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91-779

October 16, 1991
CL:KS:jad

Proposed No.: **10143**

ORDINANCE NO.

AN ORDINANCE adopting the King
County Wetlands Preservation
Program.

THE KING COUNTY COUNCIL HEREBY FINDS THAT:

1. Wetlands serve several critical natural functions including wildlife and fisheries habitat, water quality protection, flood protection, shoreline stabilization, stream flow, and ground water recharge and discharge. In many situations these functions cannot be adequately replicated or replaced once the wetlands is damaged or destroyed.
2. The King County Council has recognized the importance of wetlands through the adoption of a strong regulatory program, which includes a goal of no-net loss of wetland functions and values.
3. Regulatory programs are only one piece of a comprehensive wetlands protection strategy. Both regulatory and non-regulatory programs are necessary in order to meet the goal of no-net loss of wetland functions and values. Non-regulatory programs improve the effectiveness of regulatory efforts.
4. King County engages in many activities that would be included in a comprehensive wetlands preservation program, including but not limited to educational programs for citizens and staff, volunteer projects, informational activities, site management of wetlands already in County ownership, and some limited acquisitions.
5. The King County Wetlands Preservation Programs establishes procedures and guidelines for a non-regulatory wetlands preservation program.

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1 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

2 SECTION 1. The Executive proposed 1991 King County Wetlands
3 Preservation Program, attached to Ordinance 10143 as Appendix A,
4 is hereby adopted in order to establish procedures and guidelines
5 for implementing King County's existing wetland preservation
6 goals and policies.

7
8 INTRODUCED and READ for the first time this 7th day of
9 October, 1991.

10 PASSED this 21st day of October, 1991.

11
12 KING COUNTY COUNCIL
13 King County, Washington

14 Lois North
Chairman

15 ATTEST:

16 Gerald A. Peterson
17 Clerk of the Council

18 APPROVED this 1 day of November, 1991.

19 Don Hill

20 King County Executive

APPENDIX A

EXECUTIVE PROPOSED

**King County
Wetlands Preservation
Program**



EXECUTIVE PROPOSED KING COUNTY WETLANDS PRESERVATION PROGRAM

16 OCTOBER 1991

INTRODUCTION

The King County Wetlands Preservation Program 1) encourages effective and expanded use of existing non-regulatory management tools to preserve wetlands; 2) provides criteria for site selection and management; and 3) designates the Environmental Division as the coordinator for program implementation.

Protection of wetlands can be provided by regulations, zoning restrictions and non-regulatory tools. The Wetlands Preservation Program focuses on the non-regulatory aspect of wetland protection. Wetlands preservation is not accomplished simply through fee-simple acquisition. The King County Program involves the use of tax incentives and other funding programs; citizen involvement and education; donations and purchases; and preservation partnerships with government and non-government groups.

These options, and others, are described in detail in the Washington Department of Ecology's 1991 publication "Wetlands Preservation For Local Governments: A Guidebook" (hereafter referred to as the Guidebook). This Guidebook, jointly prepared by King County and the Department of Ecology, also discusses the implementation of the King County Program as a model for Guidebook users.

This program is designed to guide County actions when wetland preservation is the primary objective. When wetlands are preserved as a byproduct of other County actions, such as the acquisition of parks and open space, or management of surface water, application of the policies of this program should be jointly defined between the Environmental Division and the pertinent custodial agency.

The Wetlands Preservation Program complements the protection of public health and safety furnished by the existing regulatory system through provision of additional public benefits such as public access and opportunities for education, recreation, and research. Wetland protection provided by existing regulations and this preservation program together will help King County achieve the goal of no-net-loss of wetland values and functions.

GOALS

The goals of the King County Wetlands Preservation Program are to:

- 1) Preserve wetlands of local, regional, or statewide significance for future generations;
- 2) Complement other wetland protection programs by contributing to the County's goal of no-net-loss of wetland functions and values;
- 3) Protect the critical interaction between wetlands and other parts of the larger ecosystem of the County;
- 4) Encourage wetlands preservation by County agencies and the public.
- 5) Promote public awareness and support for wetlands protection programs.

PROGRAM COMPONENTS

PROGRAM MANAGEMENT

The Environmental Division of the Parks Planning and Resources Department shall be responsible for coordinating implementation of the policies of this program, in consultation with county agencies with statutory authority or wetland preservation programs. Those agencies include, but are not limited to, the Office of Open Space, Parks Division, Real Property Division, Cooperative Extension, and Surface Water Management Division.

The Environmental Division shall assess the effectiveness of this program after the first two years and every five years thereafter.

PURPOSE

POLICY #1: The King County Wetlands Preservation Program must complement the existing wetland regulatory system and zoning restrictions. Where County acquisition of a wetland is determined to be the appropriate preservation tool, it should be done to secure public benefits such as research; public access, recreation or education; or the protection of a highly significant wetland which cannot sustain the impacts of development that would be permitted by County regulations.

To be considered for preservation under this program, a wetland should furnish public benefits not protected by regulations and zoning restrictions. Such public benefits include public access, and opportunities for education, recreation and research.

EXISTING NON-REGULATORY PROGRAMS

POLICY #2: All County agencies are encouraged to expand their application of existing non-regulatory tools to preserve wetlands.

King County has already implemented or had experience using preservation tools as part of existing non-regulatory programs in several departments. Opportunities to promote or implement wetlands preservation should be used when practicable with the assistance of the King County Environmental Division, and other agencies such as the Washington Department of Ecology, and the U.S. Environmental Protection Agency.

FUNDING

POLICY #3: All County agencies are encouraged to pursue funding opportunities for wetland preservation projects.

