

**REVISED Attachment B – Ecology Required Changes to City of Sumas SMP**

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
01	15.04.230	Official Shoreline Map	<i>The following note shall be placed on the Official Shoreline Map:</i>  <u>Areas not identified as being included in any specific environment designation shall be assigned a designation based on the criteria outlined in SMC 15.04.230.</u>	WAC 173-26-211 requires that a note be placed on the Official Shoreline Map, in addition to the text of the master program, to address unmapped shoreline areas that may exist. This minor change adds the required map note that references the existing language in the master program.
02	15.04.230	Official Shoreline Map	<u>E. Wetland boundary shown on the Official Shoreline Map are approximate, and regulatory boundaries for wetlands shall be established through site-specific delineation required pursuant to Section 15.04.471.</u>	The purpose of the Official Shoreline Map is to illustrate shoreline environment designation boundaries consistent with WAC 173-26-211. This change directs the reader to the appropriate section of the SMP that requires wetland delineation and rating based on defined processes.
03	15.04.540.C.3.d	Dredging	No dredging shall be conducted without the responsible person having obtained a shoreline conditional use permit <u>and a substantial development permit</u> or statement of exemption as appropriate, and where required, a Hydraulic Project Approval permit from the State and all other permits required by state and federal agencies.	This change clarifies the fact that a conditional use permit is required in addition to either a substantial development permit or statement of exemption. According to WAC 173-27-040(b), a development or use listed as a conditional use must obtain a conditional use permit even though the development may not require a substantial development permit.
04	15.04.180.A	Conditional Use Permit Criteria	The purpose of a conditional use permit is to allow greater flexibility in the application of the use regulations of this program in a manner consistent with the policies of RCW 90.58.020; PROVIDED that, conditional use permits may also be granted for a use not included in the enumerated permitted and conditional uses <del>in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020.</del> In authorizing a conditional use, special conditions may be attached by the City or the Department of Ecology to prevent undesirable effects of the proposed use and/or to ensure consistency of the project with the Act and this master program.	These changes delete language that is inconsistent with the review criteria for conditional use permits. WAC 173-27-160(3) allows uses that are not classified or set forth in a master program to be considered through the conditional use permit process as long as the applicant can demonstrate consistency with the conditional use criteria. The requirement to demonstrate extraordinary circumstances that preclude reasonable use of property and approval where denial would thwart RCW 90.58.020, are criteria associated with a shoreline variance request (WAC 173-27-170).
05	15.04.180.C	Conditional Use Permit Criteria	Other uses which are not classified or set forth in this program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the this master program <del>and that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.</del>	
06	15.04.190.E	Variance Permit Criteria	<del>Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses. Such requests shall be evaluated using the criteria set forth in Section 15.04.180 of this program.</del>	WAC 173-27-170(5) prohibits a variance from the use regulations of a master program. The purpose of a conditional use permit is to provide flexibility in the application of use regulations for specific uses classified within a master program or for unlisted uses.

