

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

Memorandum

TO: Whatcom County Planning Commission
FROM: Cliff Strong, Senior Planner
THROUGH: Mark Personius, Director
DATE: May 1, 2019
SUBJECT: Wetland Buffer Amendments

At your March 14, 2019, meeting, you held a public hearing on some proposed amendments to the Critical Areas Ordinance (CAO) regarding habitat score break points and buffer widths. The discussion was continued to your March 28th meeting, pending staff researching some of your questions.

On March 28, we reported that, after having talked to Department of Ecology (DOE) staff, we were still confused as to whether we *had* to amend the buffer widths along with the revised habitat score break points. But we reported that there was to be a meeting of the local wetlands scientists with DOE staff on April 18th addressing this issue, which we planned on attending. The Planning Commission moved to continue its discussion, date uncertain, until after that meeting.

Staff attended that meeting and did get some definitive answers.

DOE staff (Donna Bunten, Diane Hennessey, and Amy Yahnke) confirmed that:

- *We do not have to* amend either the habitat score break points or buffer widths at this time (though we can if we want to)
- *We can* amend the habitat score break points *without* amending the buffer widths; however, buffer widths will have to be revised at some point to reflect the most recent guidance (BAS) from DOE.

When will we need to revise the wetland buffers? Not until we open up the CAO for revisions, but that will be sooner than we think. Since the CAO is incorporated into our Shoreline Master Program (SMP) by reference, it is a part of our SMP. And as you know, we are starting our periodic review and update of our SMP, to be adopted by June 2020. Because of this nexus, DOE (and perhaps others) will undoubtedly comment on the update. And more to the point, both the SMP and the CAO require the use of Best Available Science (BAS) in developing our policies, and DOE guidance is considered the BAS unless we have our own (which we don't at this point).

The bottom line is that we will most likely need to address increasing our wetland buffer widths as part of our SMP update, and it would probably be best to hold off amending the habitat score break points until that time, as it is within the next year.

Planning and Development Services intends to re-route this issue from a stand-alone Critical Areas Ordinance amendment and, instead, address it during the Shoreline Master Program Update.