A continuing need in this program will be funding to implement aspects of the Wetland Preservation Program. Long-term maintenance funds, in particular, will be necessary.

There are a wide variety of funding sources and creative ways to use limited funds effectively. Volunteer projects which can be implemented with volunteer labor and minimal input of capital funds may still require staff time. The Guidebook has a list of funding sources and recommendations.

PARTNERSHIPS

POLICY #4: The County is encouraged to seek opportunities to facilitate the formation of partnerships between appropriate agencies, property owners and citizen groups in order to further the goals of this program.

Partnerships or cooperative agreements between property owners, citizen groups such as land trusts and non-profit organizations, and government agencies can maximize cooperation and coordination and minimize cost. Partnerships without direct County participation can be effective in meeting the goals of the Program. Partnerships may involve a pooling of resources for site selection, management, acquisition, or an exchange of information and expertise.

Before entering into partnerships, the County should be sure that (a) non-profit organizations meet the criteria outlined for non-profit groups in the Ecology Guidebook, and (b) partnership agreements comply with legal requirements specified by the Office of the King County Prosecuting Attorney.

ECOLOGICALLY SIGNIFICANT WETLANDS

POLICY #5: Wetlands preserved in this program should be ecologically significant as demonstrated by a Class I or II rating or by the presence of ecological values not considered by the rating process and have the capacity to sustain functional viability.

This policy focuses financial resources on ecologically significant wetlands. Wetlands should be considered ecologically significant if current site conditions would result in a rating of #1 or #2 according to the King County Sensitive Areas Ordinance or they possess ecological values not considered by the rating process. Functionally viable wetlands are those that are capable of sustaining their natural functions and values over the long-term. Site evaluation should be conducted by the Environmental Division and the custodial agency.

WETLAND BUFFER SIZE

POLICY #6: Wetlands preserved in this program should include sufficient buffers to sustain a functionally viable wetland.

Buffers are designated areas adjacent to wetlands which sustain the long-term functional viability of wetlands. For wetlands considered under this program, buffers should be determined on a functional basis and may be larger than regulatory buffers.

Adequate upland buffers should be provided to accommodate adjacent land uses, linkages with other wetlands and ecosystems, ecological sensitivity of the site, public access, and land requirements for educational, recreational, or research programs. The need to restrict intrusion in order to minimize ecological damage should be carefully assessed since buffer widths may need to be widened to accommodate public benefits such as trails.

FINANCE PLAN

POLICY #7: To facilitate proper wetland management and maintenance, wetlands preserved under this program should have a finance plan identifying a funding source or a cooperative arrangement with an agency, a land trust or other group, to provide for long-term stewardship.

Stewardship includes both management and maintenance of wetlands owned in fee-simple ownership and regular monitoring of easements and deed restrictions.

SITE SELECTION

POLICY #8: Candidate wetlands which satisfy all prerequisites of policies #1,5,6 and 7 should be evaluated for preservation based on the following criteria:

- a) **Significance of public benefits**
- b) **Linkages to other open space systems;**
- c) **Threat of development;**
- d) **Regional or community needs;**
- e) **Environmental and legal liabilities;**
- f) **Management and maintenance costs;**
- g) **Funding availability; and**
- h) **Other pertinent site-specific factors.**

These selection criteria should be evaluated jointly by the Environmental Division and the pertinent custodial agency.

SITE MANAGEMENT PLAN

POLICY #9: A site management plan should be prepared for wetlands preserved under this program.

Site management plans should include a) actions required to protect and enhance wetland functions; b) areas open to public access, and the activities and facilities allowed in those areas; c) monitoring needed to reveal any violation of deed restrictions in cases of less-than-fee ownership and to educate new landowners about those restrictions. Management plans should be evaluated periodically.

CITIZEN INVOLVEMENT

POLICY #10: The County is encouraged to support citizen involvement in wetland preservation by sharing technical expertise, continuing outreach programs, supporting volunteer projects and activities, and assisting private groups in securing state and federal funding.

Public support is crucial to the success of any comprehensive wetland preservation program. Cooperating with non-profit and community groups, aiding them in their efforts, and coordinating County wetland preservation activities with privately sponsored activities is encouraged to make private efforts a major component of wetlands preservation.

EDUCATION

POLICY #11: The County should continue to educate interested citizens in wetlands preservation.

Educational programs can result in highly trained community leaders who can initiate and lead citizen involvement projects with a minimal expenditure of public resources. Citizen groups can often achieve successful wetland protection on their own initiative if provided with adequate information. Informed citizens are also invaluable natural resource stewards who can keep the County informed about environmental problems or preservation opportunities.

INCENTIVES

POLICY #12: The County should develop and implement incentive programs to motivate wetland owners to become wetland stewards.

Incentive programs, such as density bonuses or a public benefit rating system for Current Use Taxation, are commonly used in to encourage landowners to become stewards of specific resources. The Guidebook has a listing of incentive program options.

COUNTY WETLAND STEWARDSHIP

POLICY #13: The County is encouraged to set an example of good wetland stewardship by preparing and implementing site management plans for County-owned wetlands.

The County already owns many properties that contain wetlands. Some of these wetlands are managed by plans developed under existing mandates while others have no management plans. Additional public benefits may be gained on County-owned wetlands by adopting management practices which enhance wetland values and functions.

This program encourages wetland stewardship by working with existing policies and programs of custodial agencies. Resources directed at wetlands preservation should not displace management and maintenance funds needed elsewhere. To the degree practicable the Environmental Division should work with custodial agencies to assist in current or planned efforts to inventory, rank, and develop management plans for county-owned wetlands.