

**Appendices to the
Unified Development Code (UDC)
for San Juan County**

Appendix

- A** San Juan County Wetlands Rating System
Wetlands Rating Office Data Form
Wetlands Rating Field Data Form
- B** Mitigation/Enhancement Plan Contents
- C** Bonding

Note: These appendices were originally adopted with the
Environmentally Sensitive Areas Overlay District Ordinance
(Interim Critical Areas Ordinance) by Ordinance 221-1992

APPENDIX A
SAN JUAN COUNTY
WETLANDS RATING SYSTEM

INTRODUCTION

This document is a revised version of the *Washington State Wetlands Rating System*, developed by the Washington Department of Ecology for use by local governments in developing and implementing their wetland regulations.

This rating system was designed to differentiate between wetlands based on their sensitivity to disturbance, rarity, irreplaceability and functions and values they provide. The emphasis is on rating highly those wetlands where our confidence in replacing them is low or their sensitivity to disturbance is high.

OVERVIEW FOR USERS

1. When to use the Wetlands Rating System

The system is designed to be used with the San Juan County Unified Development Code and Environmentally Sensitive Areas (ESA) Ordinance to determine the category of wetlands in the County.

2. How the Wetlands Rating System Works

The system uses both a “Wetlands Rating Office Data Form” and a “Wetlands Rating Field Data Form.” The Wetlands Rating Office Data Form is a step-by-step method for determining the category of wetland using specific criteria based on information from agency sources. The Wetlands Rating Office Data Form should be used before completing the Wetlands Rating Field Data Form. However, in most cases, because of incomplete data the Office Data Form alone will not provide a rating and a Wetlands Rating Field Data Form will be required.

WETLANDS RATING OFFICE DATA FORM

BACKGROUND INFORMATION:

Name of Rater: _____

Affiliation: _____ Date: _____

Name of wetland (if known): _____

Government jurisdiction of wetland: _____

Location: ¼ S: of ¼ S: Section: Twshp: Range:

SOURCES OF INFORMATION (check all that apply):

Site visit USGS topo map NWI map Aerial photo Soils survey

Other: Describe:

When office and/or field data forms are completed **ENTER CATEGORY HERE:** _____

ANSWER ALL QUESTIONS BELOW. If the source agency identifies the wetland as satisfying any of the questions below, circle the category in the "CATEGORY" column.	Data Source	Category (the highest that qualifies)
Does the wetland contain individuals of Federal or State-listed Threatened or Endangered plant species; or is the wetland an historic location of a plant species thought to be possibly extinct or extirpated from Washington?	WDNR (Natural Heritage Program)	Yes: Category I No: go to next question
Does the wetland contain documented habitats for State-listed or candidate Threatened or Endangered wildlife species managed by the Washington Department of Fish and Wildlife?	WDFW	Yes: Category I No: go to next question
Does the wetland contain documented habitats of State or Federally listed or State or Federal candidate Threatened or Endangered fish species, or races of fish, managed by the Washington Department of Fish and Wildlife?	WDFW	Yes: Category I No: go to next question
Is the wetland already on record with the Washington Natural Heritage Program as a high quality native wetland?	WDNR (Natural Heritage Program)	Yes: Category I No: go to next question
Is the wetland documented habitat of regional (Pacific Coast) or national significance for migratory birds?	WDFW	Yes: Category I No: go to next question

WETLANDS OFFICE RATING FORM (cont.)

Is the wetland documented as Category I Wetland of Local Significance?	Local Govt.	Yes: Category I No: go to next question
Does the wetland contain individuals of State-listed Sensitive plant species?	WDNR (Natural Heritage Program)	Yes: Category I No: go to next question
Does the wetland contain documented habitat for State-listed or candidate sensitive wildlife species managed by the WA Department of Fish and Wildlife?	WDFW	Yes: Category II No: go to next question
Does the wetland contain priority species or habitats documented by the WDFW Priority Habitats and Species Program?	WDFW	Yes: Category II No: go to next question
Is the wetland documented as a Category II Wetland of Local Significance?	Local Govt.	Yes: Category II No: go to next question
Is the wetland documented as a Category III Wetland of Local Significance?	Local Govt.	Yes: Category III No: go to Wetlands Rating Field Form

WETLANDS RATING FIELD DATA FORM

BACKGROUND INFORMATION:

Name of Rater: _____

Affiliation: _____ Date: _____

Name of wetland (if known): _____

Government jurisdiction of wetland: _____

Location: ¼ S: of ¼ S: Section: Twshp: Range:

SOURCES OF INFORMATION (check all that apply):

Site visit USGS topo map NWI map Aerial photo Soils survey

Other: Describe:

When the Office and/or Field Data Forms are completed **ENTER CATEGORY HERE:** _____

Q.1. High Quality Natural Heritage Wetland

[Circle answers]

Answer this question if you have adequate information or experience to do so. If not, find someone with the expertise to answer. Then, if the answer to questions 1.a, 1.b, and 1.c are all NO, contact the Natural Heritage Program of WDNR.

