

**SR 167 CORRIDOR WORKING GROUP
STORM WATER FACILITIES EFFECTS ON ADJACENT PROPERTY OWNERS**

DOES WSDOT COMPENSATE ADJACENT PROPERTY OWNERS FOR PROPERTY ENCUMBRANCES WHEN WSDOT CREATES A *WETLAND MITIGATION SITE*?

No. When WSDOT creates a wetland mitigation site, the permitting agencies require that the wetland mitigation site include the needed buffers. Buffers will not encroach on neighboring properties, so WSDOT does not encumber the neighboring property.

DOES WSDOT COMPENSATE ADJACENT PROPERTY OWNERS FOR PROPERTY ENCUMBRANCES WHEN WSDOT CREATES A *STORM WATER TREATMENT SITE*?

No. Storm water facilities, even constructed wetlands for storm water treatment, are not required to have buffers.

WHAT IF WSDOT BUILDS A COMBINED STORMWATER FACILITY AND WETLAND?

If WSDOT constructs a storm water treatment facility that is also used as a wetland mitigation site, a buffer would be required. WSDOT would be required to place the buffer on WSDOT's property.

COULD A STORMWATER TREATMENT SITE BE CONSIDERED A WETLAND AT A LATER DATE? IF THIS HAPPENED, WOULD A BUFFER BE REQUIRED ON THE ADJACENT LAND?

Storm water treatment sites may develop wetland characteristics over time, but they are not regulated wetlands. The current law allows WSDOT to designate these areas as storm water management facilities. As such, they do not require buffers.

COULD THE LAW CHANGE?

These laws, like all laws, are subject to change. At this time, there isn't any discussion on changing the definition of storm water management facilities, requiring buffers for storm water management facilities, or requiring storm water management facilities to become regulated wetlands if they develop wetland characteristics.