

Chapter 19.15.120 Wetlands

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19.15.120 Wetlands

A. Designation, Rating, and Mapping Wetlands

1. Designating Wetlands. Wetlands are those areas, designated in accordance with the *Washington State Wetland Identification and Delineation Manual (1997) or as amended*, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the county meeting the wetland designation criteria in the Identification and Delineation Manual, regardless of any formal identification, are hereby-designated critical areas and are subject to the provisions of this chapter.

2. Wetland Ratings. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the Washington State Wetland Rating System documents Western Washington, *Ecology Publication #04-06-025* or as revised by Ecology. This document contains the definitions and methods for determining if the criteria below are met.

a. Wetland Rating Categories.

i. Category I. Those wetlands that meet one or more of the following criteria:

- a) Natural Heritage Wetlands;
- b) Bogs;
- c) Mature or old growth forested wetlands;
- d) High quality regional wetlands with irreplaceable ecological functions; or
- e) Wetlands that perform many functions and cumulatively score 70 points or more in the three scored areas of habitat, improvement to water quality, and hydrologic functions.

ii. Category II. Those wetlands possessing significant habitat value and functions based on a cumulative score of 51–69 points in the three scored areas of habitat, improvement to water quality, and hydrologic functions.

iii. Category III. Those wetlands with a moderate level of functions based on a cumulative score between 30–50 points in the three scored areas of habitat, improvement to water quality, and hydrologic functions.

iv. Category IV. Those wetlands that meet the following criterion:

- a) Wetlands with a low level of functions based on a cumulative score of less than 30 points in the three scored areas of habitat, improvement to water quality, and hydrologic functions.

b. Date of Wetland Rating. Wetland rating categories shall be applied, as the wetland exists on the date of adoption of the rating system, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

3. Mapping. See CCC 19.15.110.

4. Exemptions. Activities that are exempt from the requirements of the Wetlands chapter can be found in CCC 19.15.070, Exemptions.

B. Critical Area Assessment – Additional Requirements for Wetlands. In addition to the general critical area assessment requirements of CCC 19.15.090.E.2, critical area assessments for wetlands must meet the requirements of this section. Critical area assessments for two or more types of critical areas must meet the assessment requirements for each relevant type of critical area. If no development activity is proposed within the wetland or wetland buffer, a critical areas assessment and critical areas permit is not required.

1. Preparation by a Qualified Professional. A critical area assessment for wetlands shall be prepared by a qualified professional meeting the requirements in CCC 19.15.050, Definitions.

2. Wetland Analysis. A critical area assessment for wetlands shall contain an analysis of the wetlands including the following site and proposal related information at a minimum:

- a. A written assessment and accompanying maps of the wetlands and buffers within three hundred (300) feet of the project area, including the following information at a minimum:
 - i. Map showing delineated wetlands and required buffers;
 - ii. Existing wetland acreage;
 - iii. Wetland category;
 - iv. Vegetative and hydrologic characteristics;
 - v. Soil and substrate conditions;
 - vi. Topographic elevations, at two-foot contours, for subdivision proposals;
 - vii. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year—drift lines, algal layers, moss lines, and sediment deposits); and
 - viii. A functional assessment of the wetland and its buffer.
- b. All shoreline areas, water features, floodplains, and other critical areas and related buffers within three hundred (300) feet of the project area.
- c. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands or other mitigation activities.
- d. If required, a mitigation plan per CCC 19.15.170.
- e. Discussion on how the development activities and/or mitigation proposal meets performance standards for the wetland category.
- f. A long-term habitat and native vegetation conservation strategy that addresses methods to protect on-site habitat and wetland functions.

3. Additional Information. When appropriate, the Director may also require the critical area assessment to include an evaluation by the state Department of Ecology or an independent qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

C. Performance Standards – General Requirements

1. Category I Wetlands. Activities and uses shall be prohibited, except as provided for in the variance reasonable use allowance (CCC 19.15.190).

2. Category II and III Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category II and III wetlands in accordance with an approved critical area assessment and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives.