1.a. Is there significant evidence of human-caused changes to topography or hydrology of the wetland? Significant changes *could* include clearing, grading, filling, logging of the wetland or its immediate buffer, or culverts, ditches, dredging, diking, or drainage of the wetland. Briefly describe the changes and your information source(s): _____

Yes: go to Q.3
 No: go to 1.b.

1.b. Are there populations of non-native plants which are currently present and appear to be invading native populations? Briefly describe any non-native populations and information source(s): _____

Yes: go to Q.3
 No: go to 1.c.

1.c. Is there significant evidence of human-caused disturbance of the water quality of the system? Degradation of water quality could be evidenced by culverts entering the system, direct road/parking lot runoff, evidence of historic dumping of wastes, oily sheens, extreme eutrophic conditions, livestock use, dead fish, *etc.* Briefly describe: _____

Yes: go to Q.3
 No: Possible
 Category I
 wetland

<p>Q.2. Regionally Rare Native Wetland Communities</p> <p>[The Department of Ecology is developing a methodology for regionally rare native wetland communities. It is not yet available for use.]</p>	
<p>Q.3. Irreplaceable Ecological Functions</p> <p>Does the wetland:</p> <ul style="list-style-type: none"> - have at least 0.5 acre of contiguous peat wetland? or, - have a forested class larger than one acre? or, - have characteristics of an estuarine system? 	<p>No to <u>all</u>: go to Q4</p> <p>Yes: go to 3.a</p> <p>Yes: go to 3.b</p> <p>Yes: go to 3.c</p>
<p>Q.3.a. Peat Wetlands.</p> <p>3.a.1. Does at least 0.5 acre of the contiguous peat wetland have <25 percent areal cover of any combination of species from the list of invasive/exotic species on page 19, <i>and</i> have <80 percent areal cover of <i>Spirea douglasii</i>? (ref. <i>Washington State Wetlands Rating System for Western Washington</i>, WDOE Publication #91–57)</p>	<p>Yes: Category I</p> <p>No: go to Q.4</p>
<p>Q.3.b. Mature Forested Wetlands</p> <p>3.b.1. Is the average age of dominant trees in the forested wetland >80 years?</p> <p>3.b.2. Is the average age of dominant trees in the forested wetland 50–80 years, <i>and</i> is the structural diversity high as characterized by a multi-layer community of trees >50 feet tall <i>and</i> trees 20–49 feet tall <i>and</i> shrubs <i>and</i> herbaceous groundcover?</p> <p>3.b.3. Is <50 percent (areal cover) of the dominant plants in one or more layers (canopy, young trees, shrubs, herbs, invasive/exotic plant species from the p. 19 list (ref. <i>Washington State Wetlands Rating System for Western Washington</i>, WDOE Publication #91–57)?</p>	<p>Yes: Category I</p> <p>No: go to 3.b.2</p> <p>Yes: go to 3.b.3</p> <p>No: go to Q.5</p> <p>Yes: go to Q.5</p> <p>No: Category I</p>
<p>Q.3c. Estuarine Wetlands.</p> <p>3c.1. Is the wetland listed as National Wildlife Refuge, National Park, National Estuary Reserve, Natural Area Preserve, State Park, or Educational, Environmental, or Scientific Reserves designated under WAC 332–30–151?</p>	<p>Yes: Category I</p> <p>No: go to 3.c.2</p>

