

18.32.500 Wetlands – Purpose and Intent

In order to protect the natural function of wetlands for floodwater storage, floodwater conveyance, sediment control, pollution control, surface water supply, aquifer recharge, wildlife habitat, and recreation, those lands with wetlands or which lie within three hundred (300) feet of wetlands shall be subject to the standards in OMC 18.32.100(A) and OMC 18.32.505 through OMC 18.32.595. (Note: Further information regarding development within associated wetlands along marine shorelines, lakes over 20 (twenty) acres in size, and streams can be found in Chapter 18.20 OMC, Shoreline Master Program.)

(Ord. 7090 §9, 2017; Ord. 7030 §1 (Exh. A), 2016; Ord. 6886 §26, 2013; Ord. 6426 §24, 2006; Ord. 6356 §5, 2005).

18.32.505 Wetlands – Definition

"Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §25, 2006; Ord. 6356 §5, 2005).

18.32.510 Wetlands – Rating System

A. The Washington State Wetland Rating System for Western Washington (2014 update) as amended or revised, shall be used to determine if the wetland is a Category I, II, III or IV wetland. These documents contain the criteria, definitions and methods for determining if the criteria below are met.

1. Category I wetlands are (1) relatively undisturbed estuarine wetlands larger than 1 acre; (2) wetlands with high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR; (3) bogs; (4) mature and old-growth forested wetlands larger than 1 acre; (5) wetlands in coastal lagoons; (6) interdunal wetlands that score 8 or 9 habitat points and are larger than 1 acre; and (7) wetlands that perform many functions well (scoring 23 points or more). These wetlands: (1) represent unique or rare wetland types; (2) are more sensitive to disturbance than most wetlands; (3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or (4) provide a high level of functions.
2. Category II wetlands are (1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; (2) interdunal wetlands larger than 1 acre or those found in a mosaic of wetlands; or (3) wetlands with a moderately high level of functions (scoring ~~between 20~~ to and 22 points).
3. Category III wetlands are: (1) wetlands with a moderate level of functions (scoring between 16 and 19 points); (2) can often be adequately replaced with a well-planned mitigation project; and (3) interdunal wetlands between 0.1 and 1 acre. Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
4. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

B. Wetland rating categories shall be applied as the wetland exists on the date of application. However, wetland ratings shall not recognize alterations resulting from illegal activities.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §26, 2006; Ord. 6356 §5, 2005).

18.32.515 Wetlands – Small Wetlands

A. Wetlands less than one thousand (1,000) square feet shall be exempt from the requirements of OMC 18.32.135.A; wetland buffers in OMC 18.32.535, compensation projects in OMC 18.32.545 and replacement ratios in OMC 18.32.550 provided that the wetland or pond:

1. Is an isolated Category III or IV wetland;
2. Is not associated with a riparian corridor;
3. Is not part of a wetland mosaic; and
4. Does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife; and
5. No part of the wetland is within shorelines of the State of Washington, except as authorized by OMC 18.20.420.C.3.

B. Wetlands between one thousand (1,000) and four thousand (4,000) square feet shall be exempt from the requirements of OMC 18.32.135.A, provided that the wetland:

1. Is rated as a Category III or IV wetland;
2. Is not associated with a riparian corridor;
3. Is not part of a wetland mosaic;
4. Does not score 5 points or greater for habitat in the Washington State Wetland Rating System for Western Washington (2014);
5. Does not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife;
6. A wetland mitigation report is provided as required by OMC 18.32.590;
7. No part of the wetland is within shorelines of the State of Washington.

(Ord. 7090 §10, 2017; Ord. 7030 §1 (Exh. A), 2016; Ord. 7028 §5, 2016; Ord. 6426 §27, 2006; Ord. 6356 §5, 2005).

18.32.520 Wetlands – Exempt Uses and Activities

In addition to the exemptions in OMC 18.32.111, the following activities shall be exempt from the review requirements of this Chapter:

- A. Activities within an improved right-of-way, except those activities that alter a stream or wetland, such as a bridge or culvert, or result in the transport of sediment or increased stormwater.
- B. Forest Practices Class I, II, and III, as defined in and conducted pursuant to the provisions of RCW 76.09.050, as amended.
- C. Construction and/or maintenance of a trail in the wetland buffer, four (4) feet or less in width, not paved, and involving less than fifty (50) cubic yards of cut or fill.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §30, 2006; Ord. 6356 §5, 2005).

