



TO: Snohomish County Council

FROM: Terri Strandberg, PDS, Principal Planner
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DATE: August 13, 2024

SUBJECT: Critical Area Regulations Monitoring Report

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Dave Somers
County Executive

The purpose of this memo is to transmit the most recent Critical Areas Monitoring Report as required under SCC 30.62A.730. Chapter 30.62A SCC addresses protection requirements for fish and wildlife habitat conservation areas and wetlands.

Background

Since the 2006 adoption of major updates to the critical area regulations (CAR), the county has required periodic monitoring to evaluate implementation and effectiveness of critical area code requirements. In 2008, the County Council approved a monitoring and adaptive management program (Motion 08-532) prepared jointly by staff from Surface Water Management and Planning and Development Services. This monitoring and adaptive management program has provided the framework for monitoring reports presented to the County Council in 2012 and 2014.

The county's monitoring program has been adapted over time to rely on improvements in data, aerial photography and computing capabilities, primarily related to remote sensing and land cover change analysis. Never-the-less, there are still significant issues with data accuracy and completeness, and with the ability to draw accurate cause-effect conclusions. For example, wetland data is particularly suspect with regards to completeness, wetland location and boundaries, and wetland classification; and while remote sensing can detect a change in land cover, it can not determine whether that change was due to natural or unpermitted manmade causes.

Keep in mind that ecological systems are dynamic: wetlands expand or contract with the seasons, or even appear and disappear naturally over time; and streams change in width, channel location and character. Comparing aerial photos over time will certainly call into question the causes of land cover changes attributed to either natural or human influences, particularly where there is no corresponding permit data to verify development activity.

No Net Loss of Critical Area Functions and Values

The Growth Management Act requires that critical area protection programs meet a standard of "no net loss of critical area functions and values". In this context, functions and values refer to the ecological functions performed by critical areas including: water quality and quantity, habitat for fish and wildlife, and natural hydrologic processes. Many of these ecological functions are performed by buffers employed to protect the critical areas themselves. There is substantial evidence that the natural environment also contributes to human health and quality of life. The courts have been clear that "no net loss" does not refer to acreage statistics.

It is also recognized that the "no net loss" standard may not realistically be fully achieved through regulatory programs alone. With this in mind, the county has adopted a multifaceted approach

including both regulatory and nonregulatory programs in our efforts to meet required protection standards. The county's nonregulatory programs include public education and outreach, acquisition and conservation, restoration and enhancement, monitoring and adaptive management, and interjurisdictional coordination with stakeholder groups like the Puget Sound Partnership and Sustainable Lands Strategy, to name a few.

Conclusions from the Monitoring Report

Overall, the county's CAR regulations are helping to preserve the functions and values associated with critical areas given significant growth and development. However, there have been incremental increases in impervious area and forest cover changes in critical areas over the twelve-year period that exceed adaptive management thresholds. Permit protections were found largely to be effective, meaning unpermitted actions, natural events, and other stressors are likely the major causes of critical area changes.

Additional actions should be taken per the established adaptive management thresholds. These actions and specific recommendations stemming from the study findings are provided below as potential next steps for the County. Targeting actions to specific subbasins and/or waterbody types based on the findings of this study would most efficiently meet objectives. Recommended adaptive management actions include:

- Education and outreach to increase public awareness of critical areas and associated requirements;
- Enforcement, particularly for unpermitted actions;
- Programmatic adjustments, such as:
 - Comprehensive plan policies and code amendments (currently underway)
 - Critical area site plan tracking
 - Updates to the monitoring program
- Mitigation, including conservation and restoration

Please let us know if you have any questions, or would like a briefing presentation on this monitoring report.

Attachments: Critical Areas Monitoring Report, January 2024
Powerpoint presentation: CAR Monitoring 2009-2021

Cc: Gregg Farris, SWM Director
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David Killingstad, PDS Long Range Planning Manager
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