

Current code, draft amendments and CAO Committee Brief

Development regulations to protect critical areas are found in Title 18 of the Jefferson County Code (JCC), Chapter 18.15 Land Use Districts, Article VI Overlay Districts: Articles VI-D through VI-J.

Article	Draft
<p>VI-D Environmentally Sensitive Areas District (ESA)</p> <p>The current code states legal nonconforming uses may be repaired or maintained 'without limitation by this article'.</p>	<p>The draft states they may be maintained or repaired 'assuming the nonconforming footprint does not increase'.</p>
<p>VI-E Critical Aquifer Recharge Areas</p> <p>Currently this section classifies critical aquifer recharge areas defined as 'are naturally susceptible due to the existence of permeable soils or a seawater wedge in coastline aquifers'. This includes areas identified by DNR mapping and special aquifer recharge protection areas such as identified sole source aquifers. The section states that Jefferson County will maintain critical aquifer recharge area maps. The section gives protection standards for land use activities in susceptible aquifer recharge areas and special aquifer protection areas with provisions for mitigating conditions identified in a critical aquifer recharge report.</p>	<p>This section is not proposed to change.</p>
<p>VI-F Frequently Flooded Areas</p> <p>Currently this section references the classification, designation and protection provisions contained in the Jefferson County floodplain management ordinance. The section also references Federal Emergency Management Agency (FEMA) 100-year floodplain designations and specifies such flood hazard areas as subject to the criteria of the floodplain management ordinance (JCC 15.15).</p>	<p>This section is not proposed to change.</p>
<p>VI-G Geologically Hazardous</p>	<p>The draft adds considerations for</p>

<p>Areas</p> <p>Current classifications include erosion, landslide and seismic hazard areas. A list of federal and state identification sources is included. The code states the county maintains geologic hazard area maps, but those maps are not in themselves regulatory. Protection standards are included covering erosion control; clearing and grading with reference to JCC 18.30 (Development Standards); vegetation retention; and buffers. Vegetation retention includes all trees lying outside an approved construction area and minimized damage to vegetation during clearing. Buffer standards include 30ft from the top, toe and all edges of landslide hazard areas. Administrative buffer reduction is possible under certain circumstances. Channel Migration Zones (CMZ) are not in the current CAO code.</p>	<p>Channel Migration Zones (CMZ). The draft also adds CMZ studies and maps for east Jefferson County as identification sources. CMZ protection standards with required setbacks for high risk and administratively determined setbacks for moderate risk have been included. The protection standards reference the relationship between CMZ and fish and wildlife habitat conservation areas.</p>
<p>VI-H Fish and Wildlife Habitat Areas (FWHA)</p> <p>The current code uses the past DNR numbering system for stream typing. Current code includes a designation for 'all habitats with which species of local importance have a primary association. A list of identification sources is included. Informational FWHA maps as noted as non-regulatory. Exempt activities are specified including the removal of noxious weeds, existing and ongoing agriculture and indigenous vegetation enhancement. The code also specifies regulated activities which are subject to development permits or approval. This includes consideration for vegetation and bluff/shoreline stabilization. Bank stabilization under specific circumstances including when natural earth movement threaten existing legal structures or public safety is threatened. Land use activities not</p>	<p>The term FWHA is proposed to change to Fish and Wildlife Habitat Conservation Areas (FWHCA). The draft updates stream typing to the present DNR lettering system. Identification sources are updated by reference including the Jefferson County Core Wildlife Habitat Conservation Database, CMZ studies for east Jefferson County, the SMP inventory and WRIA Limiting Factors Analysis. The draft specifies 'areas that contain habitats and species of local importance. Bank stabilization regulations in this section of the code are not currently proposed to change through the CAO. Consideration for a PRRD when the PRRD cluster residential development is outside of designated areas has been added. The draft references the SMP for marine shorelines under 'Buffers'. A provision for vegetation retention within delineated CMZ has been added. Vegetation retention for CMZs has been added under Protection Standards.</p>