18.32.525 Wetlands – Administratively Authorized Uses and Activities

The following uses and activities may be authorized within a wetland or its buffer after an evaluation by the Department following the provisions in OMC 18.32.115 and OMC 18.32.125.

- A. Beach or shoreline access.

- B. Dock/float in Category III and IV wetlands only.
- C. Compensation mitigation site in Category III and IV Wetlands only, and the buffer only of Category II wetlands.
- D. If fencing is necessary to protect the functions and values and/or to prevent future impacts of the critical area, the Department shall condition any permit or authorization issued pursuant to this Chapter to require the applicant to install a permanent fence, as described in OMC 18.32.145, at the edge of the critical area or buffer.
- The applicant shall be required to install a permanent fence around the critical area or buffer when domestic grazing animals are present or may be introduced on site.
- Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.
- E. Forest practices may be allowed pursuant to the provisions of OMC 16.60 and RCW 76.09.050, as amended, in Category III and IV wetlands.
- F. Minor enhancement may be allowed of wetlands or wetland buffers not associated with any other development proposal in order to enhance wetland functions, as determined by the Department and any state agency or tribal entity with jurisdiction. Such enhancement shall be performed under a plan for the design, implementation, maintenance and monitoring of the project prepared by a qualified professional, as defined in OMC 18.02.180.
- G. Minor restoration may be allowed but shall be limited to Category II, III and IV wetlands and the buffer of Category I wetlands.
- H. Road/street-expansion of existing corridor and new facilities in Category III and IV wetlands only as follows:
1. Crossings of wetlands or other critical areas shall be avoided to the extent possible
 2. Crossing of wetlands shall follow all applicable local, state and federal laws and the following criteria to ensure the least impact to wetlands:
 - a. Bridge-type structures are required for new crossings of wetlands;
 - b. Crossings using culverts shall use super span or oversize culverts.
 - c. Crossings shall be constructed and installed during periods of time when there will be the least impact on the adjacent fish and wildlife habitat;
 - d. Crossings shall not diminish flood carrying capacity;
 - e. Crossings shall provide for maintenance of culverts, bridges and utilities; and
 - f. Crossings shall serve multiple properties whenever possible.
- I. Stormwater Facilities may be allowed in Category III and IV wetland buffers only when:
1. The facility is located in the outer twenty-five (25) percent of the buffer on site; and
 2. The location of such facilities will not degrade or have a significant, adverse impact on the functions or values of the wetland or buffer.
- J. Stormwater retrofit facilities may be allowed in Category I, II, III and IV wetland buffers provided the facility does not negatively impact the wetland's functions or values.

K. Trail construction or maintenance of a trail greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill located in a Category II, III or IV wetland, but only when the department has determined that there are no practicable or reasonable alternatives:

1. Public and private trails and trail-related facilities, (such as picnic tables, benches, interpretive centers and signs and, viewing platforms and campsites) shall be allowed, but use of impervious surfaces shall be minimized.
2. Trail planning, construction and maintenance shall adhere to the following additional criteria:
 - a. Trails and related facilities shall, to the extent feasible, be placed on previously disturbed areas such as: existing or abandoned levees, or road, railroad, or utility corridors; and
 - b. Trails and trail related facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat.

L. Utility lines may be allowed within Category II, III and IV wetlands and their buffers when it is demonstrated that:

1. There are no practicable upland alternatives for the utility corridor;
2. The corridor alignment follows a path of least impact to the functions of the stream and buffer critical areas including maintaining and protecting the hydrologic and hydraulic functions of wetlands and streams;
3. The utility provider avoids cutting trees in the corridor greater than six (6) inches in diameter at breast height when possible; and
4. Any access to the corridor for maintenance is provided as much as possible at specific points rather than by parallel roads.

M. Wildlife Blind.

N. Emergency actions as provided in OMC 18.32.165.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §31, 2006; Ord. 6356 §5, 2005).