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07	15.04.471.B	Wetlands – Designation and classification	Rating (Classification). Wetlands shall be rated (classified) as Category 1, Category II, Category III, or Category IV based upon <i>Washington State Department of Ecology's Wetlands Rating System for Western Washington (200414)</i> or most recent update.	These changes are necessary to make the SMP consistent with the most current, accurate and complete scientific and technical information available as required by RCW 90.58.100(1) and WAC 173-26-201(2)(a).																																				
08	15.04.473.C	Wetlands – Stand Buffers	<p>1. <u>Standard buffers where no minimizing measures are required.</u></p> <p>The following standard buffers shall be established for all wetlands <u>where no minimizing measures are required</u> based on classification (rating) and level of functions for wildlife habitat. Standard buffers are assumed to be comprised of an <u>relatively</u> intact native vegetation community that is adequate to protect the functions and values of the wetland at the time of the proposed activity.</p> <table border="1" data-bbox="982 657 1737 923"> <thead> <tr> <th colspan="2"><b>High level of function for wildlife habitat (wetlands with habitat function scores of 29 or greater on the wetland rating form).</b></th> </tr> <tr> <th>Wetland Category</th> <th>Standard Buffer Width</th> </tr> </thead> <tbody> <tr> <td>Category I</td> <td>250 feet</td> </tr> <tr> <td>Category II</td> <td>150 feet</td> </tr> <tr> <td>Category III</td> <td>100 feet</td> </tr> <tr> <td>Category IV</td> <td>50 feet</td> </tr> </tbody> </table> <table border="1" data-bbox="982 949 1737 1215"> <thead> <tr> <th colspan="2"><b>Moderate level of function for wildlife habitat (wetlands with habitat function scores of 20 to 28 on the wetland rating form).</b></th> </tr> <tr> <th>Wetland Category</th> <th>Standard Buffer Width</th> </tr> </thead> <tbody> <tr> <td>Category I</td> <td>150 feet</td> </tr> <tr> <td>Category II</td> <td>125 feet</td> </tr> <tr> <td>Category III</td> <td>75 feet</td> </tr> <tr> <td>Category IV</td> <td>50 feet</td> </tr> </tbody> </table> <table border="1" data-bbox="982 1241 1737 1507"> <thead> <tr> <th colspan="2"><b>Low level of function for wildlife habitat (wetlands with habitat function scores of 19 or less on the wetland rating form).</b></th> </tr> <tr> <th>Wetland Category</th> <th>Standard Buffer Width</th> </tr> </thead> <tbody> <tr> <td>Category I</td> <td>100 feet</td> </tr> <tr> <td>Category II</td> <td>100 feet</td> </tr> <tr> <td>Category III</td> <td>75 feet</td> </tr> <tr> <td>Category IV</td> <td>50 feet</td> </tr> </tbody> </table>	<b>High level of function for wildlife habitat (wetlands with habitat function scores of 29 or greater on the wetland rating form).</b>		Wetland Category	Standard Buffer Width	Category I	250 feet	Category II	150 feet	Category III	100 feet	Category IV	50 feet	<b>Moderate level of function for wildlife habitat (wetlands with habitat function scores of 20 to 28 on the wetland rating form).</b>		Wetland Category	Standard Buffer Width	Category I	150 feet	Category II	125 feet	Category III	75 feet	Category IV	50 feet	<b>Low level of function for wildlife habitat (wetlands with habitat function scores of 19 or less on the wetland rating form).</b>		Wetland Category	Standard Buffer Width	Category I	100 feet	Category II	100 feet	Category III	75 feet	Category IV	50 feet	These changes are necessary to make the SMP consistent with the most current, accurate and complete scientific and technical information available as required by RCW 90.58.100(1) and WAC 173-26-201(2)(a).
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<u>Wetland Category</u>	<u>Buffer width (in feet) based on habitat score</u>			
	<u>3-4</u>	<u>5</u>	<u>6-7</u>	<u>8-9</u>
<u>Category I (based on total score)</u>	<u>100</u>	<u>140</u>	<u>220</u>	<u>300</u>
<u>Category II (based on total score)</u>	<u>100</u>	<u>140</u>	<u>220</u>	<u>300</u>
<u>Category III (based on total score)</u>	<u>80</u>	<u>140</u>	<u>220</u>	<u>300</u>
<u>Category IV (based on total score)</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>

2. Standard buffers where minimizing measures are required.

The following standard buffers shall be established for all wetlands where minimizing measures as set forth under subsection (3), below, are required and buffers are based on classification (rating) and level of function for wildlife habitat. Standard buffers are assumed to be comprised of an intact native vegetation community.