3. Category IV Wetlands. Activities and uses that result in unavoidable and necessary impacts may be permitted in Category IV wetlands in accordance with an approved critical area assessment and mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the acreage and loss of functions will be provided under the terms established under CCC 19.15.170.

4. Wetland Buffers.

- a. Standard Buffer Widths. The standard buffer widths 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.

Standard buffer widths are established by comparing the wetland-rating category and the intensity of land uses proposed on development sites per Tables 19.15.120-A, 19.15.120-B and 19.15.120-C. For Category IV wetlands, the required water quality buffers, per Table 19.15.120-B, are adequate to protect habitat functions.

Where applicable, buffers based on the standard widths are not required to extend beyond existing natural or man-made barriers, such as rock outcroppings, dikes, levees, or roads, which isolate the area from the wetland resource.

Table 19.15.120-A. Land Use Level of Impact	
Land Use Intensity	Proposed Land Use Types^a
Low	<ul style="list-style-type: none"> • Timber Management • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management.
Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less) • Moderate-intensity open space (parks with biking, jogging, etc.) • Paved trails • Building of logging roads • Excavation of driveways • Utility corridor or right-of-way shared by several utilities and including access/maintenance road
High	<ul style="list-style-type: none"> • Commercial, Urban, Industrial, Institutional, and Retail sales • Residential (more than one unit/acre) • High-intensity recreation (golf courses, ball fields, etc.)
^a The above list of Land Use Types are examples and not an exhaustive list, other similar uses may be included in each category at the discretion of the Director.	

Standard wetland buffers, based on wetland category and land use intensity, are as follows:

Table 19.15.120-B. Buffers Required to Protect Water Quality Functions			
Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

Buffer widths in Table 19.15.120-B apply to all Category IV wetlands and all other wetlands with habitat scores of less than 20 points on the rating form.

Table 19.15.120-C. Buffers Required to Protect Habitat Functions			
Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I or II Wetlands			
20–23 points	60 ft.	90 ft.	120 ft.
24–27 points	90 ft.	130 ft.	180 ft.
28–30 points	130 ft.	195 ft.	260 ft.
31 points or greater	150 ft.	225 ft.	300 ft.
Category III Wetlands			
20–23 points	60 ft.	90 ft.	120 ft.
24 points or greater	75 ft.	110 ft.	150 ft.

Buffer widths in Table 19.15.120-C apply to Category I, II, and III wetlands with habitat scores of 20 points or more on the rating form. Where a Category I, II, or III wetland scores 19 points or less, the buffer widths in Table 19.15.120-B apply.

- b. Measurement of Wetland Buffers. All buffers shall be measured perpendicular to and horizontally from the wetland boundary as surveyed in the field. The standard width of the wetland buffer shall be determined according to the wetland category and the proposed land use.
- c. Increased Wetland Buffer Widths. The Director shall require increased buffer widths in accordance with the recommendations of an experienced, qualified professional 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 and the characteristics of the proposed use.
- d. Wetland Buffer Width Flexibility. The standard buffer widths in CCC 19.15.120.C.4.a may be modified using the following options at the discretion of the Director. Wetland buffer width averaging and buffer width reduction provisions cannot be combined. The two separate provisions may be used to adjust buffers on the same wetland in different areas, but cannot be used in the same location on a wetland. Buffer width reduction options, in order of preference, are provided as follows:
 - i. Wetland Buffer Width Averaging. The Director may allow modification of the standard wetland buffer width in accordance with an approved critical area assessment and the best available science on a case-by-case basis by averaging buffer widths. Averaging of buffer widths may only be allowed where a qualified professional wetland scientist can demonstrate that:
 - a) It will not reduce wetland functions or functional performance;
 - b) The wetland contains variations in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation,

and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

- 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 buffer width is not reduced to less than fifty percent (50%) of the standard width, or to twenty-five (25) feet, whichever is greater.

ii. Wetland Buffer Width Reduction. The Director may allow reduction of the standard wetland buffer width in accordance with an approved critical area assessment and the best available science on a case-by-case basis. Reduction of buffer widths may only be allowed where a qualified professional wetland scientist can demonstrate that it will not reduce wetland functions or functional performance and:

- a) The buffer width for Category III and Category IV wetlands with a habitat score of 19 or less, can be reduced up to 50 percent of the standard width if the following measures are employed:

1. Enhancement of Reduced Buffer Area and Wetland. The buffer functions in the reduced buffer area and the functions within the existing wetland are enhanced through the intensive planting of native vegetation designed to provide improved habitat and to screen the wetland from adjacent disturbances. A construction and monitoring plan and financial assurance must be provided as described in CCC 19.15.170.F.2.i and k and CCC 19.15.170.J.2, respectively.

