

Amendments to 14.24 for Discussion re: Compliance with GMHB Decision

Markup Draft October 6, 2026

Plain text = existing code with no changes

~~Strikethrough~~ = existing code to be deleted

Underlined = new code to be added

~~Double Strikethrough~~ = existing code moved to another location

Double Underline = existing code moved from another location

Italics = Instructions for code reviser/reviewer

14.24.520 Fish and wildlife habitat conservation area site assessment requirements.

Any project within ~~200~~250 feet of a fish and wildlife habitat conservation area outside the special flood hazard area (SFHA) or within the protected review area as defined in SCC 14.34.055 requires a FWHCA site assessment. In addition to the requirements of SCC 14.24.080, the following must be included in the site assessment:

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(2) An analysis of the ~~buffer areas~~riparian management zone above the ordinary high water mark including:

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14.24.530 Fish and wildlife habitat conservation area protection standards.

(1) ***Riparian Management Zone***. Riparian management zones (RMZ) apply only to streams and rivers.

(a) ~~Intent of buffers is to act as riparian management.~~ The intent of riparian buffers is to protect basic ecological functions and values.

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(b) ~~Standard~~Baseline ***Riparian Buffers Measurement***. Riparian buffer areas are measured horizontally in a landward direction from the ordinary high water mark. Where a stream buffer is within a continuous slope of 30 percent or greater, the buffer must include such sloping areas. Where the horizontal distance of the sloping area is greater than the required standard buffer, the buffer must be extended to a point 25 feet beyond the top of the bank of the sloping area. Riparian areas do not extend beyond the toe of the slope on the landward side of existing dikes or levees within established dike districts along the Skagit and Samish Rivers.

(c) ~~Standard~~Baseline **Riparian Buffer Widths**. Riparian areas have the following ~~standard~~
~~buffer~~Baseline Buffer widths:

<i>DNR Water Type</i>	<i>Riparian Buffer</i>
S	200 feet
F	150 feet
Np	100 feet
Ns	100 feet

(i) ~~Standard riparian buffer~~Baseline Buffer widths presume the buffer is densely vegetated with a native plant community appropriate for the ecoregion, consisting of an average of 80 percent native cover comprised of trees, shrubs and groundcover plants. If the existing buffer is sparsely vegetated or vegetated with invasive species, the buffer must ~~either~~ be enhanced through an approved mitigation plan ~~or increased by 33 percent or to a 100-foot minimum, whichever is greater.~~

(ii) For purposes of this section, “densely vegetated” means vegetated with a native plant community appropriate for the ecoregion, consisting of an average of 80 percent native cover comprised of trees, shrubs and groundcover plants.

(d) **Riparian Management Zone Measurement.**

(i) The Riparian Management Zone will extend to a distance equal to the one site potential tree height, which shall be determined in accordance with most current version of, or successor to, the 2025 Riparian Management Zones Map: A User Guide for Local Governments published by the Washington Department of Fish and Wildlife’s Priority Habitats and Species Program, or as otherwise provided in this Chapter.

(A) Site potential tree height or SPTH₂₀₀ is the average maximum height the tallest dominant trees could grow in 200 years at a given site.

(B) For uses and structures not requiring a permit, if the SPTH₂₀₀ has not previously been mapped, then SPTH₂₀₀ may be determined using the online mapping tool provided by the Washington Department of Fish and Wildlife. Uses and structures not requiring a permit are subject to the requirements of SCC 14.24.060(3)(b) and SCC 14.24.070(1).

(ii) If SPTH₂₀₀ is less than the baseline buffer width, then the baseline buffer width controls and constitutes the regulated RMZ.

(e) Riparian Management Zone Protection Standard.

(i) If the entire RMZ is densely vegetated, then the full RMZ becomes the regulated buffer.

(ii) If only a portion of the RMZ is densely vegetated, then the regulated buffer extends to the area, contiguous with the Baseline Buffer, that is densely vegetated.

(iii) If a portion of the RMZ is not densely vegetated but provides riparian ecological functions and values, then development may be permitted if there is no net loss of ecological functions and values.

(iv) If the RMZ does not provide riparian ecological functions and values or has been converted to a non-riparian use, and the degradation or conversion was lawful, the Baseline Buffers constitutes the regulated buffer.

(v) The regulated buffer established in subsections (1)(e)(i)–(iii) does not include any areas that do not provide riparian ecological functions and values or has been converted to a non-riparian use, provided the degradation or conversion was lawful.

(v) If reasonable use of the property cannot be achieved without impacting a functioning RMZ, then the impacting use of the property is only allowed if a reasonable use exception or a variance is obtained.

(f) Setbacks. A 15-foot-wide structure setback is required from the upland edge of the entire riparian management zone to provide an area for construction and maintenance of buildings and other structures. This distance may be modified with approval of the Director. The following may be allowed within the structure setback:

SCC 14.24.140 Reasonable use exception.

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(5) Allowed Use and Maximum Disturbance Limits. The amount of area that will be disturbed by structure placement and all land alteration associated with single family residential development, including but not limited to clearing and grading, utility installation, decks, driveways, paved areas, and landscaping, must not exceed the following limits:

(a) The maximum disturbance limit is:

(i) 4, 000 square feet if the lot is smaller than one acre;

(ii) 10 percent of the lot size, if the lot is between one acre and five acres; and

(iii) 22,000 square feet, if the lot is larger than five acres.

(b) RUE will only be applicable to sites that do not have an area ~~of 4,000 square feet~~ specified in SCC 14.24.140(5)(a) or more available for development outside the standard buffer.

(~~b~~c) When buffer impacts are allowed through RUE the maximum total combined development area outside the buffer and within the critical area or critical area buffer will be ~~4,000 square feet.~~ the area specified in SCC 14.24.140(5)(a). All areas available for development outside the standard buffer must be utilized before any buffer impacts can be approved.

(~~e~~d) The amount of allowable disturbance will be that which will have the least impact on the critical area and the critical area buffer given the characteristics and context of the subject property, critical area, and buffer.

(~~d~~e) To the maximum extent feasible, the disturbance area must be located away from the critical area and critical buffer and to avoid the removal of existing native vegetation with emphasis on preservation of conifers greater than or equal to 24 inches dbh, deciduous trees greater than or equal to 20 inches dbh, and forested areas with an established duff layer.

(~~e~~f) On sites where the approved ~~4,000 square feet of developable~~ the area specified in SCC 14.24.140(5)(a) is not immediately adjacent to a public or private road and an extended driveway is required, the driveway area necessary to connect the developable area to the access point may be excluded from the ~~4,000 square feet~~ maximum disturbance limit. Extended driveways that result in critical area and/or buffer impacts are subject to mitigation sequencing.

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