<p>3.c.2. Is the wetland >5 acres? or is the wetland 1–5 acres? or is the wetland <1 acre?</p> <p>3.c.3. Wetlands of 1–5 acres: Does the wetland meet at least three of the following four criteria?</p> <ul style="list-style-type: none"> - minimum existing evidence of human-related disturbance such as diking, ditching, filling, cultivation, grazing, or the presence of non-native plant species (<i>see</i> guidebook for definition) - surface water connection with tidal saltwater or tidal freshwater - at least 75 percent of the wetland has a 100-foot buffer of ungrazed pasture, open water, shrub or forest - has at least three of the following features: low marsh, high marsh, tidal channels, lagoon(s), woody debris, or contiguous freshwater wetland <p>3.c.4. Wetlands <1 acre: Does the wetland meet <u>all</u> of the four criteria under 3.c.3 (<i>above</i>)?</p>	<p>Yes: Category I Yes: go to 3.c.3 Yes: go to 3.c.4</p> <p>Yes: Category I No: Category II</p> <p>Yes: Category II No: Category III</p>	
<p>Q.4. Category IV wetlands.</p> <p>4.1. Is the wetland: less than 0.5 acre <u>and</u> hydrologically isolated <u>and</u> comprised of <u>one</u> vegetated class that is dominated (>80 percent areal cover) by <u>one</u> species from the list in guidance p. 18? (<i>ref. Washington State Wetlands Rating System for Western Washington, WDOE Publication #91–57</i>)</p>		<p>Yes: Category IV No: go to Q.5.</p>
<p>Q.5. Significant Habitat Value. Answer all questions and enter the data requested.</p> <p>5.a. Total Wetland Area.</p> <p>Estimate area, select from the choices to the right, and circle the scores that qualify:</p> <p>Enter acreage of wetland: _____, and source: _____</p>	<p>>20.00 acres 10–19.99 acres 5–9.99 acres 1–4.99 acres 0.1–0.99 acres <0.1 acres</p>	<p>[Circle scores]</p> <p>Score 6 5 4 3 2 1</p>

5.b. **Wetland Classes.** Circle the wetland classes below that qualify:

- Open water: if the area of open water is >0.5 acre or >10 percent of the total wetland area.
Source: _____
- Aquatic beds: if the area of aquatic beds is >10 percent of the open water area or <0.5 acre.
- Emergent: if the area of emergent class is >0.5 acre or 10 percent of the total wetland area.
- Scrub-Shrub: if the area of scrub-shrub is >0.5 acre or 10 percent of the total wetland area.
- Forested: if the area of forested class is >0.5 acre or 10 percent of the total wetland area.

Add the number of wetland classes, *above*, that qualify and then score them at the right. *E.g.*, if there are four classes you would circle 7 points.

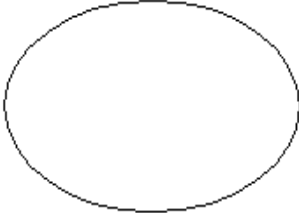
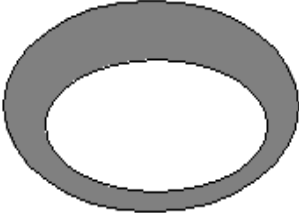
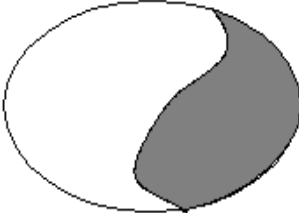
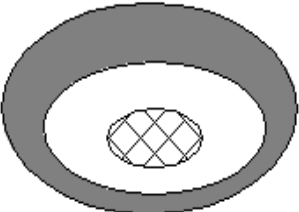
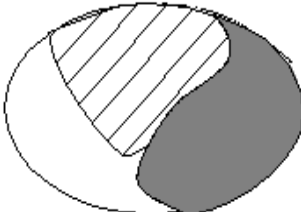

Number of Classes	Score
1	1
2	3
3	5
4	7
5	10

5.c. **Plant Species Diversity.**

For all wetland classes (at right) that qualify in 5.b., *above*, count the number of different plant species you can find. You do not have to name them.

Score these classes at the right. *E.g.*, if a wetland has an aquatic bed class with three species, an emergent class with four species, and a scrub-shrub class with two species, you would first circle 2, then 2, and then 1 for scores.