<u>Wetland Category</u>	<u>Buffer width (in feet) based on habitat score</u>			
	<u>3-4</u>	<u>5</u>	<u>6-7</u>	<u>8-9</u>
<u>Category I</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category II</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category III</u>	<u>60</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category IV</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>

3. Minimizing measures.

The smaller standard buffers set forth under subsection (2), above, shall be applicable where the minimizing measures established in the following table are required AND in those cases where the wetland has a habitat score of five or more an undisturbed vegetated corridor at least 100 feet wide is provided between the wetland and another priority habitat:

<u>Disturbance</u>	<u>Required Measure to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> <li>• <u>Direct lights away from wetland</u></li> </ul>
<u>Noise</u>	<ul style="list-style-type: none"> <li>• <u>Locate activity that generates noise away from wetland</u></li> <li>• <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u></li> <li>• <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer edge of the wetland buffer</u></li> </ul>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> <li>• <u>Route all new, untreated runoff away from wetland while ensuring wetland is not de-watered</u></li> <li>• <u>Establish covenants limiting use of pesticides within 150 feet of wetland</u></li> <li>• <u>Apply integrated pest management</u></li> </ul>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> <li>• <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u></li> <li>• <u>Prevent channelized flow from lawns that directly enters the buffer</u></li> <li>• <u>Use Low Impact Development techniques</u></li> </ul>
<u>Change in water regime</u>	<ul style="list-style-type: none"> <li>• <u>Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns</u></li> </ul>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> <li>• <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u></li> <li>• <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u></li> </ul>
<u>Dust</u>	<ul style="list-style-type: none"> <li>• <u>Use best management practices to control dust</u></li> </ul>

