

18.32.525 Wetlands and Small Lakes - 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.

- 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. Fencing.
- E. Forest Practices. 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. 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 civil engineer and a fisheries biologist with experience preparing riparian enhancement reports, under the direct supervision of a wetland scientist.
- G. Minor Restoration. Minor Restoration may be allowed but shall be limited to Category II, III and IV Wetlands and the buffer of Category I Wetlands.
- H. Noxious Weed Control
- I. Nondevelopment Educational Activities and Scientific Research
- J. 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 to the extent possible
 - 2. Crossing of wetlands shall follow all applicable local, state and federal laws and the following criteria:
 - 3. Bridge-type structures are required for new crossings of wetlands;

4. Crossings using culverts shall use super span or oversize culverts.
5. Crossings shall be constructed and installed during periods of time when there will be the least impact on the adjacent fish and wildlife habitat;
6. Bridge piers or abutments shall not be placed in either the floodway or between the ordinary high water marks unless no other feasible alternative placement exists;
7. Crossings shall not diminish flood carrying capacity;
8. Crossings shall provide for maintenance of culverts, bridges and utilities; and
9. Crossings shall serve multiple properties whenever possible.

K. Stormwater Facilities may be allowed only in the outer half of Category III and IV wetland buffers only, and only when:

1. The facility does not exceed 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.

L. 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.

M. 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.

N. Wildlife Blind.

(Ord. 6426 §31, 2006; Ord. 6356 §5, 2005).

18.32.535 Wetlands and Small Lakes - Wetland Buffers

Wetlands buffer areas shall be maintained between all regulated activities and wetlands to retain the wetlands' natural functions and values. The required width of the wetland buffer shall be determined as provided in the tables below. Wetland buffers are based upon the rating of the wetland pursuant to OMC 18.32.585.

Table X: Wetland Buffer Widths

Wetland Characteristics	Wetland Buffer Width
Natural Heritage Wetlands	Not less than 250 feet
Bogs	Not less than 250 feet
Estuarine - Category I	250 feet
Estuarine - Category II	150 feet
Habitat score: 31 pts and more	300 feet
Habitat score: 30 pts	280 feet
Habitat score: 29 pts	260 feet
Habitat score: 28 pts	240 feet
Habitat score: 27 pts	220 feet
Habitat score: 26 pts	200 feet
Habitat score: 25 pts	180 feet
Habitat score: 24 pts	160 feet
Habitat score: 23 pts	140 feet
Habitat score: 22 pts	120 feet
Habitat score: 21 pts	100 feet
Habitat score: 20 pts	100 feet
Habitat score: 19 pts	100 feet
Water Quality Improvement Score: 24 - 32 pts, and Habitat score: 19 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 30 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(B) 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 to a density of four hundred (400) tree units per acre pursuant to OMC 16.60 including 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 averaging 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. The Department may reduce the required wetland buffer widths by twenty five percent (25%) under the following conditions:

1. For wetlands that score twenty (20) 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 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, 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 nineteen (19) points or less for habitat function, apply the provisions of OMC 18.32.535(G)(1)(b).

H. The Hearing Examiner may allow:

1. Reductions to the required wetland buffer width greater than those described in OMC 18.32.535 G on a case-by-case basis when it can be demonstrated that:
 - a. The provisions of OMC 18.32.535(G) have been evaluated by a Wetland Mitigation Report described in OMC 18.32.590, and
 - b. The proposed wetland buffer width will protect the wetlands' functions and values based upon the Wetland Mitigation Report and the best available science.
2. Buffer averaging up to fifty percent (50%) of the required width, except for a Category IV wetland, when it can be demonstrated that:
 - a. It will not reduce wetland functions or values according to a Wetland Mitigation Report described in OMC 18.32.590;
 - b. Measures to minimize the impacts of different land uses on wetlands, such as 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, are applied;
 - c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
 - d. The wetland buffer has been placed in a critical areas tract or a conservation easement.

(Ord. 6426 §33, 2006; Ord. 6356 §5, 2005).

18.32.580 Wetlands and Small Lakes - 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 applying the Washington State Wetlands Identification and Delineation Manual, (1997) Ecology Publication #96-94, as amended or revised.

B. The boundary delineation shall be prepared by a wetland biologist with experience preparing wetland reports, such as an individual certified by the Society of Wetland Scientists.

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. 6426 §42, 2006; Ord. 6356 §5, 2005).

18.32.585 Wetlands and Small Lakes - Wetland Rating Report

A. A wetland rating report shall categorize the wetland (e.g., I, II, III, or IV) based on the Washington State Wetland Rating System for Western Washington (2004) as amended or revised.

B. The applicant may elect to pay a fee to the Department in lieu of submitting the wetland rating report. The Department will hire a qualified individual or firm to prepare the wetlands rating report.

C. The Department will determine the wetland category and required buffer width.

(Ord. 6426 §43, 2006; Ord. 6356 §5, 2005).

18.32.587 Wetlands and Ponds - Wetland Rating Report

A. The Washington State Wetland Rating System for Western Washington (2004) as amended or revised, shall be used to determine if the wetland is a Category I, II, III or IV wetland.

B. A wetland rating report shall categorize the wetland (e.g., I, II, III, or IV) based on the Washington State Wetland Rating System for Western Washington (2004 as amended or revised).

C. The applicant may elect to pay a fee (See OMC 4.) to the Olympia Community Planning and Development Department in lieu of submitting the wetland rating report. The Olympia Community Planning and Development

Department will hire a consultant from a list of qualified individuals or firms to prepare the wetlands rating report.

D. The Department will determine the wetland category and required buffer width based on the wetlands rating report

(Ord. 6356 §5, 2005).

18.32.590 Wetlands and Small Lakes - 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 may include the wetland boundary delineation and the wetland rating.

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

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

(Ord. 6426 §44, 2006).