Class	No. of Species	Scores
Aquatic Bed	1-2	1
	3	2
	>3	3
Emergent	1-2	1
	3-4	2
	>4	3
Scrub-Shrub	1-2	1
	3-4	2
	>4	3
Forested	1-2	1
	3-4	2
	>4	3

<p>5.d. Structural Diversity. If the wetland has a forested class, add one point for each of the following:</p> <ul style="list-style-type: none"> - trees > 50 feet tall - trees 20–49 feet tall - shrubs - herbaceous ground cover 	<p>Score</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>
<p>5.e. Interspersion between Wetland Classes. Decide from the diagrams below whether the interspersion is high, moderate, low or none:</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">  <p>None</p> </div> <div style="text-align: center;">  <p>Low</p> </div> <div style="text-align: center;">  <p>Low</p> </div> </div> <div style="display: flex; justify-content: space-around; align-items: flex-start; margin-top: 20px;"> <div style="text-align: center;">  <p>Moderate</p> </div> <div style="text-align: center;">  <p>Moderate</p> </div> <div style="text-align: center;">  <p>High</p> </div> </div> <div style="text-align: right; margin-top: 20px;"> <p>High = 3</p> <p>Moderate = 2</p> <p>Low = 1</p> <p>None = 0</p> </div>	<p>Score</p>
<p>5.f. Habitat Features. Answer the questions below, circle features that apply, and score.</p> <ul style="list-style-type: none"> - Is there evidence of current use by beavers? - Is a heron rookery located within 300 feet? - Are raptor nests located within 300 feet? - Are there at least three standing dead trees (snags) per acre? - Are any of these standing dead trees >10 inches in diameter? - Are there any other perches (wires, poles or posts)? - Are there at least three downed logs per acre? 	<p>Score</p> <p>3</p> <p>2</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>

<p>5.g. Connection to Streams. (Score one answer only.)</p> <p>Is the wetland connected at any time of the year <i>via</i> surface water:</p> <ul style="list-style-type: none"> - to a perennial stream or a seasonal stream with fish? - or to a seasonal stream <u>without</u> fish? - or is not connected to any stream? 	<p style="text-align: center;">Score</p> <p style="text-align: center;">5</p> <p style="text-align: center;">3</p> <p style="text-align: center;">0</p>										
<p>5.h. Buffers.</p> <p>STEP 1</p> <p>Estimate (to the nearest five percent) the percentage of each buffer or land-use type (<i>below</i>) that adjoins the wetland boundary. Then multiply the percentages by the factor(s) below and enter the result in Step 3.</p> <p>Roads, buildings or parking lots: % _____ x 0 =</p> <p>Lawn, grazed pasture, vineyards or annual crops: % _____ x 1 =</p> <p>Ungrazed grassland or orchards: % _____ x 2 =</p> <p>Open water or native grasslands: % _____ x 3 =</p> <p>Forest or shrub: % _____ x 4 =</p>	<p>STEP 2</p> <p>Multiply result(s) of Step 1:</p> <p style="padding-left: 40px;">by 1 if buffer width is 25–50 feet</p> <p style="padding-left: 40px;">by 2 if buffer width is 50–100 feet</p> <p style="padding-left: 40px;">by 3 if buffer width is >100 feet</p> <p>Enter the results below and add to obtain the Buffer Total.</p> <p>_____ x 0 = 0</p> <p>_____ x _____ = _____</p> <p>_____ x _____ = _____</p> <p>_____ x _____ = _____</p> <p>_____ x _____ = _____</p> <p>=====</p> <p>Add Buffer Total = _____</p>										
<p>STEP 3. Score Points from Step 2 at the right as follows:</p>	<p style="text-align: center;">Score</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Buffer Total</u></td> <td></td> </tr> <tr> <td style="text-align: center;">900–1,200</td> <td style="text-align: center;">4</td> </tr> <tr> <td style="text-align: center;">600–899</td> <td style="text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">300–599</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">100–299</td> <td style="text-align: center;">1</td> </tr> </table>	<u>Buffer Total</u>		900–1,200	4	600–899	3	300–599	2	100–299	1
<u>Buffer Total</u>											
900–1,200	4										
600–899	3										
300–599	2										
100–299	1										

<p>5.i. Connection to Other Habitat Areas.</p> <ul style="list-style-type: none"> - Is there a riparian corridor to other wetlands within 0.25 mile or a corridor >100-feet wide with good forest or shrub cover to any other habitat area? - Is there a narrow corridor <100-feet wide with good cover or a wide corridor > 100' wide with low cover to any other habitat area? - Is there a narrow corridor <100-feet wide with low cover or a significant habitat area within 0.25 mile but no corridor? - Is the wetland and buffer completely isolated by development and/or cultivated agricultural land? 	<p>Score</p> <p>5</p> <p>3</p> <p>1</p> <p>0</p>
<p>NOW: Add the scores circled for Questions 5.a through 5.i, <i>above</i>, to get a total.</p> <p>Is the Total greater than or equal to 22 points?</p>	<p>Total = _____</p> <p>Yes = Category II</p> <p>No = Category III</p>

APPENDIX B

MITIGATION/ENHANCEMENT PLAN CONTENTS

The wetland mitigation plan shall contain at least components 1 - 9, *below*. Plans for Non-Compensatory Wetland Enhancement performed in accordance with UDC Section (SJCC 18.xx) shall at a minimum contain the components 1, 3, 4 and 5, *below*.