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09	15.04.473.E.2	Wetlands – Buffer Reductions	<p>Buffer Averaging. Standard buffers may be reduced through the use of buffer averaging provided that the total buffer area is not reduced below the area that would result from use of the standard buffer, and provided, further, that the standard buffer is not reduced by more than <del>40</del> 25 percent <u>through approval of a substantial development permit and not by more than 40 percent through approval of a conditional use permit</u>, and the use of buffer averaging will improve the overall protection of the wetland. Reduction of the standard buffer of a Category I wetland is prohibited. Buffer averaging may not be utilized in combination with buffer reduction based on mitigation.</p>	<p>These changes are necessary to make the SMP consistent with the most current, accurate and complete scientific and technical information available as required by RCW 90.58.100(1) and WAC 173-26-201(2)(a).</p>																																						
10	15.04.474.C	Wetlands – Mitigation Ratios	<p>The following ratios shall be used as a guide to determine the acreage of wetland or buffer to be created, restored or enhanced in relation to the acreage of wetland or buffer area lost:</p> <table border="1" data-bbox="982 667 1942 919"> <thead> <tr> <th><del>Wetland Category</del></th> <th><del>Area Created/Restored : Area Lost</del></th> <th><del>Area Enhanced : Area Lost</del></th> </tr> </thead> <tbody> <tr> <td><del>Category I</del></td> <td><del>6:1</del></td> <td><del>12:1</del></td> </tr> <tr> <td><del>Category II – forested</del></td> <td><del>3:1</del></td> <td><del>9:1</del></td> </tr> <tr> <td><del>Category II – scrub/shrub or emergent; Category III</del></td> <td><del>2:1</del></td> <td><del>6:1</del></td> </tr> <tr> <td><del>Category IV</del></td> <td><del>1.25:1</del></td> <td><del>3:1</del></td> </tr> </tbody> </table> <table border="1" data-bbox="982 1016 2194 1268"> <thead> <tr> <th rowspan="2"><u>Wetland Category</u></th> <th colspan="3"><u>Mitigation Ratio</u></th> </tr> <tr> <th><u>Creation or Reestablishment</u></th> <th><u>Rehabilitation</u></th> <th><u>Enhancement</u></th> </tr> </thead> <tbody> <tr> <td><u>Category I</u></td> <td><u>4:1</u></td> <td><u>8:1</u></td> <td><u>16:1</u></td> </tr> <tr> <td><u>Category II</u></td> <td><u>3:1</u></td> <td><u>6:1</u></td> <td><u>12:1</u></td> </tr> <tr> <td><u>Category III</u></td> <td><u>2:1</u></td> <td><u>4:1</u></td> <td><u>8:1</u></td> </tr> <tr> <td><u>Category IV</u></td> <td><u>1.5:1</u></td> <td><u>3:1</u></td> <td><u>6:1</u></td> </tr> </tbody> </table>	<del>Wetland Category</del>	<del>Area Created/Restored : Area Lost</del>	<del>Area Enhanced : Area Lost</del>	<del>Category I</del>	<del>6:1</del>	<del>12:1</del>	<del>Category II – forested</del>	<del>3:1</del>	<del>9:1</del>	<del>Category II – scrub/shrub or emergent; Category III</del>	<del>2:1</del>	<del>6:1</del>	<del>Category IV</del>	<del>1.25:1</del>	<del>3:1</del>	<u>Wetland Category</u>	<u>Mitigation Ratio</u>			<u>Creation or Reestablishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>	<u>Category I</u>	<u>4:1</u>	<u>8:1</u>	<u>16:1</u>	<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>	<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>	<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>	<p>These changes are necessary to make the SMP consistent with the most current, accurate and complete scientific and technical information available as required by RCW 90.58.100(1) and WAC 173-26-201(2)(a).</p>
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11	15.04.475.A	Activities allowed in wetlands, streams and buffers	Surface water discharge into Category <del>II</del> , III, and IV wetlands <del>and their buffers</del> , <del>Category I wetland buffers</del> , and/or streams and their buffers when no other alternatives for discharge are feasible and the discharge is designed to minimize physical, hydrologic and ecological impacts to the wetland or stream. <u>Surface water discharge into a Category II wetland buffer may be considered as a conditional use where demonstrated to maintain or enhance existing ecological functions.</u>	These changes are necessary to make the SMP consistent with the most current, accurate and complete scientific and technical information available as required by RCW 90.58.100(1) and WAC 173-26-201(2)(a).
12	15.04.475.B.5		Buried utility lines are constructed in a manner that prevents adverse impacts to subsurface drainage, such as through the use of trench plugs <u>and provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.</u>	
13	15.04.475.D		Storm water management facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, within a Category <del>II</del> , III or IV wetland buffer or stream buffer where the following criteria are met: <ol style="list-style-type: none"> <li>1. No other feasible alternative location exists;</li> <li>2. The width of the buffer between the storm water facility and the wetland or stream edge is not less than twenty-five feet;</li> <li>3. The facility is located, constructed, and maintained in a manner that minimizes adverse effects on the buffer and adjacent wetland or stream;</li> <li>4. The storm water facility meets applicable County or state storm water management standards; and</li> <li>5. Low impact development approaches have been considered and implemented to the maximum extent feasible.</li> </ol> <u>Storm water management facilities within Category II wetland buffers may be considered as a conditional use.</u>	
14	15.04.475.E		Storm water conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls within a Category <del>II</del> , III, or IV wetland buffer or stream buffer where the following criteria are met:	