18.32.530 Wetlands – Hearing Examiner Authorized Uses and Activities

The following uses and activities may be authorized within a wetland or its buffer after a review by the Hearing Examiner as provided in OMC 18.32.130:

- A. Communication towers in the buffers of Category III and IV wetlands only.
- B. Compensation mitigation site in Category II wetlands only.
- C. Dock/float in Category II wetlands only.
- D. Road/street only:
 1. In Category II wetlands subject to the performance standards in OMC 18.32.525(H).
 2. In Category I wetlands subject to the performance standards in OMC 18.32.525(H), and being processed as a "public project of significant importance."
- E. Stormwater Facilities in Category III or IV wetlands only, and in the outer half only of a Category II standard wetland buffer, provided that if the placement of such a facility in a wetland results in elimination of an area's wetland status, then mitigation will be required to compensate for the loss of that wetland as provided in OMC 18.32.550.

F. Trail construction or maintenance of a trail greater than four (4) feet wide, with a paved surface, and/or involving more than fifty (50) cubic yards of cut or fill located in a Category I wetland, but only when the Hearing Examiner has determined that there are no practicable or reasonable alternatives. Trails shall be subject to the performance standards for trails in OMC 18.32.525(K).

G. Utility Facility only in Category I, II, III and IV wetlands.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §32, 2006; Ord. 6356 §5, 2005).

18.32.535 Wetlands – Wetland Buffers

A. Wetland buffer areas shall be maintained between all regulated activities and wetlands to retain the wetland’s natural functions and values. Wetland buffers are based upon the rating of the wetland pursuant to OMC 18.32.575.

Commented [DN1]: Per Gap Analysis Report – Table 3, Item 2

B. The required width of the wetland buffer shall be determined as provided in the table below.

Table 32-1: Wetland Buffer Widths

Wetland Characteristics	Wetland Buffer Width
Natural Heritage Wetlands	Not less than 250 feet
Wetlands of High Conservation Value and Bogs	Not less than 250 feet
Estuarine - Category I	250 feet
Estuarine - Category II	150 feet
Habitat score: 3 pts	100 80 feet
Habitat score: 4 pts	100 feet
Habitat score: 5 pts	140 feet
Habitat score: 6 pts	180 feet
Habitat score: 7 pts	220 feet
Habitat score: 8 pts	260 feet
Habitat score: 9 pts	300 feet
Water Quality Improvement Score: 8 - 9 pts, and Habitat score: 4 pts or less	100 feet
Category I or II Wetland - Not meeting any of the above criteria	100 feet
Category III Wetland - Not meeting any of the above criteria	80 feet
Category IV Wetland - Score for all three wetland functions is less than 16 pts	50 feet

C. All wetland buffers shall be measured from the wetland boundary.

D. The wetland buffer widths contained in OMC 18.32.535 Table 32-1 presume the existence of a relatively intact native vegetation community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the vegetation and other buffer elements are inadequate, then the buffer shall be planted with native trees to a density common in the specific buffer area and an understory of native plants commonly found in riparian areas of Thurston County.

E. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

F. The Department may allow modification of the required wetland buffer width by either allowing a reduction pursuant to OMC 18.32.535(G) or by allowing averaging of buffer widths when all of the following conditions are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area,
2. The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion,
3. The total area of the buffer after averaging is equal to the area required without averaging, and
4. The buffer at its narrowest point is never less than seventy five percent (75%) of the required width.

G. If buffer averaging has not been used, the Department may reduce the required wetland buffer widths by twenty five percent (25%) under the following conditions:

1. For wetlands that score ~~five-six (56)~~ five (5) points or more for the habitat functions, if both of the following criteria are met:
 - a. A relatively undisturbed, vegetated corridor at least one hundred (100) feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be protected for the entire distance between the wetland and the priority habitat by legal protection such as a conservation easement.
 - b. Measures to minimize the impacts of different land uses on wetlands, such as those described ~~on Table 8e8, Appendix 8-C, of Wetlands in Washington State—Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008~~ in Wetland Guidance for CAO Updates, Western Washington (2016) Ecology publication #16-06-001, as amended or revised, are applied. Examples of these measures include directing lighting away from wetland, locating noise generating activities away from the wetland, and densely planting the buffer to act as barrier to pets and human disturbance.
2. For wetlands that score ~~four-five (45)~~ four (4) points or less for habitat function, apply the provisions of OMC 18.32.535(G)(1)(b).

