stewardship of the land. Approval of a RSP may qualify property owners for expedited permit review, buffer reductions or special tax breaks.

Wetland Categories – Wetlands are broken into 5 different categories (A, B, C, D or E) based on specific characteristics including soil and vegetation types, hydrology (amount of water present), position in the landscape and importance to water quality and habitat. Examples include Bogs, Mature Forested, Large Pondered, Estuarine and Native Plant wetlands.

CONTACT STAFF

Island County's wetland regulations are a complex section of the Critical Areas Ordinance. It is recommended that any property owners planning a development activity (including minor clearing, grading or similar activities) contact our Critical Areas Planners prior to initiating any work. Additionally, this DIB is intended only to serve as a general overview of the regulations and we encourage you to contact us if you have any further questions.

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