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15	15.04.475.E.2	Activities allowed in wetlands, streams and buffers	The discharge facility is located as far from the wetland or stream edge as possible, <u>and no closer than fifteen feet</u> , and is designed and constructed in a manner that minimizes disturbance of soils and vegetation	These changes are necessary to make the SMP consistent with the most current, accurate and complete scientific and technical information available as required by RCW 90.58.100(1) and WAC 173-26-201(2)(a).
16	15.04.475.F		Passive recreation facilities that are part of a non-motorized trail system or environmental education program including walkways, wildlife viewing structures, and trails, in wetland and stream buffers provided that all of the following criteria are met: <ol style="list-style-type: none"> <li>1. Trails shall not exceed ten feet in width and shall be made of pervious material where feasible;</li> <li><del>2. A minimum buffer of fifteen feet is maintained between the trail or facility and the wetland or stream edge; and</del></li> <li><del>3.</del> <u>2. The trail is constructed and will be maintained in a manner that minimizes disturbance of the buffer and the adjacent wetland or stream;</u></li> <li>3. <u>Trails should generally be located in the outer twenty-five percent (25%) of the buffer area; except where shoreline access will occur;</u></li> <li>4. <u>Trails shall be located to avoid removal of significant trees;</u></li> <li>5. <u>Minor trail or walkway crossings are allowed only when alternatives are infeasible and when consistent with the mitigation standard of this program; and</u></li> <li>6. <u>Trails that access the shoreline of a wetland or stream shall be the minimum necessary to provide access.</u></li> </ol>	
17	15.04.475		<u>G. A wetland can be physically or hydrologically altered to meet the requirements of a Low Impact Development (LID), Runoff Treatment or Flow Control BMP if all of the following criteria are met:</u> <ol style="list-style-type: none"> <li>1. <u>The wetland is classified as a Category III or Category IV wetland with a habitat score of 3-4 points, and</u></li> <li>2. <u>There will be "no net loss" of functions and values of the wetland, and</u></li> <li>3. <u>The wetland does not contain a breeding population of any native amphibian species, and</u></li> <li>4. <u>The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach," or the wetland is part of a priority restoration plan that achieves restoration goals identified in this Master Program or other local or regional watershed plan, and</u></li> <li>5. <u>The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing, and</u></li> <li>6. <u>All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits, and</u></li> <li>7. <u>Proposed modifications that alter the structure of a wetland or its soils include preparation of a detailed study, and existing functions and values that are lost are compensated/replaced.</u></li> </ol>	

			<p>8. <u>Stormwater LID BMPs required as part of New and Redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.</u></p>	
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18	15.04.478.E.2	Fish and wildlife habitat conservation areas – Buffer Reductions	<p>Buffer Averaging.</p> <p>Standard buffers may be reduced through the use of buffer averaging provided that the total buffer area is not reduced below the area that would result from use of the standard buffer, and provided, further, that the standard buffer is not reduced by more than <del>40</del> <u>25</u> percent, and the use of buffer averaging will improve the overall protection of the resource. Buffer averaging may not be utilized in combination with buffer reductions based on mitigation, nor is it permitted in areas where a site-specific buffer has been established.</p>	These changes are necessary to make the SMP consistent with the most current, accurate and complete scientific and technical information available as required by RCW 90.58.100(1) and WAC 173-26-201(2)(a).
19	15.04.473.E.1	Wetlands – Buffer Reductions	<p>Buffer Reduction Based on Mitigation. Where compensatory mitigation is provided, standard buffers may be reduced, provided that the standard buffer is not reduced by more than 25 percent for Category II wetlands and not by more than 40 percent for Category III and Category IV wetlands; provided that, standard buffers shall not be reduced by more than 25 percent for wetlands having a habitat functions score of over <del>19</del> <u>4</u> on the wetland rating form. Reduction of the standard buffer of a Category I wetland is prohibited. Buffer reductions shall only be permitted when all impacts to wetlands and their required buffers are compensated at the expense of the applicant through implementation of a mitigation plan prepared by a qualified wetland biologist consistent with Section 15.04.474(G), below. Except as otherwise allowed pursuant to this Chapter, filling of any wetland, except a Category III or IV wetland designated Urban-2 on the Official Shoreline Map, or reduction of a wetland buffer by more than the percentages state above, shall require approval of a shoreline variance. Buffer reductions up to one-half of the percentages identified above may be authorized through approval of a shoreline substantial development permit. Buffer reductions greater than on-half of but not exceeding the percentages identified above may be authorized through a shoreline conditional use permit.</p>	City requested change to correct reference to current wetland rating system.