H. The Department or Hearing Examiner, as appropriate, shall require increased buffer widths in accordance with the recommendations of an experienced, qualified wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria:

1. A larger buffer is needed to protect other critical areas;
2. The buffer or adjacent uplands has a slope greater than fifteen percent (15%) or is susceptible to erosion and standard erosion-control measures will not prevent adverse impacts to the wetland; or
3. The buffer area has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, implementation of a buffer planting plan may substitute. Where a buffer planting plan is proposed, it shall include densities that are not less than three (3) feet on center for shrubs and eight (8) feet on center for trees and require monitoring and maintenance to ensure success. Existing buffer vegetation is considered "inadequate" and will need to be enhanced through additional native plantings and (if appropriate) removal of non-native plants when:
 - a. non-native or invasive plant species provide the dominant cover,
 - b. vegetation is lacking due to disturbance and wetland resources could be adversely affected, or

Commented [DN2]: Edits in this subsection are adjusted to meet Ecology's 2018 guidance

- c. enhancement plantings in the buffer could significantly improve buffer functions.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §33, 2006; Ord. 6356 §5, 2005).

18.32.540 Wetlands – Preference of Mitigation Actions

Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:

A. Restoration (re-establishment) and rehabilitation of wetlands:

1. The goal of re-establishment is returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
2. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

B. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. Establishment results in a gain in wetland acres. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the Department may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland scientist that:

1. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;
2. The proposed mitigation site does not contain invasive plants or noxious weeds or that such vegetation will be completely eradicated at the site;
3. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and
4. The proposed land and buffer will eventually be self-sustaining with little or no long-term maintenance.

C. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

1. How the proposed enhancements will increase the wetland's/buffer's functions;
2. How this increase in function will adequately compensate for the impacts; and
3. How all other existing wetland functions at the mitigation site will be protected.

(Ord. 7030 §1 (Exh. A), 2016).

18.32.545 Wetlands – Wetland Mitigation Requirements

A. Property development that may result in the loss of wetlands or adversely affect wetland values and/or functions shall provide compensatory mitigation in accordance with the order of preference set forth in OMC 18.32.540.

B. Compensatory mitigation shall provide functional equivalency or improvement of the wetland functions lost, except when either:

1. The lost wetland provides minimal functions as determined by a site specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or
 2. Out-of-kind replacement of wetland type or functions will best meet watershed goals, such as replacement of historically diminished wetland types.
- C. Compensatory mitigation shall be conducted on the site of the alteration except when all of the following apply:
1. There are no reasonable on-site or in sub-drainage basin opportunities (e.g., on-site options would require elimination of high-functioning upland habitat), or on-site and in sub-drainage basin opportunities do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydro geomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity); and
 2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland.
- D. Off-site compensatory mitigation shall be provided in the same drainage sub-basin unless:
1. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the Department and strongly justify location of mitigation at another site in a different drainage sub-basin; or
 2. Credits from a state-certified wetland mitigation bank are used as compensation and the use of credits is consistent with the terms of the bank's certification.
- E. The design for the compensatory mitigation project shall be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland is a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). It should not provide exaggerated morphology or require a berm or other engineered structures to hold back water.
- F. Any wetland compensation project prepared pursuant to this Chapter and approved by the Department shall become part of the approved development project.
- G. Critical area tracts or a conservation easement for any mitigation area created, restored or enhanced as a part of a wetland mitigation proposal will be required if necessary to provide a reasonable assurance that the mitigation or adverse impacts will not be lost after the completion of the project, or to provide a reasonable period of time for establishment of a functioning system. The Department may accept a comparable use restriction such as, but not limited to, state or federal ownership.
- H. The person proposing a wetland compensation project shall demonstrate to the Department that sufficient expertise, supervisory capability and financial resources exist to carry out the proposed compensation project. The needed expertise, supervisory capability and financial resources will be commensurate with the proposed compensation. At minimum, the project applicant must provide a description of the personnel who will be involved in carrying out and supervising the project including academic degrees, areas of experience and work experience to date.
- I. A development project by a public entity, or a private development project with a wetland less than four thousand (4,000) square feet, may pay a fee to the Department to have the City construct a compensation project. Such a proposal shall be on a case by case basis, must have funds committed towards a project on property owned

by the city, a public entity, or a nonprofit agency acceptable to the City and meets all other provisions of this Chapter.