- b) For all Category I and Category II wetlands, and those Category III wetlands with a habitat score of 20 or greater, a combination of the following methods will allow a reduction in buffer width from one level of land use intensity (from High-Intensity widths to Moderate-Intensity widths, or from Moderate-Intensity widths to Low –Intensity widths):

1. The table below provides some examples of measures to minimize high-impact land use on wetlands from proposed change in land use that has high impacts.

Table 19.15.120-D. Measures to Minimize High-Impact Land Use on Wetlands		
Examples of Disturbance	Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Parking lots • Warehouses • Manufacturing • Residential 	<ul style="list-style-type: none"> • Direct lights away from wetland
Toxic runoff*	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Application of agricultural pesticides • Landscaping 	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management

Stormwater Runoff	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping 	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer
Change in water regime	<ul style="list-style-type: none"> • Impermeable surface • Lawns • Tilling 	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • Residential areas 	<ul style="list-style-type: none"> • Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	<ul style="list-style-type: none"> • Tilled fields 	<ul style="list-style-type: none"> • Use best management practices to control dust
* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

2. Establishment of Habitat Corridors. Establishment of a minimum 100-foot-wide functioning or enhanced vegetated corridor between the wetland and any other priority habitat areas as defined by the Washington State Department of Fish and Wildlife. To use this option the following conditions must be met:

- a) The wetland must have a habitat function score of 20 or greater on the rating system form; and
 - b) The habitat corridor must be protected for the entire distance between the wetland and the priority habitat area by a deed restriction as described in CCC 19.15.170.J.1, or by a conservation easement.
- e. Buffer Consistency. All mitigation sites, including newly created wetlands, shall be buffered.
 - f. Buffer Maintenance. Wetland buffers shall be retained in an undisturbed or enhanced condition.
 - g. Buffer Uses. If not utilizing the buffer flexibility options in CCC 19.15.120.C.4.d, the following uses may be permitted within a wetland buffer, provided they are not prohibited by any other applicable law and are conducted in a manner that minimizes impacts to the buffer and adjacent wetland:

- i. Passive Recreation Development Activity. Passive recreation facilities (such as constructed walkways, trails, and viewing platforms) designed and in accordance with an approved critical area assessment, including:
 - a) Walkways and trails, provided that those pathways are generally parallel to the perimeter of the wetland, are located in the outer fifty percent (50%) of the buffer area, are constructed with a surface that does not interfere with the soil permeability, and the surface of which is no more than 8 feet wide. The design and construction of walkways and trails shall avoid impacts to established native woody vegetation. Raised boardwalks utilizing non-treated pilings are acceptable;
 - b) Wildlife viewing structures less than 200 square feet.
- ii. Stormwater Management Facilities. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. Stormwater management facilities, limited to stormwater dispersion outfalls and bioswales, may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetland or may encroach further into buffer at discretion of the Director, provided that:
 - a) No other location is feasible; and
 - b) The location of such facilities will not degrade the functions or values of the wetland.
- iii. Utility Transmission Facilities. Utility facilities which carry liquid petroleum products or any other hazardous substance as defined in WAC 173-303 may be permitted within wetland buffers only when demonstrated by a qualified professional that the design, location, and monitoring of the proposed facility will not cause adverse effects to the buffer or wetland.

D. Performance Standards – Compensatory Mitigation Requirements

Compensatory mitigation for alterations to wetlands shall achieve equivalent or greater biological, chemical, and physical functions. Compensatory mitigation plans shall be consistent with the Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. EPA Region 10 *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1)*, 2006, (publication #06-06-011b). See CCC 19.15.170, Mitigation.