- 1. Existing Conditions: Wetland.** A written assessment and accompanying maps of the regulated wetland area proposed to be eliminated or which has been eliminated by an unauthorized activity. This assessment shall include:
 - (a) A regulated wetland delineation conducted in accordance with this Ordinance;
 - (b) A professional survey of the regulated wetland edge;
 - (c) An assessment of existing vegetation community composition and structure for each wetland community present within the regulated wetland, including a sample plot large enough to provide for a representative sampling. Sample plots shall be at least one square meter in size. Within each plot the following data shall be collected:
 - i. vegetation: species present in each plant community (groundcover, emergent, shrub, sub-canopy, canopy; sapling, mature, dead, dormant) and their percentages of the community where they occur. All species present within the plot or within the greater wetland should be noted, not just species of at least 20 percent presence;
 - ii. relative spacing of species from one another within the plot; *e.g.*, red osier shrubs present at approximately two feet on center; and
 - iii. relative heights of the vegetation; and community complexity and vegetative edge complexity. Relationships of the various vegetation canopy and community compositions shall be described.
 - (d) An assessment of the hydrology of the system. The hydrology of the wetland must be determined on a seasonal basis in order to determine what water fluctuations the species present are adapted to. A thorough hydrological analysis shall include the following data:
 - i. the source of the water within the system;
 - ii. how water enters the wetland (surface sheet flow, pipe, stream, subsurface, *etc.*), or whether the wetland is a closed depression; and
 - iii. water quality conditions based on tied observation of sources, sediment input, existing or documented conditions.
 - (e) An assessment of the wetland soils to determine the following data about soil conditions:
 - i. whether the system contains parent material or fill;
 - ii. whether it is primarily mineral or organic in origin;
 - iii. the relative depths of organic deposits; and
 - iv. the presence or absence of an impervious layer which may be allowing surface water to be perched and exposed.
 - (f) An assessment of functional value of the existing wetland. The functional value of the wetland proposed to be eliminated and within the proposed compensation site (if present) must be provided. At a minimum, the following five functions shall be assessed:

- i. surface water or flood storage;
 - ii. water quality;
 - iii. wildlife habitat;
 - iv. groundwater impacts; and
 - v. biofiltration.
- (g) A detailed quantified analysis of the square footage proposed to be eliminated, by wetland community type, must be provided.

2. Existing Conditions: Compensation site. If different from the affected wetland site, of the compensation site shall include:

- (a) vegetative, fauna and hydrologic conditions;
- (b) relationship within the watershed and to existing water bodies;
- (c) soil and substrate conditions and topographic elevations; and
- (d) existing and proposed adjacent site conditions, buffers and ownership.

3. Quantifiable Environmental Goals and Objectives.

- (a) Based on the detailed assessment of the existing wetland, the compensatory mitigation plan shall, in quantifiable terms:
 - i. define the goals and objectives of the mitigation; and
 - ii. identify target wetland communities based on either the communities present on-site which are proposed to be eliminated; or, if on-site communities *are* degraded, then target communities shall be modeled on typical representative communities present within the project area.
- (b) Goals and objectives must address:
 - i. wetland community type by square footage;
 - ii. plant community species composition by percentage; and
 - iii. relative density by stem spacing or amount of coverage of the target communities.

4. Compensation Plan Design. Based on the assessment of the target wetland community, the compensation plan design shall provide for replication of that target wetland community to every extent possible and shall include the following:

- (a) The design must incorporate detailed written specifications and descriptions of substrate composition, grading excavation details, construction sequence, erosion and sedimentation control, and elevations; hydroperiod, source of hydrology, potential water quality impacts and sediment sources; and vegetation community composition.
- (b) Designs must include detailed grading plans) hydrologic analysis, and landscaping plans including planting specifications, sources of plant material, and guarantee of plant material availability for large projects.
- (c) Priority shall be given to using plant material established from on-island species in order to eliminate the introduction of species not native to the island ecosystem.
- (d) Measures to protect plants from predation; specification of substrate stockpiling techniques and planting instructions; descriptions of water control structures and water-level

maintenance practices needed to achieve the necessary hydroperiod characteristics shall also be specified.