J. When loss or disturbance of wetland results from a violation of this Chapter or of any permit, order or approved mitigation plan issued pursuant thereto, penalties provided in OMC 18.73 may be imposed.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §§34, 35, 2006; Ord. 6356 §5, 2005. Formerly 18.32.540).

18.32.550 Wetlands – Replacement Ratios

The wetland replacement ratios shall be those described on Table 8c-11, Appendix 8-C, of Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands (2005) Ecology publication #05-06-008, as amended or revised.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §36, 2006; Ord. 6356 §5, 2005).

18.32.555 Wetlands – Increase and Reduction to Replacement Ratios

A. The Department may increase the wetland replacement ratios contained in OMC 18.32.550 under any of the following circumstances:

1. Uncertainty as to the probable success of the proposed restoration or creation;
2. Significant period of time between destruction and replication of wetland functions;
3. Projected losses in functional value; or
4. The wetland impact was unauthorized.

B. The Department may decrease the wetland replacement ratios for Category II, III, and IV wetlands contained in OMC 18.32.550 to not less than a 1 to 1 acreage replacement ratio when a qualified wetlands specialist can document that:

1. The proposed mitigation actions have a very high likelihood of success, and either
2. The proposed mitigation actions will provide functions and values that are significantly greater than the wetland being impacted, or
3. The proposed mitigation actions which are to be conducted in advance of the wetland impact have been shown to be successful.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §37, 2006; Ord. 6356 §5, 2005).

18.32.565 Wetlands – Mitigation Timing

A. Where feasible, compensatory projects shall be completed prior to activities that will permanently disturb wetlands, and immediately after activities that will temporarily disturb wetlands.

B. In all cases compensatory projects shall be completed within one year after use or occupancy of the activity or development which was conditioned upon such compensation.

C. Construction of compensation projects shall be timed to reduce impacts to existing flora, fauna and fisheries.

D. The Department may authorize a one-time delay not to exceed twelve (12) months in the construction or installation of the compensatory mitigation. A written request shall be prepared by a qualified wetland professional and include the rationale for the delay. In granting a delay the Department must determine that it will not be injurious to the health, safety, and general welfare of the public.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §39, 2006; Ord. 6356 §5, 2005).

18.32.570 Wetlands – Mitigation Banks and In-lieu Fee

A. The city may approve mitigation banking or in-lieu fee mitigation as a form of compensatory mitigation for wetland and habitat conservation area impacts when the provisions of this chapter require mitigation and the use of a mitigation bank/in-lieu fee program will provide equivalent or greater replacement of critical area functions and values when compared to conventional permittee-responsible mitigation.

B. Mitigation banks and in-lieu fee programs shall only be used when it can be demonstrated that they provide significant ecological benefits including long-term conservation of critical areas, important species, and habitats or habitat linkages, and when they are documented to provide a viable alternative to the piecemeal mitigation for individual project impacts to achieve ecosystem-based conservation goals.

C. Mitigation banks and in-lieu fee programs shall not be used unless they are certified in accordance with applicable federal and state mitigation rules and expressly authorized through city legislative action.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §40, 2006; Ord. 6356 §5, 2005).

18.32.575 Wetlands – Special Reports

Every application for development that proposed to be located within or adjacent to a regulated wetland or its buffer shall include the following special reports:

- A. Wetland boundary delineation,
- B. Wetland rating report (if the wetland is unrated),
- C. Wetland mitigation report, and
- D. Wetland compensatory mitigation plan (if the application includes wetland replacement).

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §41, 2006; Ord. 6356 §5, 2005).

18.32.580 Wetlands – Wetland Boundary Delineation

A. A wetland boundary delineation report shall establish the exact location of a wetland's boundary based on a field investigation by a qualified professional. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements (WAC 173-22-035). Wetland data sheets shall be included in wetland reports.