<p>requiring a permit should not alter the function of FWHA including clearing and vegetation removal. Protection standards are included with buffer standard requirements and vegetation retention standards. Administrative buffer reductions are possible. The code section references Planned Rural Residential Development (PRRD) regulation elsewhere in JCC 18.15.</p>	
<p>VI-I Wetlands</p> <p>The current wetland categorization system is a four Category system from past Ecology guidance. Standard wetland buffer widths apply for Categories I, II, III and IV. Administrative buffer reductions and buffer averaging are possible under certain circumstances. The current Required Replacement Ratios includes a table from Ecology guidance from 1998. Currently the code states 'sufficient scientific expertise' is necessary for preparation of mitigation plans.</p>	<p>The draft incorporates the wetland categorization system from the <i>Washington State Wetland Rating System for Western Washington</i>. The land use intensity table has been incorporated from Ecology's <i>Wetlands in Washington</i> guidance. A combination of Category and land use intensity is used to determine standard buffer width. The wetland delineation report wavier option has been updated in accordance with the new rating system. The Mitigation Ratio table from <i>Wetlands in Washington - Volume 2: Guidance for Protecting and Managing Wetlands</i> has been incorporated. This table is consistent with the new ratings system. The table distinguishes between levels of Rehabilitation and Enhancement. A qualified wetlands specialist for mitigation plans has been added in the draft.</p>
<p>VI-J Special Reports</p> <p>The current code specifies a 'professional biologist as appropriate' solely for wetland delineations and a 'qualified specialist' for wetland mitigation plans. Current code requires mitigation plans be approved by the administrator prior to 'commencement of wetland restoration, creation or enhancement'.</p>	<p>In the draft a 'qualified professional' has been specified for scale mapping and written reports. The draft also adds the need for hard copy and digital formats for the GIS database. The draft specifies a five year, post-mitigation project, maintenance and monitoring period for wetlands mitigation consistent with Ecology-U.S. EPA guidance. In the draft administrator approval for mitigation plans is required before mitigation activities begin.</p>
<p>VI-M Planned Rural Residential Developments (PRRD)</p> <p>The current code references preservation of 'habitat identified for threatened and endangered species' under</p>	<p>The draft references preservation of 'critical fish and wildlife habitat' under 'Environmental Design' criteria for bonus densities.</p>

'Environmental Design' criteria for bonus densities.	
18.10.230 W Definitions	"Wetland enhancement" has been modified. "Wetland re-establishment" and "Wetland rehabilitation" have been added.

Final sub-groups were established by the Committee on September 28, 2006. The CAO Committee is currently working through a collection of sub-groups who will report back with draft reports on January 4, 2007. The CAO Committee deadline for recommendations to the Planning Commission is April 1. The BoCC is expected to take legislative action to amend Jefferson County's critical areas provisions on or before October 15, 2007.

CAO Committee Subgroups are: Agriculture; Channel Migration Zones; Fish and Wildlife Habitat Corridors (FWHC); 'Buffers' (Wetland Buffers, DOE Guidance, and Land Use Intensity Chart); and Aquaculture (SHB 1933, aquaculture/mariculture, tribal participation, SMP).

Also, individuals are reviewing administration, parcel inventory and forestry issues.

To date the 'Buffers' and FWHC Sub-groups have presented preliminary summaries for recommendations.

The FWHC sub-group is considering a system based on DNR Forestry guidance. They are also devising a new process for listing species of local significance.

The chair of the 'Buffers' sub-group has provided an initial summary with a system based on the numerical values for functions from the *Wetlands Rating System for Western Washington* combined with hazard categories and defined rating quotients. The process would include both regulatory and voluntary aspects.

The current agriculture recommendation is to adopt an Island County model for agriculture in the CAO and for existing and on-going agricultural code. The Agriculture Sub-group has not presented a draft recommendation.