- (e) These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
- (f) The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data, where applicable.

5. Performance Standards. Specific quantified criteria shall be provided for evaluating whether or not the goals and objectives of the project have been met, to trigger remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

6. Monitoring Program. A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided.

- (a) Monitoring may include, but is not limited to:
 - i. Establishing vegetation plots to track changes in plant species composition and density over time;
 - ii. Using photo stations to evaluate vegetation community response;
 - iii. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);
 - iv. Measuring base flow rates and storm water runoff to model and evaluate water quality predictions. if appropriate;
 - v. Measuring sedimentation rates, if applicable; and
 - vi. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity.
- (b) A protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the compensation project.
- (c) A monitoring report shall be submitted at least annually, documenting milestones, successes, problems, and contingency actions of the compensation project
- (d) The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period of less than five years.

7. Contingency Plan. Potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met, shall be identified.

8. Permit Conditions. Any compensation project prepared pursuant to this section and approved by the County shall become part of the conditions for the permit.

9. Performance Bonds.

- (a) A demonstration of financial resources, administrative, supervisory, and technical

competence and scientific expertise of sufficient standing to successfully execute the compensation project shall be provided.

- (b) A compensation project manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects.
- (c) A bond or other form of security acceptable to the county ensuring fulfillment of the compensation project, monitoring program, and any contingency measure shall be posted pursuant to Section 1a.6d.2e0 in the amount of one hundred thirty (130) percent of the expected cost of compensation.

Technical Assistance. The Administrator may consult with and solicit the comments of any federal, state, regional, or local agency, or tribes, having any special expertise with respect to any environmental impact prior to approving a mitigation proposal which includes wetlands compensation. The compensation project proponents shall provide sufficient information on plan design and implementation in order for such agencies to comment on the overall adequacy of the mitigation proposal.

APPENDIX C

BONDING

1. **Performance Bonds.** Performance bonds are intended to ensure that a mitigation project (*e.g.*, wetland creation) is completed as agreed upon. It allows an applicant to move forward with a development project without having completed all mitigation in advance. If an applicant is unable to or falls to complete the mitigation project, the bond covers the costs to the County to complete the mitigation.

A cash performance bond (or other security acceptable to the county) may be required of an applicant as a condition of any development permit or land division approval for land use or development activity which includes an on-site or off-site mitigation plan for the restoration, enhancement or replacement of an ESA pursuant to UDC Sections (SJCC Sections 18.xx and 18.xx), as amended. Any bond required shall be in an amount and with surety and conditions sufficient to fulfill the applicable requirements of this Ordinance and to secure compliance with any conditions or limitations set forth in the project approval. The amount and the conditions of the bond shall be consistent with the purposes of this Ordinance. The Administrator shall authorize release of the bond:

- a. upon determining that all development activities, including any required compensatory mitigation, have been completed in compliance with the terms and conditions of the project approval and the requirements of this Ordinance; and
 - b. upon the posting of a maintenance bond by the applicant if required. Until the bond is released the principal or surety will not be terminated or canceled.
2. **Maintenance Bonds.** Maintenance bonds are intended to ensure that on-going maintenance is conducted in the manner agreed upon. A maintenance bond may be required of an applicant as a condition of any development permit or land division approval for any land use or development activity which includes an on-site or off-site mitigation plan for the restoration, enhancement or replacement of an ESA pursuant to UDC Sections (SJCC Sections 18.xx and 18.xx), as amended. Any such bond shall be posted by the applicant in an amount and with surety and conditions sufficient to guarantee that structures and/or improvements are made and that mitigation required by the project approval or this Ordinance are accomplished in accordance with performance standards specified in the maintenance bond.

For compensatory mitigation required for projects involving wetlands or fish or wildlife habitat areas regulated by this Ordinance, any maintenance bond required shall be sufficient to guarantee that the performance standards contained in an approved mitigation plan have been met satisfactorily for the required period of time. A maintenance bond will not be released until the Administrator determines that the specified performance standards are met.