B. Wetland delineations are valid for 5 years.

C. The wetland boundary, wetland buffer, and any critical area tract shall be identified on all grading, landscaping, site, utility or other development plans submitted on the project.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §42, 2006; Ord. 6356 §5, 2005).

18.32.590 Wetlands – Wetland Mitigation Report

A. A Wetland Mitigation Report shall include an evaluation of the functions and values of the wetland.

B. It shall be prepared by a wetland biologist with expertise in preparing wetlands reports.

C. The report shall include the wetland boundary delineation and the wetland rating.

D. The report shall include a list of the mitigation measures proposed, based on OMC 18.32.135.

E. It shall include a to-scale map with conditions as appropriate to the site. Use OMC 18.32.595 (C) as guidance for those features to be included on this map.

F. The applicant may elect to pay a fee to the Department in lieu of submitting the wetland rating report. The fee shall be sufficient to cover the cost to the Department to hire a qualified individual or firm to prepare the wetlands rating report, which will determine the wetland category and required buffer width.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §44, 2006).

18.32.595 Wetlands – Wetland Compensation Mitigation Plan

A. The Wetland Compensation Mitigation Plan must meet the general guidelines in OMC 18.32.136 in addition to the following specific guidelines. The Plan shall be prepared by a wetland biologist with experience preparing wetland reports, such as an individual certified by the Society of Wetland Scientists. Full guidance can be found in the Guidance on Wetland Mitigation in Washington State - Part 2: Guidelines for Developing Wetland Mitigation Plans and Proposals, (2004) - Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10; Ecology Publication #04-06-013b, as amended or revised; and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) – Ecology Publication No. 09-06-32.

B. The written report must contain:

1. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland related permit(s) required for the project; and a vicinity map for the project;
2. Description of the existing wetland and buffer areas proposed to be impacted including: acreages (or square footage) based on professional surveys of the delineations; Cowardin classifications including dominant vegetation community types (for upland and wetland habitats); hydro geomorphic classification of wetland(s) on and adjacent to the site; the results of a functional assessment for the entire wetland and the portions proposed to be impacted; wetland rating based upon OMC 18.32.585;
3. An assessment of the potential changes in wetland hydroperiod from the proposed project and how the design has been modified to avoid, minimize, or reduce adverse impacts to the wetland hydroperiod;
4. An assessment of existing conditions in the zone of the proposed compensation, including: vegetation community structure and composition, existing hydroperiod, existing soil conditions, existing habitat functions. Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?);
5. A description of the proposed actions to compensate for the wetland and upland areas affected by the project. Describe future vegetation community types for years one (1), three (3), five (5), ten (10), and twenty five (25) post-installation including the succession of vegetation community types and dominants expected. Describe the successional sequence of expected changes in hydroperiod for the compensation site(s) for the same time periods as vegetation success. Describe the change in habitat characteristics expected over the same twenty five (25) year time period;
6. The field data collected to document existing conditions and on which future condition assumptions are based for hydroperiod (e.g., existing hydroperiod based on piezometer data, staff/crest gage data, hydrologic modeling, visual observations, etc.) and soils (e.g., soil pit data - hand dug or mechanically trenched, and soil boring data. Do not rely upon soil survey data for establishing existing conditions.);
7. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands);
8. The estimated total cost for the bond for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice/year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring. The estimate shall be in sufficient detail to permit issuance of a bond to guarantee performance of the work; and
9. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

C. The map must contain:

1. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions;
2. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be impacted, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation;
3. Surface and subsurface hydrologic conditions including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions;
4. Proposed conditions expected from the proposed actions on site including future hydro geomorphic types, vegetation community types by dominant species (wetland and upland), and future hydrologic regimes;
5. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Title;
6. A plant schedule for the compensatory area including all species by proposed community type and hydrologic regime, size and type of plant material to be installed, spacing of plants, "typical" clustering patterns, total number of each species by community type, timing of installation; and
7. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each year.

(Ord. 7030 §1 (Exh. A), 2016; Ord. 6426 §46, 2006).